

1 BILL NO. 148 T. J. HARR
 2 INTRODUCED BY Clifford Bartleson Curran Roth
 3 BY REQUEST OF THE DEPARTMENT OF LIVESTOCK Johnston
 4 Director Smith W. A. Smith Manuel

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS
 6 46-801.2, 46-803, 46-804, AND 46-806, R.C.M. 1947, TO REMOVE
 7 THE REQUIREMENT THAT LIVESTOCK BE INDIVIDUALLY INSPECTED
 8 PRIOR TO REMOVAL FROM A LIVESTOCK MARKET AND TO ESTABLISH A
 9 REQUIREMENT THAT LIVESTOCK CANNOT BE REMOVED FROM A
 10 LIVESTOCK MARKET UNTIL RELEASED BY THE DEPARTMENT OF
 11 LIVESTOCK."

12
 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 Section 1. Section 46-801.2, R.C.M. 1947, is amended
 15 to read as follows:

16 "46-801.2. Inspection of livestock before change of
 17 ownership or removal from county -- transportation permits.

18 (1) Except as otherwise provided in this act, it is unlawful
 19 to remove or cause to be removed from a county in this state
 20 any livestock, or to transfer ownership by sale or otherwise
 21 or for an intended purchaser or his agent to take possession
 22 of any such animal subject to title passing upon meeting or
 23 satisfaction of any conditions unless the livestock has been
 24 inspected for brands by a state stock inspector or deputy
 25 state stock inspector, and a certificate of the inspection

1 has been issued in connection with and for the purpose of
 2 the transportation or removal or of such change of ownership
 3 as provided in this act. The inspection must be made in
 4 daylight, provided, however, that the change of ownership
 5 inspection requirements of this subsection shall not apply
 6 when such sale or change of ownership transaction involves
 7 five (5) or less such animals.

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

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

25 (4) The person in charge of livestock being removed

1 from a county in this state, where inspection thereof is
 2 required by this act, or where change of ownership has
 3 occurred or when moved under a market consignment permit ~~or~~
 4 ~~a market release certificate~~ shall have in his possession
 5 the certificate of inspection, ~~or market consignment permit,~~
 6 ~~or market release certificate~~ issued in connection
 7 therewith, and shall exhibit the certificate to any sheriff,
 8 deputy sheriff, constable, highway patrolman, state stock
 9 inspector, or deputy state stock inspector ~~at the upon~~
 10 request ~~of either of them~~. Section 46-803 shall be extended
 11 to livestock transported or sold under the above-mentioned
 12 permits.

13 (5) The following transportation permits may be
 14 issued:

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

1 ownership or if the horse or cow are to be removed from the
 2 state. In such instances an inspection must be secured for
 3 removal and the endorsed certificate surrendered.

4 (b) The owner of a saddle, work, or show horse may
 5 apply for a permanent transportation permit valid for both
 6 interstate and intrastate transportation of the horse until
 7 there is a change of ownership. To obtain a permit a horse
 8 must have either a registered brand that has been legally
 9 cleared, or a lip tattoo, or the owner must present proof of
 10 ownership to a state stock inspector. A written application,
 11 on forms to be provided by the department, must be completed
 12 by the owner and presented to a state stock inspector
 13 together with a ~~five-dollar~~ {5} permit fee for each horse.
 14 The application shall contain a thorough physical
 15 description of the horse and list all brands and tattoos
 16 carried by the horse.

17 Upon approval of the application by a state stock
 18 inspector, a permanent transportation permit shall be issued
 19 by the department to the owner for each horse and such
 20 permit shall be valid for the life of the horse. If there is
 21 a change of ownership in a horse the permit shall
 22 automatically become void. The permit must accompany the
 23 horse for which it was issued at all times while the horse
 24 is in transit. This permit shall be in lieu of other permits
 25 and certificates required under the provisions of this

1 section. The state of Montana shall recognize as valid
 2 permanent transportation permits issued in other
 3 jurisdictions to the owner of a saddle, work, or show horse
 4 subsequently entering the state. Such a permit shall be
 5 automatically void upon a change of ownership.

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

17 Section 2. Section 46-803, R.C.M. 1947, is amended to
 18 read as follows:

19 "46-803. Seizure of livestock, retention of livestock,
 20 sale, disposal of proceeds. (1) All state stock inspectors
 21 inspecting any livestock, either before or after shipment or
 22 removal from any county in this state, or upon a change of
 23 ownership, may inspect and seize either at the point of
 24 sale, shipment, or destination or en route any livestock, or
 25 proceeds thereof, which the inspector believes is stolen, or

1 upon which brands have been altered or obliterated, or which
 2 does not conform to the description contained on the tally
 3 sheet furnished by the shipper thereof or to the description
 4 contained in any certificate of inspection or release issued
 5 before shipment or removal of the livestock.

