

1 HB BILL NO. 134  
 2 INTRODUCED BY Conroy Schmidt, Livestock  
Deputy BY REQUEST OF THE DEPARTMENT OF LIVESTOCK Deputy  
 4 Lynch Smith, Maresca

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS  
 6 46-609 AND 67-205 TO PROVIDE FOR FEE CHANGES FOR RECORDING,  
 7 TRANSFERRING, AND RERECORDING MARKS OR BRANDS ON DOMESTIC  
 8 AND CERTAIN WILD ANIMALS AND TO CLARIFY REQUIREMENTS  
 9 RELATING TO THE BRANDING OF WILD ANIMALS."

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

12 Section 1. Section 46-609, R.C.M. 1947, is amended to  
 13 read as follows:

14 "46-609. Fees for department. The department shall  
 15 charge and collect ~~ten-dollars-(\$10)~~ \$25 for recording a new  
 16 mark or brand, for recording a mark or brand transfer, or  
 17 for re-recording re-recording a mark and or brand. The  
 18 department shall charge ~~one-dollar-(\$1)~~ \$2.20 for a  
 19 certified copy of a record and a duplicate certificate. All  
 20 fees collected shall be paid into the earmarked revenue fund  
 21 for the use of the department. However, not more than ten  
 22 ~~per-cent-(10%)~~ of the net re-recording re-recording fees  
 23 after all expenses of re-recording re-recording are paid  
 24 shall ~~may~~ be expended in any one ~~(1)~~ year except in case of  
 25 an emergency declared by the governor."

1 Section 2. Section 67-205, R.C.M. 1947, is amended to  
 2 read as follows:

3 "67-205. Brands -- recording -- fees. (1) An owner or  
 4 prospective owner of animals ~~in-restraint-or-captivity~~  
 5 described in 67-204 is entitled, by written subscribed  
 6 statement, to adopt distinctive brands or tattoo marks, not  
 7 including arabic numerals and not already in known use by  
 8 others, for any of the animals and to have the distinctive  
 9 brands and tattoo marks recorded in his name in ~~the-office~~  
 10 of the department of livestock, on paying a recording fee of  
 11 four-dollars-(\$4) equal to that charged for recording marks  
 12 or brands used on domestic animals and livestock set by  
 13 46-609 for each brand and for each tattoo mark. The  
 14 statements shall be recorded in a suitable book to be kept  
 15 for that purpose by the department of livestock. The  
 16 presence of the recorded brand or recorded tattoo marks on  
 17 an animal is prima facie evidence of the ownership of the  
 18 animal in the person, association, or corporation in whose  
 19 name the brand or tattoo mark is recorded, subject always to  
 20 the right to make a transfer of title, right, or interest  
 21 in, or lien on the animal.

22 (2) A person desiring to transfer a brand or mark  
 23 properly recorded by him under this section may do so  
 24 provided he meets the requirements and pays the fees imposed  
 25 by chapter 6 of Title 45. Brands or marks recorded under

LC 0445/01

1 this section are subject to the same rerecording  
2 requirements and fees as imposed by chapter 6 of Title 46.  
3 (3) All fees collected under this section shall be  
4 paid into the earmarked revenue fund for the use of the  
5 department."

-End-

Approved by Committee  
on Agriculture Livestock  
& Irrigation

## HOUSE BILL NO. 134

INTRODUCED BY CONROY, JOHNSTON, SIVERTSEN,  
STAIGMILLER, LYNCH, SMITH, MENAHAN, AAGESON  
BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS  
46-609 AND 67-205 TO PROVIDE FOR FEE CHANGES FOR RECORDING,  
TRANSFERRING, AND RERECORDING MARKS OR BRANDS ON DOMESTIC  
AND CERTAIN WILD ANIMALS AND TO CLARIFY REQUIREMENTS  
RELATING TO THE BRANDING OF WILD ANIMALS."

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

Section 1. Section 46-609, R.C.M. 1947, is amended to  
read as follows:

"46-609. Fees for department. The department shall  
charge and collect ~~ten-dollars-(\$10)~~ \$25 for recording a new  
mark or brand, for recording a mark or brand transfer, or  
for re-recording ~~rerecording~~ a mark and or brand. The  
department shall charge ~~one-dollar-(\$1)~~ \$2.50 for a  
certified copy of a record and a duplicate certificate. All  
fees collected shall be paid into the earmarked revenue fund  
for the use of the department. However, not more than ten  
~~per-cent-(10%)~~ of the net ~~re-recording rerecording~~ fees  
after all expenses of ~~re-recording rerecording~~ are paid,  
shall ~~may~~ be expended in any one ~~(1)~~ year except in case of

an emergency declared by the governor."

Section 2. Section 67-205, R.C.M. 1947, is amended to  
read as follows:

"67-205. Brands -- recording -- fees. (1) An owner or  
prospective owner of animals ~~in-restraint-or-captivity~~  
~~described\_in\_67-204~~ is entitled, by written subscribed  
statement, to adopt distinctive brands or tattoo marks, not  
including arabic numerals and not already in known use by  
others, for any of the animals and to have the distinctive  
brands and tattoo marks recorded in his name ~~in HIM~~ the  
~~office-of~~ the department of livestock, on paying a recording  
fee ~~of-four-dollars-(\$4)~~ equal to ~~that charged for recording~~  
~~marks or brands used on domestic animals and livestock set~~  
~~by\_46-609~~ for each brand and for each tattoo mark. The  
statements shall be recorded in a suitable book to be kept  
for that purpose by the department of livestock. The  
presence of the recorded brand or recorded tattoo marks on  
an animal is prima facie evidence of the ownership of the  
animal in the person, association, or corporation in whose  
name the brand or tattoo mark is recorded, subject always to  
the right to make a transfer of title, right, or interest  
in, or lien on the animal.

