

THE MINUTES OF THE MEETING OF THE AGRICULTURE COMMITTEE
January 19, 1981

The meeting was called to order by Chairman Smith. Roll was called with all members present but Representative Ellerd and Representative Bengtson.

The meeting was turned over to Vice Chairman Schultz, who in turn introduced Representative Carl Smith, Sponsor of House Bill 232 (See attachment).

A call for proponents introduced Les Graham of the Department of Livestock. Mr. Graham explained though this has been a long standing rule, but there has never been a direct indication as to who is responsible for the request or payment of inspection, buyer or seller. This, therefore, must be put into statutes as seen on the last page of House Bill 232.

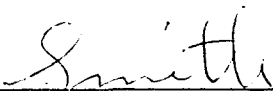
There being no opponents and no question, Representative Smith closed by saying that this would help get more money.

Vice Chairman Schultz stated that House Bill 247 should be tabled. Representative Briggs moved on tabling the Bill, seconded by Representative. MOTION PASSED.

The meeting was called into Executive Session.

Motion was made by Representative Briggs and seconded by Representative Conroy that House Bill 232 Do Pass. MOTION PASSED with all in favor.

The meeting adjourned at 12:45 p.m.



CARL SMITH, CHAIRMAN

HOUSE BILL NO. 232

INTRODUCED BY Shaw

BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE SELLER OF
 6 LIVESTOCK TO REQUEST A DEPARTMENT OF LIVESTOCK INSPECTION
 7 AND TO PAY THE INSPECTION FEE; AMENDING SECTION 81-3-211,
 8 MCA."

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

11 Section 1. Section 81-3-211, MCA, is amended to read:
 12 "81-3-211. Inspection of livestock before change of
 13 ownership or removal from county -- transportation permits.

(1) For the purposes of this section:

15 (a) "Members of the same family" means a group whose
 16 membership is determined by including an individual, his
 17 spouse, and his parents, children, grandchildren, and the
 18 spouses of each.

19 (b) "Family business entity" means:

20 (i) a corporation whose stock is owned solely by
 21 members of the same family;

22 (ii) a partnership in which the partners are all
 23 members of the same family;

24 (iii) an association whose members all are members of
 25 the same family; or

1 (iv) any other entity owned solely by members of the
 2 same family.

3 (2) Except as otherwise provided in this part, it is
 4 unlawful to remove or cause to be removed from a county in
 5 this state any livestock or to transfer ownership by sale or
 6 otherwise or for an intended purchaser or his agent to take
 7 possession of any such animal subject to title passing upon
 8 meeting or satisfaction of any conditions, unless the
 9 livestock has been inspected for brands by a state stock
 10 inspector or deputy state stock inspector and a certificate
 11 of the inspection has been issued in connection with and for
 12 the purpose of the transportation or removal or of such
 13 change of ownership as provided in this part. The inspection
 14 must be made in daylight. However, the change of ownership
 15 inspection requirements of this subsection do not apply
 16 when:

17 (a) such sale or change of ownership transaction
 18 involves five or fewer such animals; or

19 (b) the change of ownership transaction:

20 (i) is between:

21 (A) members of the same family;

22 (B) a member of one family and the same family's
 23 business entity; or

24 (C) the same family's business entities;

25 (ii) is accomplished without the livestock changing

1 premises; and

2 (iii) involves part of a herd to which no livestock
3 have been added other than by natural increase or after
4 brand inspection.

5 (3) (a) It is unlawful to sell or offer for sale at a
6 livestock market any livestock originating within any county
7 in this state in which a livestock market is maintained or
8 transported under a market consignment permit until the
9 livestock has been inspected for marks and brands by a state
10 stock inspector, as provided in this part.

11 (b) It is unlawful to slaughter livestock at a
12 licensed livestock slaughterhouse unless the livestock have
13 been inspected for marks or brands by a state or deputy
14 state stock inspector.

15 (4) It is unlawful to remove or cause to be removed
16 any livestock from the premises of a livestock market in
17 this state unless the livestock has been released by a state
18 stock inspector and a certificate of release for the
19 livestock has been issued in connection with and for the
20 purpose of the removal from the premises of the livestock
21 market. The release obtained pursuant to this subsection
22 will permit the movement of the livestock so released
23 directly to the destination shown on the certificate.