6 (2) Upon taking possession of livestock under this
 7 act, a state stock inspector may retain the livestock in his
 8 possession for ~~fifteen~~ ~~---{15}~~ days to make further
 9 investigation relative to its ownership. A state stock
 10 inspector may either at once or at any time within ~~fifteen~~
 11 ~~{15}~~ days, sell the livestock at a licensed livestock
 12 market, or in the open market, for the best available price
 13 and remit the proceeds, less the cost of keeping and sale,
 14 to the department together with a full description of the
 15 livestock sold, giving marks and brand, if any, and a
 16 statement of the reason for the seizure and sale. The
 17 proceeds shall be deposited by the department with the state
 18 treasurer and credited to the department fund, where it is
 19 subject to claim by the owner of the livestock in the same
 20 manner and for the same length of time as is provided by law
 21 for the making of claims for moneys arising from the sale of
 22 stray stock."

23 Section 3. Section 46-804, R.C.M. 1947, is amended to
 24 read as follows:

25 "46-804. Fees for inspection and livestock

1 transportation permits. (1) For the service of inspection
 2 before removal from a county or before change of ownership,
 3 the inspector making the inspections shall receive
 4 ~~twenty-five 25 cents (\$25)~~ per head for ~~twelve-(12)~~ head or
 5 less, or ~~three-dollars-(\$3)~~ for ~~from--twelve--(12)~~ head to
 6 ~~twenty--(20)~~ head and shall receive ~~twenty 20 cents (\$20)~~
 7 per head for each head over ~~twenty--(20)~~ head. For the
 8 issuance of a market consignment permit or transportation
 9 permit (other than a permanent permit) before removal from a
 10 county, the inspector, sheriff, or deputy sheriff issuing
 11 the permits shall receive ~~twenty-five 25 cents (\$25)~~ for
 12 each permit issued for ~~twelve-(12)~~ head or less; ~~fifty 50~~
 13 ~~cents (\$50)~~ for each permit for ~~twelve-(12)~~ to ~~thirty-(30)~~
 14 ~~head and one-dollar-(\$1)~~ for each permit issued for over
 15 ~~thirty-(30)~~ head and shall receive in addition his necessary
 16 actual expenses, to be paid by the owner or the person for
 17 whom the inspection is made or permit issued. For the
 18 issuance of a permanent horse transportation permit, the
 19 state stock inspector taking the application for permit
 20 shall receive ~~five--dollars--(\$5)~~ per head for each permit
 21 issued. All inspection and permit fees and expenses shall be
 22 collected by the inspector, sheriff, or deputy sheriff at
 23 the time of inspection or issuance of permit, and all the
 24 fees and expenses collected by a deputy state stock
 25 inspector, sheriff, or deputy sheriff shall be retained by

1 him, and all such fees and expenses collected by a state
 2 stock inspector shall be sent by him to the department for
 3 deposit in the state treasury to the credit of the earmarked
 4 revenue fund for the use of the department.

5 (2) For the service of inspection before livestock is
 6 sold or offered for sale at a licensed public livestock
 7 market, a state stock inspector making the inspection shall
 8 receive ~~twenty 20 cents (\$20)~~ per head for an animal
 9 originating within the county in the state in which the
 10 market is maintained, or transported under a market
 11 consignment permit, and ~~ten 10 cents (\$10)~~ per head for an
 12 animal previously inspected before removal from a county as
 13 herein provided. All fees shall be paid by the owner or by
 14 the person for whom the inspection is made. For ~~inspecting~~
 15 releasing an animal ~~before-it-is so that it may be~~ removed
 16 from the premises of a licensed public livestock market, the
 17 state stock inspector making the inspection release shall
 18 receive ~~ten 10 cents (\$10)~~ per head from the owner or the
 19 person for whom the inspection release is made. All fees for
 20 inspection and release at the market shall be collected by
 21 the state stock inspector making the inspection or release
 22 at the time the inspection or release is made and shall be
 23 sent 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.

1 (3) All inspection and release fees and expenses shall
 2 be paid to the department for deposit in the state treasury
 3 to the credit of the earmarked revenue fund for the use of
 4 the department. State stock inspectors shall be paid for
 5 their services and receive their expenses as fixed by the
 6 department."

7 Section 4. Section 46-806, R.C.M. 1947, is amended to
 8 read as follows:

9 "46-806. Penalties for violations of act. (1) A
 10 person who removes or causes to be removed from a county in
 11 this state, livestock (a) without having the livestock
 12 inspected before removal where an inspection is required by
 13 law; (b) without obtaining a market consignment permit or
 14 transportation permit, where the permits are obtainable by
 15 law; (c) and does obtain a market consignment permit for
 16 livestock but does not deliver the livestock transported
 17 thereunder to the livestock market designated in the market
 18 consignment permit; (d) and does obtain a transportation
 19 permit for the livestock but does not deliver the livestock
 20 transported thereunder to the destination as shown on the
 21 transportation permit and fails to have the livestock so
 22 transported inspected at the point of destination or does
 23 not file a loading tally with the carrier as provided in
 24 section 46-1008; is guilty of a misdemeanor and shall be
 25 punishable as provided in subsection (6) of this section.

1 (2) A person who sells livestock or offers such for
 2 sale at a livestock market, without having the livestock
 3 inspected or removes livestock or causes such to be removed
 4 from a livestock market, ~~livestock--without--having--the~~
 5 ~~livestock--inspected~~ without obtaining a release is guilty of
 6 a misdemeanor and is punishable as provided in subsection
 7 (6) of this section.

