INTRODUCED BY C. KNUDSEN, S. BERGLEE, M. BLASDEL, Z. BROWN, A. DOANE, W. GALT,         S. GUNDERSON, B. HAMLETT, B. HARRIS, G. KIPP, M. LANG, D. MORTENSEN, J. O'HARA,         R. PEPPERS, A. REDFIELD, W. SALES, D. SKEES, S. STAFFANSON, S. STEWART-PEREGOY,         R. TEMPEL, J. WINDY BOY         A         ABILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE DEFINITION OF ELECTRIC FENCES AS LEGAL         FENCES; AND AMENDING SECTION 81-4-101, MCA."         BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:         III         Section 1. Section 81-4-101, MCA, is amended to read:         III enacted by THE LEGISLATURE OF THE STATE OF MONTANA:         IIII         Section 1. Section 81-4-101, MCA, is amended to read:         IIIII ences constructed of at least three barbed, horizontal, well-stretched wires, the lowest of which is         not less than 15 inches or more than 18 inches in height. The following are legal fences in Montana:         IIII         IIIII ences constructed of at least three barbed, horizontal, well-stretched wires, the lowest of which is         Inot less than 15 inches or more than 18 inches from the ground, securely fastened as nearly equidistant as         IIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIII	1	
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<ul> <li>any lawful enclosure and that:</li> <li>(i) are not less than 16 feet from the enclosed stack;</li> <li>(ii) are substantially built with posts not more than 8 feet distant from each other; and</li> <li>(iii) consist of at least five strands of well-stretched barbed wire not less than 5 or more than 6 feet high;</li> <li>(b) a fence as effectual for the purpose of a corral fence as the type described in subsection (2)(a);</li> <li>(3) fences constructed of any standard woven wire, securely fastened to substantial posts not more than</li> <li>30 feet apart, with two equidistant barbed wires placed above the woven wire;</li> <li>(4) other fences made of barbed wire, which must be as strong and as well calculated to protect</li> <li>enclosures as those in subsections (1) through (3);</li> <li>(5) fences consisting of four boards, rails, or poles with standing or leaning posts not over 17 feet and</li> <li>6 inches apart and, if leaning posts are used, a pole or wire fastened securely on the inside of the leg or support</li> </ul>	18	apart or 33 feet apart where two or more stays or pickets are used equidistant between posts;
<ul> <li>(i) are not less than 16 feet from the enclosed stack;</li> <li>(ii) are substantially built with posts not more than 8 feet distant from each other; and</li> <li>(iii) consist of at least five strands of well-stretched barbed wire not less than 5 or more than 6 feet high;</li> <li>(b) a fence as effectual for the purpose of a corral fence as the type described in subsection (2)(a);</li> <li>(3) fences constructed of any standard woven wire, securely fastened to substantial posts not more than</li> <li>30 feet apart, with two equidistant barbed wires placed above the woven wire;</li> <li>(4) other fences made of barbed wire, which must be as strong and as well calculated to protect</li> <li>enclosures as those in subsections (1) through (3);</li> <li>(5) fences consisting of four boards, rails, or poles with standing or leaning posts not over 17 feet and</li> <li>6 inches apart and, if leaning posts are used, a pole or wire fastened securely on the inside of the leg or support</li> </ul>	19	(2) (a) corral fences that are used exclusively for the purposes of enclosing stacks situated outside of
<ul> <li>(ii) are substantially built with posts not more than 8 feet distant from each other; and</li> <li>(iii) consist of at least five strands of well-stretched barbed wire not less than 5 or more than 6 feet high;</li> <li>(b) a fence as effectual for the purpose of a corral fence as the type described in subsection (2)(a);</li> <li>(3) fences constructed of any standard woven wire, securely fastened to substantial posts not more than</li> <li>30 feet apart, with two equidistant barbed wires placed above the woven wire;</li> <li>(4) other fences made of barbed wire, which must be as strong and as well calculated to protect</li> <li>enclosures as those in subsections (1) through (3);</li> <li>(5) fences consisting of four boards, rails, or poles with standing or leaning posts not over 17 feet and</li> <li>6 inches apart and, if leaning posts are used, a pole or wire fastened securely on the inside of the leg or support</li> </ul>	20	any lawful enclosure and that:
<ul> <li>(iii) consist of at least five strands of well-stretched barbed wire not less than 5 or more than 6 feet high;</li> <li>(b) a fence as effectual for the purpose of a corral fence as the type described in subsection (2)(a);</li> <li>(3) fences constructed of any standard woven wire, securely fastened to substantial posts not more than</li> <li>30 feet apart, with two equidistant barbed wires placed above the woven wire;</li> <li>(4) other fences made of barbed wire, which must be as strong and as well calculated to protect</li> <li>enclosures as those in subsections (1) through (3);</li> <li>(5) fences consisting of four boards, rails, or poles with standing or leaning posts not over 17 feet and</li> <li>6 inches apart and, if leaning posts are used, a pole or wire fastened securely on the inside of the leg or support</li> </ul>	21	(i) are not less than 16 feet from the enclosed stack;