(2) A person desiring to transfer a brand or mark  
properly recorded by him under this section may do so  
provided he meets the requirements and pays the fees imposed

1 by chapter 6 of Title 46. Brands or marks recorded under  
2 this section are subject to the same rerecording  
3 requirements and fees as imposed by chapter 6 of Title 46.

4 (c) All fees collected under this section shall be  
5 paid into the earmarked revenue fund for the use of the  
6 department."

-End-

## HOUSE BILL NO. 134

INTRODUCED BY CONROY, JOHNSTON, SIVERTSEN,  
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 BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

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 read as follows:

"46-609. Fees for department. The department shall  
 charge and collect ~~ten dollars--(\$10)~~ \$25 for recording a new  
 mark or brand, for recording a mark or brand transfer, or  
 for re-recording ~~re-recording~~ a mark and ~~or~~ brand. The  
 department shall charge ~~one--dollar--(\$1)~~ \$2.50 for a  
 certified copy of a record and a duplicate certificate. All  
 fees collected shall be paid into the earmarked revenue fund  
 for the use of the department. However, not more than ~~ten~~  
~~per--cent--(10%)~~ of the net ~~re-recording re-recording~~ fees  
 after all expenses of ~~re-recording re-recording~~ are paid  
 shall ~~may~~ be expended in any one ~~tt~~ year except in case of

an emergency declared by the governor."

Section 2. Section 67-205, R.C.M. 1947, is amended to  
 read as follows:

"67-205. Brands -- recording -- fees. {1} An owner or  
prospective owner of animals in--restraint--or--captivity  
described in 67-204 is entitled, by written subscribed  
 statement, to adopt distinctive brands or tattoo marks, not  
 including arabic numerals and not already in known use by  
 others, for any of the animals and to have the distinctive  
 brands and tattoo marks recorded in his name ~~in~~ with the  
 office of the department of livestock, on paying a recording  
 fee of ~~four dollars--(\$4)~~ equal to that charged for recording  
marks or brands used on domestic animals and livestock set  
by 46-609 for each brand and for each tattoo mark. The  
 statements shall be recorded in a suitable book to be kept  
 for that purpose by the department of livestock. The  
 presence of the recorded brand or recorded tattoo marks on  
 an animal is prima facie evidence of the ownership of the  
 animal in the person, association, or corporation in whose  
 name the brand or tattoo mark is recorded, subject always to  
 the right to make a transfer of title, right, or interest  
 in, or lien on the animal.

{2} A person desiring to transfer a brand or mark  
properly recorded by him under this section may do so  
provided he meets the requirements and pays the fees imposed

1 by chapter 6 of Title 46. Brands or marks recorded under  
2 this section are subject to the same rerecording  
3 requirements and fees as imposed by chapter 6 of Title 46.

4 (3) All fees collected under this section shall be  
5 paid into the earmarked revenue fund for the use of the  
6 department."

-End-

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

Section 1. Section 46-609, R.C.M. 1947, is amended to  
read as follows:

"46-609. Fees for department. The department shall  
charge and collect ~~ten-dollars-(510)~~ \$25 for recording a new  
mark or brand, for recording a mark or brand transfer, or  
for ~~re-recording~~ rerecording a mark and ~~or~~ brand. The  
department shall charge ~~one-dollar-(51)~~ \$2.50 for a  
certified copy of a record and a duplicate certificate. All  
fees collected shall be paid into the earmarked revenue fund  
for the use of the department. However, not more than ~~ten~~  
~~per-cent-(10%)~~ of the net ~~re-recording~~ rerecording fees  
after all expenses of ~~re-recording~~ rerecording are paid,  
~~shall~~ may be expended in any one ~~(1)~~ year except in case of

an emergency declared by the governor."

Section 2. Section 67-205, R.C.M. 1947, is amended to  
read as follows:

"67-205. Brands -- recording -- fees. ~~(1)~~ An owner or  
prospective owner of animals ~~in--restraint--or--captivity~~  
described in 67-204 is entitled, by written subscribed  
statement, to adopt distinctive brands or tattoo marks, not  
including arabic numerals and not already in known use by  
others, for any of the animals and to have the distinctive  
brands and tattoo marks recorded in his name ~~in~~ with the  
~~office-of~~ the department of livestock, on paying a recording  
~~fee of-four-dollars-(54)~~ equal to that charged for recording  
marks or brands used on domestic animals and livestock set  
by 46-609 for each brand and for each tattoo mark. The  
statements shall be recorded in a suitable book to be kept  
for that purpose by the department of livestock. The  
presence of the recorded brand or recorded tattoo marks on  
an animal is prima facie evidence of the ownership of the  
animal in the person, association, or corporation in whose  
name the brand or tattoo mark is recorded, subject always to  
the right to make a transfer of title, right, or interest  
in, or lien on the animal.

(2) A person desiring to transfer a brand or mark  
properly recorded by him under this section may do so  
provided he meets the requirements and pays the fees imposed

1 by chapter 6 of Title 46. Brands or marks recorded under  
2 this section are subject to the same rerecording  
3 requirements and fees as imposed by chapter 6 of Title 46.  
4 (3) All fees collected under this section shall be  
5 paid into the earmarked revenue fund for the use of the  
6 department."

-End-