8 (3) A person who ships by railroad carrier, and the
 9 railroad carrier transporting, livestock for which a loading
 10 tally has been filed as provided by section 46-1008 and for
 11 which shipment of livestock an inspection has not been made,
 12 and after shipment, causes or permits the livestock to leave
 13 the custody of the railroad carrier at a place other than
 14 where this state regularly maintains a stock inspector, is
 15 guilty of a misdemeanor and shall be punishable as provided
 16 in subsection (6) of this section.

17 (4) A person who has in his charge livestock being
 18 removed from a county in the state, ~~and~~ for which an
 19 inspection certificate, or a market consignment permit, or a
 20 market release certificate has been issued, and fails to
 21 have in his possession accompanying the livestock the
 22 inspection certificate, or market consignment permit, or a
 23 market release certificate as issued for the livestock; or
 24 who, having the certificate of inspection, or market
 25 consignment permit, or market release certificate, fails to

1 exhibit them to a sheriff, deputy sheriff, constable,
2 highway patrolman, state stock inspector, or deputy state
3 stock inspector at ~~their~~ his request, is guilty of a
4 misdemeanor and is punishable as provided in subsection (6)
5 of this section.

6 (5) A person violating any of the provisions of this
7 act is guilty of a misdemeanor and is punishable as provided
8 in subsection (6) of this section.

9 (6) Upon conviction, of a person, firm, association,
10 or corporation under this act, they shall be fined not less
11 than ~~fifty dollars--(\$50)--~~ or more than ~~five-hundred~~
12 ~~dollars--(\$500)~~ or imprisoned in the county jail for a period
13 of not more than ~~six--(6)~~ months, or both fined and
14 imprisoned. Of all fines assessed and collected under this
15 act, ~~fifty-per-cent--(50%)--~~ thereof shall be paid into the
16 state treasury and credited to the earmarked revenue fund
17 for the use of the department, and ~~fifty-per-cent--(50%)~~
18 ~~thereof~~ shall be paid into the general fund of the county in
19 which the conviction occurred."

-End-

Approved by Committee
on Agriculture Livestock
& Irrigation

1 INTRODUCTION BY *Jeff* BILL NO. *148* *TJMM*
 2 *Arthur Bateman Curtis Ruth*
 3 *David Conroy* BY REQUEST OF THE DEPARTMENT OF LIVESTOCK *Johnnie*
 4 *Donna Smith* *7/11/48* *Manuel*

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS
 6 46-801.2, 46-803, 46-804, AND 46-806, R.C.M. 1947, TO REMOVE
 7 THE REQUIREMENT THAT LIVESTOCK BE INDIVIDUALLY INSPECTED
 8 PRIOR TO REMOVAL FROM A LIVESTOCK MARKET AND TO ESTABLISH A
 9 REQUIREMENT THAT LIVESTOCK CANNOT BE REMOVED FROM A
 10 LIVESTOCK MARKET UNTIL RELEASED BY THE DEPARTMENT OF
 11 LIVESTOCK."

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

13 Section 1. Section 46-801.2, R.C.M. 1947, is amended
14 to read as follows:

15 "46-801.2. Inspection of livestock before change of
16 ownership or removal from county -- transportation permits.

17 (1) Except as otherwise provided in this act, it is unlawful
 18 to remove or cause to be removed from a county in this state
 19 any livestock, or to transfer ownership by sale or otherwise
 20 or for an intended purchaser or his agent to take possession
 21 of any such animal subject to title passing upon meeting or
 22 satisfaction of any conditions unless the livestock has been
 23 inspected for brands by a state stock inspector or deputy
 24 state stock inspector, and a certificate of the inspection

1 has been issued in connection with and for the purpose of
 2 the transportation or removal or of such change of ownership
 3 as provided in this act. The inspection must be made in
 4 daylight, provided, however, that the change of ownership
 5 inspection requirements of this subsection shall not apply
 6 when such sale or change of ownership transaction involves
 7 five (5) or less such animals.

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

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

25 (4) The person in charge of livestock being removed

HB 148

1 from a county in this state, where inspection thereof is
 2 required by this act, or where change of ownership has
 3 occurred or when moved under a market consignment permit ~~or~~
 4 ~~a market release certificate~~ shall have in his possession
 5 the certificate of inspection, ~~or market consignment permit,~~
 6 ~~or market release certificate~~ issued in connection
 7 therewith, and shall exhibit the certificate to any sheriff,
 8 deputy sheriff, constable, highway patrolman, state stock
 9 inspector, or deputy state stock inspector ~~at the upon~~
 10 ~~request of either of them.~~ Section 46-803 shall be extended
 11 to livestock transported or sold under the above-mentioned
 12 permits.

13 (5) The following transportation permits may be
 14 issued:

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

1 ownership or if the horse or cow are to be removed from the
 2 state. In such instances an inspection must be secured for
 3 removal and the endorsed certificate surrendered.

4 (b) The owner of a saddle, work, or show horse may
 5 apply for a permanent transportation permit valid for both
 6 interstate and intrastate transportation of the horse until
 7 there is a change of ownership. To obtain a permit a horse
 8 must have either a registered brand that has been legally
 9 cleared, or a lip tattoo, or the owner must present proof of
 10 ownership to a state stock inspector. A written application,
 11 on forms to be provided by the department, must be completed
 12 by the owner and presented to a state stock inspector
 13 together with a ~~five-dollar-15}~~ permit fee for each horse.
 14 The application shall contain a thorough physical
 15 description of the horse and list all brands and tattoos
 16 carried by the horse.