<ul> <li>(b) a fence as effectual for the purpose of a corral fence as the type described in subsection (2)(a);</li> <li>(3) fences constructed of any standard woven wire, securely fastened to substantial posts not more than</li> <li>30 feet apart, with two equidistant barbed wires placed above the woven wire;</li> <li>(4) other fences made of barbed wire, which must be as strong and as well calculated to protect</li> <li>enclosures as those in subsections (1) through (3);</li> <li>(5) fences consisting of four boards, rails, or poles with standing or leaning posts not over 17 feet and</li> <li>6 inches apart and, if leaning posts are used, a pole or wire fastened securely on the inside of the leg or support</li> </ul>	22	(ii) are substantially built with posts not more than 8 feet distant from each other; and
<ul> <li>(3) fences constructed of any standard woven wire, securely fastened to substantial posts not more than</li> <li>30 feet apart, with two equidistant barbed wires placed above the woven wire;</li> <li>(4) other fences made of barbed wire, which must be as strong and as well calculated to protect</li> <li>enclosures as those in subsections (1) through (3);</li> <li>(5) fences consisting of four boards, rails, or poles with standing or leaning posts not over 17 feet and</li> <li>6 inches apart and, if leaning posts are used, a pole or wire fastened securely on the inside of the leg or support</li> </ul>	23	(iii) consist of at least five strands of well-stretched barbed wire not less than 5 or more than 6 feet high;
<ul> <li>30 feet apart, with two equidistant barbed wires placed above the woven wire;</li> <li>(4) other fences made of barbed wire, which must be as strong and as well calculated to protect</li> <li>enclosures as those in subsections (1) through (3);</li> <li>(5) fences consisting of four boards, rails, or poles with standing or leaning posts not over 17 feet and</li> <li>6 inches apart and, if leaning posts are used, a pole or wire fastened securely on the inside of the leg or support</li> </ul>	24	(b) a fence as effectual for the purpose of a corral fence as the type described in subsection (2)(a);
<ul> <li>(4) other fences made of barbed wire, which must be as strong and as well calculated to protect</li> <li>enclosures as those in subsections (1) through (3);</li> <li>(5) fences consisting of four boards, rails, or poles with standing or leaning posts not over 17 feet and</li> <li>6 inches apart and, if leaning posts are used, a pole or wire fastened securely on the inside of the leg or support</li> </ul>	25	(3) fences constructed of any standard woven wire, securely fastened to substantial posts not more than
<ul> <li>enclosures as those in subsections (1) through (3);</li> <li>(5) fences consisting of four boards, rails, or poles with standing or leaning posts not over 17 feet and</li> <li>6 inches apart and, if leaning posts are used, a pole or wire fastened securely on the inside of the leg or support</li> </ul>	26	30 feet apart, with two equidistant barbed wires placed above the woven wire;
<ul> <li>(5) fences consisting of four boards, rails, or poles with standing or leaning posts not over 17 feet and</li> <li>6 inches apart and, if leaning posts are used, a pole or wire fastened securely on the inside of the leg or support</li> </ul>	27	(4) other fences made of barbed wire, which must be as strong and as well calculated to protect
30 6 inches apart and, if leaning posts are used, a pole or wire fastened securely on the inside of the leg or support	28	enclosures as those in subsections (1) through (3);
30 6 inches apart and, if leaning posts are used, a pole or wire fastened securely on the inside of the leg or support	29	(5) fences consisting of four boards, rails, or poles with standing or leaning posts not over 17 feet and
Legislative		[Legislative

- 1 -

Legislative Services Division

1	of each leaning post;
2	(6) electric fences consisting of three or more wires; and that:
3	(a) consist of at least two THREE tightly stretched strands of at least 12.5 gauge, HIGH-TENSILE steel or
4	its equivalent:
5	(b) are strung by sufficient posts set firmly in the ground no more than 30 feet apart AN AVERAGE DISTANCE
6	OF 50 FEET APART ALONG THE FULL SPAN;
7	(c) are charged with a standard charger WITH AN OUTPUT OF AT LEAST ONE-HALF JOULE AND with sufficient
8	energy for the entirety of the fence; and
9	(d) are regularly maintained by the fence owner to ensure the fence is operable;
10	(7) rivers, hedges, mountain ridges and bluffs, or other barriers over or through which it is impossible
11	for stock to pass <u>; and</u>
12	(8) any legal fence listed in subsections (1) through (5) or (7) that also includes at least one strand of
13	electrified wire."
4.4	

14

- END -