24 (5) The person in charge of livestock being removed
25 from a county in this state, where inspection thereof is

1 required by this section or where change of ownership has
2 occurred or when moved under a market consignment permit or
3 a market release certificate, shall have in his possession
4 the certificate of inspection, market consignment permit,
5 transportation permit, or market release certificate issued
6 in connection therewith and shall exhibit the certificate to
7 any sheriff, deputy sheriff, constable, highway patrolman,
8 state stock inspector, or deputy state stock inspector upon
9 request. Section 81-3-204 shall be extended to livestock
10 transported or sold under the above-mentioned permits.

11 (6) The following transportation permits may be
12 issued:

13 (a) If a saddle, work, or show horse is being
14 transported from county to county in this state by the owner
15 for his personal use or business or where a purebred cow is
16 being transported from county to county in this state by its
17 owner for show purposes and where there is no change of
18 ownership, the inspection certificate required by this
19 section may be endorsed as to the purpose and extent of
20 transportation by the inspector issuing the certificate in
21 order to serve as a travel permit in this state for a period
22 not to exceed 1 year for the horse or cow described therein.
23 The permit becomes void upon any transfer of ownership or if
24 the horse or cow is to be removed from the state. In such
25 instances an inspection must be secured for removal and the

1 endorsed certificate surrendered.

2 (b) The owner of a saddle, work, or show horse may
 3 apply for a permanent transportation permit valid for both
 4 interstate and intrastate transportation of the horse until
 5 there is a change of ownership. To obtain a permit a horse
 6 must have either a registered brand that has been legally
 7 cleared or a lip tattoo or the owner must present proof of
 8 ownership to a state stock inspector. A written application,
 9 on forms to be provided by the department, must be completed
 10 by the owner and presented to a state stock inspector
 11 together with a \$5 permit fee for each horse. The
 12 application shall contain a thorough physical description of
 13 the horse and list all brands and tattoos carried by the
 14 horse. Upon approval of the application by a state stock
 15 inspector, a permanent transportation permit shall be issued
 16 by the department to the owner for each horse and such
 17 permit shall be valid for the life of the horse. If there is
 18 a change of ownership in a horse the permit shall
 19 automatically become void. The permit must accompany the
 20 horse for which it was issued at all times while the horse
 21 is in transit. This permit shall be in lieu of other permits
 22 and certificates required under the provisions of this
 23 section. The state of Montana shall recognize as valid
 24 permanent transportation permits issued in other
 25 jurisdictions to the owner of a saddle, work, or show horse

1 subsequently entering the state. Such a permit shall be
 2 automatically void upon a change of ownership.

3 (c) When livestock owned by and bearing the registered
 4 brand of a bona fide rodeo producer is being transported
 5 from county to county in this state by the owner for rodeo
 6 purposes and where there is no change of ownership, the
 7 inspection certificate required by this section may be
 8 endorsed as to the purpose and extent of transportation by
 9 the inspector issuing the certificate in order to serve as a
 10 travel permit in this state for the livestock described
 11 thereon. The certificate is effective only between April 1
 12 and October 31 of the year for which it is issued. The
 13 certificate shall be issued by a state stock inspector.

14 (d) An owner of livestock or his agent may be issued a
 15 transportation permit allowing the movement of his livestock
 16 into an immediately adjoining county and return when the
 17 livestock is being moved for grazing purposes and when it is
 18 being moved to and from land owned or controlled by the
 19 owner of the livestock or his agent. The permit is valid for
 20 6 months and must be issued by a state stock inspector. The
 21 fee for the permit is \$5, which shall be paid to the state
 22 stock inspector at the time the permit is issued and
 23 remitted by him to the department for deposit in the state
 24 treasury to the credit of the earmarked revenue fund for the
 25 use of the department. This permit may be used in lieu of

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- 1 the inspection and certificate required by this section for
- 2 movement of livestock across a county line.
- 3 (7) Before any removal or change of ownership, may take
- 4 place, the seller of livestock shall request all required
- 5 inspections and shall pay the required fees."

-End-

NAME Les Graham Bill No. HB 232
ADDRESS Helena DATE 1-19-81
WHOM DO YOU REPRESENT Mont Dept of Livestock
SUPPORT ☒ OPPOSE ☐ AMEND ☐

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Dept Requested Bill

VISITORS' REGISTER

HOUSE

AGRICULTURE

COMMITTEE

 τ_{LL}

✓ 232

Date 1-19-81

SENSOR

Smith

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.