17 Upon approval of the application by a state stock
 18 inspector, a permanent transportation permit shall be issued
 19 by the department to the owner for each horse and such
 20 permit shall be valid for the life of the horse. If there is
 21 a change of ownership in a horse the permit shall
 22 automatically become void. The permit must accompany the
 23 horse for which it was issued at all times while the horse
 24 is in transit. This permit shall be in lieu of other permits
 25 and certificates required under the provisions of this

1 section. The state of Montana shall recognize as valid
 2 permanent transportation permits issued in other
 3 jurisdictions to the owner of a saddle, work, or show horse
 4 subsequently entering the state. Such a permit shall be
 5 automatically void upon a change of ownership.

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

17 Section 2. Section 46-803, R.C.M. 1947, is amended to
 18 read as follows:

19 "46-803. Seizure of livestock, retention of livestock,
 20 sale, disposal of proceeds. (1) All state stock inspectors
 21 inspecting any livestock, either before or after shipment or
 22 removal from any county in this state, or upon a change of
 23 ownership, may inspect and seize either at the point of
 24 sale, shipment, or destination or en route any livestock, or
 25 proceeds thereof, which the inspector believes is stolen, or

1 upon which brands have been altered or obliterated, or which
 2 does not conform to the description contained on the tally
 3 sheet furnished by the shipper thereof or to the description
 4 contained in any certificate of inspection or release issued
 5 before shipment or removal of the livestock.

6 (2) Upon taking possession of livestock under this
 7 act, a state stock inspector may retain the livestock in his
 8 possession for ~~fifteen~~ {15} days to make further
 9 investigation relative to its ownership. A state stock
 10 inspector may either at once or at any time within ~~fifteen~~
 11 {15} days, sell the livestock at a licensed livestock
 12 market, or in the open market, for the best available price
 13 and remit the proceeds, less the cost of keeping and sale,
 14 to the department together with a full description of the
 15 livestock sold, giving marks and brand, if any, and a
 16 statement of the reason for the seizure and sale. The
 17 proceeds shall be deposited by the department with the state
 18 treasurer and credited to the department fund, where it is
 19 subject to claim by the owner of the livestock in the same
 20 manner and for the same length of time as is provided by law
 21 for the making of claims for moneys arising from the sale of
 22 stray stock."

23 Section 3. Section 46-804, R.C.M. 1947, is amended to
 24 read as follows:

25 "46-804. Fees for inspection and livestock

1 transportation permits. (1) For the service of inspection
 2 before removal from a county or before change of ownership,
 3 the inspector making the inspections shall receive
 4 ~~twenty-five~~ 25 cents ~~(\$25)~~ per head for ~~twelve~~ (12) head or
 5 less, or ~~three dollars~~ (\$3) for ~~from~~ ~~twelve~~ (12) head to
 6 ~~twenty~~ (20) head and shall receive ~~twenty~~ 20 cents ~~(\$20)~~
 7 per head for each head over ~~twenty~~ (20) head. For the
 8 issuance of a market consignment permit or transportation
 9 permit (other than a permanent permit) before removal from a
 10 county, the inspector, sheriff, or deputy sheriff issuing
 11 the permits shall receive ~~twenty-five~~ 25 cents ~~(\$25)~~ for
 12 each permit issued for ~~twelve~~ (12) head or less; ~~fifty~~ 50
 13 cents ~~(\$50)~~ for each permit for ~~twelve~~ (12) to ~~thirty~~ (30)
 14 head and ~~one dollar~~ (\$1) for each permit issued for over
 15 ~~thirty~~ (30) head and shall receive in addition his necessary
 16 actual expenses, to be paid by the owner or the person for
 17 whom the inspection is made or permit issued. For the
 18 issuance of a permanent horse transportation permit, the
 19 state stock inspector taking the application for permit
 20 shall receive ~~five dollars~~ (\$5) per head for each permit
 21 issued. All inspection and permit fees and expenses shall be
 22 collected by the inspector, sheriff, or deputy sheriff at
 23 the time of inspection or issuance of permit, and all the
 24 fees and expenses collected by a deputy state stock
 25 inspector, sheriff, or deputy sheriff shall be retained by

1 him, and all such fees and expenses collected by a state
 2 stock inspector shall be sent by him to the department for
 3 deposit in the state treasury to the credit of the earmarked
 4 revenue fund for the use of the department.

5 (2) For the service of inspection before livestock is
 6 sold or offered for sale at a licensed public livestock
 7 market, a state stock inspector making the inspection shall
 8 receive ~~twenty~~ 20 cents ~~(\$20)~~ per head for an animal
 9 originating within the county in the state in which the
 10 market is maintained, or transported under a market
 11 consignment permit, and ~~ten~~ 10 cents ~~(\$10)~~ per head for an
 12 animal previously inspected before removal from a county as
 13 herein provided. All fees shall be paid by the owner or by
 14 the person for whom the inspection is made. For ~~inspecting~~
 15 releasing an animal ~~before it is so that it may be~~ removed
 16 from the premises of a licensed public livestock market, the
 17 state stock inspector making the inspection release shall
 18 receive ~~ten~~ 10 cents ~~(\$10)~~ per head from the owner or the
 19 person for whom the inspection release is made. All fees for
 20 inspection and release at the market shall be collected by
 21 the state stock inspector making the inspection or release
 22 at the time the inspection or release is made and shall be
 23 sent 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.

1 (3) All inspection and release fees and expenses shall
 2 be paid to the department for deposit in the state treasury
 3 to the credit of the earmarked revenue fund for the use of
 4 the department. State stock inspectors shall be paid for
 5 their services and receive their expenses as fixed by the
 6 department."

7 Section 4. Section 46-806, R.C.M. 1947, is amended to
 8 read as follows:

9 "46-806. Penalties for violations of act. (1) A
 10 person who removes or causes to be removed from a county in
 11 this state, livestock (a) without having the livestock
 12 inspected before removal where an inspection is required by
 13 law; (b) without obtaining a market consignment permit or
 14 transportation permit, where the permits are obtainable by
 15 law; (c) and does obtain a market consignment permit for
 16 livestock but does not deliver the livestock transported
 17 thereunder to the livestock market designated in the market
 18 consignment permit; (d) and does obtain a transportation
 19 permit for the livestock but does not deliver the livestock
 20 transported thereunder to the destination as shown on the
 21 transportation permit and fails to have the livestock so
 22 transported inspected at the point of destination or does
 23 not file a loading tally with the carrier as provided in
 24 section 46-1008; is guilty of a misdemeanor and shall be
 25 punishable as provided in subsection (6) of this section.

1 (2) A person who sells livestock or offers such for
 2 sale at a livestock market, without having the livestock
 3 inspected or removes livestock or causes such to be removed
 4 from a livestock market, ~~livestock--without--having--the~~
 5 ~~livestock--inspected~~ without obtaining a release is guilty of
 6 a misdemeanor and is punishable as provided in subsection
 7 (6) of this section.

8 (3) A person who ships by railroad carrier and the
 9 railroad carrier transporting livestock for which a loading
 10 tally has been filed as provided by section 46-1008 and for
 11 which shipment of livestock an inspection has not been made,
 12 and after shipment, causes or permits the livestock to leave
 13 the custody of the railroad carrier at a place other than
 14 where this state regularly maintains a stock inspector, is
 15 guilty of a misdemeanor and shall be punishable as provided
 16 in subsection (6) of this section.

17 (4) A person who has in his charge livestock being
 18 removed from a county in the state, ~~and~~ for which an
 19 inspection certificate, or a market consignment permit, or a
 20 market release certificate has been issued, and fails to
 21 have in his possession accompanying the livestock the
 22 inspection certificate, or market consignment permit, or a
 23 market release certificate as issued for the livestock; or
 24 who, having the certificate of inspection, or market
 25 consignment permit, or market release certificate, fails to

1 exhibit them to a sheriff, deputy sheriff, constable,
2 highway patrolman, state stock inspector₂ or deputy state
3 stock inspector at ~~their~~ his request, is guilty of a
4 misdemeanor and is punishable as provided in subsection (6)
5 of this section.

6 (5) A person violating any of the provisions of this
7 act is guilty of a misdemeanor and is punishable as provided
8 in subsection (6) of this section.

9 (6) Upon conviction₂ of a person, firm, association,
10 or corporation under this act, they shall be fined not less
11 than ~~fifty-dollars-{\$50}~~ ~~nor~~ or more than ~~five-hundred~~
12 ~~dollars-{\$500}~~ or imprisoned in the county jail for a period
13 of not more than ~~six-{\$}~~ 6 months, or both fined and
14 imprisoned. Of all fines assessed and collected under this
15 act, ~~fifty-per-cent-{\$50}~~ ~~thereof~~ shall be paid into the
16 state treasury and credited to the earmarked revenue fund
17 for the use of the department, and ~~fifty-per-cent-{\$50}~~
18 ~~thereof~~ shall be paid into the general fund of the county in
19 which the conviction occurred."

-End-

1 BILL NO. 148
 2 INTRODUCED BY *Clifford Bostleman* *Justin Rosta* *T. J. N. N.*
 3 BY REQUEST OF THE DEPARTMENT OF LIVESTOCK *Johnnie*
 4 *Justin Smith* *W. A. C.* *Manuel*

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS
 6 46-801.2, 46-803, 46-804, AND 46-806, R.C.M. 1947, TO REMOVE
 7 THE REQUIREMENT THAT LIVESTOCK BE INDIVIDUALLY INSPECTED
 8 PRIOR TO REMOVAL FROM A LIVESTOCK MARKET AND TO ESTABLISH A
 9 REQUIREMENT THAT LIVESTOCK CANNOT BE REMOVED FROM A
 10 LIVESTOCK MARKET UNTIL RELEASED BY THE DEPARTMENT OF
 11 LIVESTOCK."

12
 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 Section 1. Section 46-801.2, R.C.M. 1947, is amended
 15 to read as follows:

16 "46-801.2. Inspection of livestock before change of
 17 ownership or removal from county -- transportation permits.
 18 (1) Except as otherwise provided in this act, it is unlawful
 19 to remove or cause to be removed from a county in this state
 20 any livestock, or to transfer ownership by sale or otherwise
 21 or for an intended purchaser or his agent to take possession
 22 of any such animal subject to title passing upon meeting or
 23 satisfaction of any conditions unless the livestock has been
 24 inspected for brands by a state stock inspector or deputy
 25 state stock inspector, and a certificate of the inspection

1 has been issued in connection with and for the purpose of
 2 the transportation or removal or of such change of ownership
 3 as provided in this act. The inspection must be made in
 4 daylight, provided, however, that the change of ownership
 5 inspection requirements of this subsection shall not apply
 6 when such sale or change of ownership transaction involves
 7 five (5) or less such animals.

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

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

25 (4) The person in charge of livestock being removed

HB 148

1 from a county in this state, where inspection thereof is
 2 required by this act, or where change of ownership has
 3 occurred or when moved under a market consignment permit or
 4 a market release certificate shall have in his possession
 5 the certificate of inspection, or market consignment permit,
 6 or market release certificate issued in connection
 7 therewith, and shall exhibit the certificate to any sheriff,
 8 deputy sheriff, constable, highway patrolman, state stock
 9 inspector, or deputy state stock inspector ~~at the upon~~
 10 request of ~~either of them~~. Section 46-803 shall be extended
 11 to livestock transported or sold under the above-mentioned
 12 permits.

13 (5) The following transportation permits may be
 14 issued:

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

1 ownership or if the horse or cow are to be removed from the
 2 state. In such instances an inspection must be secured for
 3 removal and the endorsed certificate surrendered.

4 (b) The owner of a saddle, work, or show horse may
 5 apply for a permanent transportation permit valid for both
 6 interstate and intrastate transportation of the horse until
 7 there is a change of ownership. To obtain a permit a horse
 8 must have either a registered brand that has been legally
 9 cleared, or a lip tattoo, or the owner must present proof of
 10 ownership to a state stock inspector. A written application,
 11 on forms to be provided by the department, must be completed
 12 by the owner and presented to a state stock inspector
 13 together with a ~~five-dollar-15~~ permit fee for each horse.
 14 The application shall contain a thorough physical
 15 description of the horse and list all brands and tattoos
 16 carried by the horse.

17 Upon approval of the application by a state stock
 18 inspector, a permanent transportation permit shall be issued
 19 by the department to the owner for each horse and such
 20 permit shall be valid for the life of the horse. If there is
 21 a change of ownership in a horse the permit shall
 22 automatically become void. The permit must accompany the
 23 horse for which it was issued at all times while the horse
 24 is in transit. This permit shall be in lieu of other permits
 25 and certificates required under the provisions of this

1 section. The state of Montana shall recognize as valid
 2 permanent transportation permits issued in other
 3 jurisdictions to the owner of a saddle, work, or show horse
 4 subsequently entering the state. Such a permit shall be
 5 automatically void upon a change of ownership.

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

17 Section 2. Section 46-803, R.C.M. 1947, is amended to
 18 read as follows:

19 "46-803. Seizure of livestock, retention of livestock,
 20 sale, disposal of proceeds. (1) All state stock inspectors
 21 inspecting any livestock, either before or after shipment or
 22 removal from any county in this state, or upon a change of
 23 ownership, may inspect and seize either at the point of
 24 sale, shipment, or destination or en route any livestock, or
 25 proceeds thereof, which the inspector believes is stolen, or

1 upon which brands have been altered or obliterated, or which
 2 does not conform to the description contained on the tally
 3 sheet furnished by the shipper thereof or to the description
 4 contained in any certificate of inspection or release issued
 5 before shipment or removal of the livestock.

6 (2) Upon taking possession of livestock under this
 7 act, a state stock inspector may retain the livestock in his
 8 possession for ~~fifteen~~ {15} days to make further
 9 investigation relative to its ownership. A state stock
 10 inspector may either at once or at any time within ~~fifteen~~
 11 {15} days, sell the livestock at a licensed livestock
 12 market, or in the open market, for the best available price
 13 and remit the proceeds, less the cost of keeping and sale,
 14 to the department together with a full description of the
 15 livestock sold, giving marks and brand, if any, and a
 16 statement of the reason for the seizure and sale. The
 17 proceeds shall be deposited by the department with the state
 18 treasurer and credited to the department fund, where it is
 19 subject to claim by the owner of the livestock in the same
 20 manner and for the same length of time as is provided by law
 21 for the making of claims for moneys arising from the sale of
 22 stray stock."

23 Section 3. Section 46-804, R.C.M. 1947, is amended to
 24 read as follows:

25 "46-804. Fees for inspection and livestock

1 transportation permits. (1) For the service of inspection
 2 before removal from a county, or before change of ownership,
 3 the inspector making the inspections shall receive
 4 ~~twenty-five~~ 25 cents ~~(\$25)~~ per head for ~~twelve~~ (12) head or
 5 less, or ~~three-dollars~~ (\$3) for ~~from twelve~~ (12) head to
 6 ~~twenty~~ (20) head and shall receive ~~twenty~~ 20 cents ~~(\$20)~~
 7 per head for each head over ~~twenty~~ (20) head. For the
 8 issuance of a market consignment permit or transportation
 9 permit (other than a permanent permit) before removal from a
 10 county, the inspector, sheriff, or deputy sheriff issuing
 11 the permits shall receive ~~twenty-five~~ 25 cents ~~(\$25)~~ for
 12 each permit issued for ~~twelve~~ (12) head or less; ~~fifty~~ 50
 13 cents ~~(\$50)~~ for each permit for ~~twelve~~ (12) to ~~thirty~~ (30)
 14 head and ~~one-dollar~~ (\$1) for each permit issued for over
 15 ~~thirty~~ (30) head and shall receive in addition his necessary
 16 actual expenses, to be paid by the owner or the person for
 17 whom the inspection is made or permit issued. For the
 18 issuance of a permanent horse transportation permit, the
 19 state stock inspector taking the application for permit
 20 shall receive ~~five-dollars~~ (\$5) per head for each permit
 21 issued. All inspection and permit fees and expenses shall be
 22 collected by the inspector, sheriff, or deputy sheriff at
 23 the time of inspection or issuance of permit, and all the
 24 fees and expenses collected by a deputy state stock
 25 inspector, sheriff, or deputy sheriff shall be retained by

1 him, and all such fees and expenses collected by a state
 2 stock inspector shall be sent by him to the department for
 3 deposit in the state treasury to the credit of the earmarked
 4 revenue fund for the use of the department.

5 (2) For the service of inspection before livestock is
 6 sold or offered for sale at a licensed public livestock
 7 market, a state stock inspector making the inspection shall
 8 receive ~~twenty~~ 20 cents ~~(\$20)~~ per head for an animal
 9 originating within the county in the state in which the
 10 market is maintained, or transported under a market
 11 consignment permit, and ~~ten~~ 10 cents ~~(\$10)~~ per head for an
 12 animal previously inspected before removal from a county as
 13 herein provided. All fees shall be paid by the owner or by
 14 the person for whom the inspection is made. For inspecting
 15 releasing an animal before it is so that it may be removed
 16 from the premises of a licensed public livestock market, the
 17 state stock inspector making the inspection release shall
 18 receive ~~ten~~ 10 cents ~~(\$10)~~ per head from the owner or the
 19 person for whom the inspection release is made. All fees for
 20 inspection and release at the market shall be collected by
 21 the state stock inspector making the inspection or release
 22 at the time the inspection or release is made and shall be
 23 sent 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.

1 (3) All inspection and release fees and expenses shall
 2 be paid to the department for deposit in the state treasury
 3 to the credit of the earmarked revenue fund for the use of
 4 the department. State stock inspectors shall be paid for
 5 their services and receive their expenses as fixed by the
 6 department."

7 Section 4. Section 46-806, R.C.M. 1947, is amended to
 8 read as follows:

9 "46-806. Penalties for violations of act. (1) A
 10 person who removes or causes to be removed from a county in
 11 this state, livestock (a) without having the livestock
 12 inspected before removal where an inspection is required by
 13 law; (b) without obtaining a market consignment permit or
 14 transportation permit, where the permits are obtainable by
 15 law; (c) and does obtain a market consignment permit for
 16 livestock but does not deliver the livestock transported
 17 thereunder to the livestock market designated in the market
 18 consignment permit; (d) and does obtain a transportation
 19 permit for the livestock but does not deliver the livestock
 20 transported thereunder to the destination as shown on the
 21 transportation permit and fails to have the livestock so
 22 transported inspected at the point of destination or does
 23 not file a loading tally with the carrier as provided in
 24 section 46-1008; is guilty of a misdemeanor and shall be
 25 punishable as provided in subsection (6) of this section.

1 (2) A person who sells livestock or offers such for
 2 sale at a livestock market, without having the livestock
 3 inspected or removes livestock or causes such to be removed
 4 from a livestock market, ~~livestock--without--having--the~~
 5 ~~livestock--inspected~~ without obtaining a release is guilty of
 6 a misdemeanor and is punishable as provided in subsection
 7 (6) of this section.

8 (3) A person who ships by railroad carrier, and the
 9 railroad carrier transporting, livestock for which a loading
 10 tally has been filed as provided by section 46-1008 and for
 11 which shipment of livestock an inspection has not been made,
 12 and after shipment, causes or permits the livestock to leave
 13 the custody of the railroad carrier at a place other than
 14 where this state regularly maintains a stock inspector, is
 15 guilty of a misdemeanor and shall be punishable as provided
 16 in subsection (6) of this section.

17 (4) A person who has in his charge livestock being
 18 removed from a county in the state--and for which an
 19 inspection certificate, or a market consignment permit, or a
 20 market release certificate has been issued, and fails to
 21 have in his possession accompanying the livestock the
 22 inspection certificate, or market consignment permit, or a
 23 market release certificate as issued for the livestock; or
 24 who, having the certificate of inspection, or market
 25 consignment permit, or market release certificate, fails to

1 exhibit them to a sheriff, deputy sheriff, constable,
2 highway patrolman, state stock inspector, or deputy state
3 stock inspector at their his request, is guilty of a
4 misdemeanor and is punishable as provided in subsection (6)
5 of this section.

6 (5) A person violating any of the provisions of this
7 act is guilty of a misdemeanor and is punishable as provided
8 in subsection (6) of this section.

9 (6) Upon conviction, of a person, firm, association,
10 or corporation under this act, they shall be fined not less
11 than ~~fifty dollars--(\$50)--~~or more than ~~five hundred~~
12 ~~dollars--(\$500)~~ or imprisoned in the county jail for a period
13 of not more than ~~six--(6)~~ months, or both fined and
14 imprisoned. Of all fines assessed and collected under this
15 act, ~~fifty-per-cent--(50%)--~~thereof shall be paid into the
16 state treasury and credited to the earmarked revenue fund
17 for the use of the department, and ~~fifty--per--cent--(50%)~~
18 ~~thereof~~ shall be paid into the general fund of the county in
19 which the conviction occurred."

-End-

March 18, 1977

STANDING COMMITTEE REPORT
Senate Committee on Agriculture, Livestock & Irrigation

That House Bill No. 148 be amended as follows:

1. Amend title, line 6.

Following: "46-801.2,"

Insert: "46-801.4,"

2. Amend title, line 8.

Following: "MARKET"

Strike: "AND"

Insert: ", "

3. Amend title, line 11.

Following: "LIVESTOCK"

Insert: ", and raising the removal from market fee to 20 cents"

4. Amend page 5.

Following: line 16

Insert: "Section 2. Section 46-801.4 is amended to read as follows:

"~~46~~-801.4. Inspection for livestock removed from this state. Except as provided for in subsection (1) and (2) of section 46-801.3 and

subsection subsections (3) and (5)(b) of section 46-801.2, nothing contained in this chapter authorizes or permits a person to remove or cause to be removed livestock from this state to a location outside of this state, unless the livestock has been inspected for brands by a state stock inspector or deputy state stock inspector and a certificate for the inspection has been issued in connection with and for the purpose of the transportation or removal as provided in this chapter."

Renumber: all subsequent sections

5. Amend page 8, section 3, line 18.

Following: "receive"

Strike: "10"

Insert: "20"

HOUSE BILL NO. 148

INTRODUCED BY ELLERD, BERTELSEN, CURTISS, ROTH, TURNER,
DAVIS, CONROY, JOHNSTON, MANUEL, SIVERTSEN, SMITH, MARKS

BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS
46-801.2, ~~46-801.4~~, 46-803, 46-804, AND 46-806, R.C.M.
1947, TO REMOVE THE REQUIREMENT THAT LIVESTOCK BE
INDIVIDUALLY INSPECTED PRIOR TO REMOVAL FROM A LIVESTOCK
MARKET ~~AND~~ TO ESTABLISH A REQUIREMENT THAT LIVESTOCK CANNOT
BE REMOVED FROM A LIVESTOCK MARKET UNTIL RELEASED BY THE
DEPARTMENT OF LIVESTOCK, ~~AND RAISING THE REMOVAL FROM MARKET
FEE TO 20 CENTS.~~"

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

Section 1. Section 46-801.2, R.C.M. 1947, is amended
to read as follows:

"46-801.2. Inspection of livestock before change of
ownership or removal from county -- transportation permits.

{1} Except as otherwise provided in this act, it is unlawful
to remove or cause to be removed from a county in this state
any livestock, or to transfer ownership by sale or otherwise
or for an intended purchaser or his agent to take possession
of any such animal subject to title passing upon meeting or
satisfaction of any conditions unless the livestock has been

inspected for brands by a state stock inspector or deputy
state stock inspector, and a certificate of the inspection
has been issued in connection with and for the purpose of
the transportation or removal or of such change of ownership
as provided in this act. The inspection must be made in
daylight, provided, however, that the change of ownership
inspection requirements of this subsection shall not apply
when such sale or change of ownership transaction involves
five ~~(5)~~ or less such animals.

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

(3) It is unlawful to remove or cause to be removed
any livestock from the premises of a livestock market in
this state unless the livestock has been inspected for marks
~~and brands released~~ by a state stock inspector and on
inspection a certificate of release for the livestock has
been issued in connection with and for the purpose of the
removal from the premises of the livestock market, as
provided in this act. ~~The release obtained pursuant to this
subsection will permit the movement of the livestock so
released directly to the destination shown on the~~

1 ~~certificate.~~

2 (4) The person in charge of livestock being removed
 3 from a county in this state, where inspection thereof is
 4 required by this act, or where change of ownership has
 5 occurred or when moved under a market consignment permit ~~or~~
 6 ~~a market release certificate~~ shall have in his possession
 7 the certificate of inspection₁ or market consignment permit₁
 8 ~~or market release certificate~~ issued in connection
 9 therewith, and shall exhibit the certificate to any sheriff,
 10 deputy sheriff, constable, highway patrolman, state stock
 11 inspector₂ or deputy state stock inspector ~~at the upon~~
 12 ~~request of either of them.~~ Section 46-803 shall be extended
 13 to livestock transported or sold under the above-mentioned
 14 permits.

15 (5) The following transportation permits may be
 16 issued:

17 (a) If a saddle, work, or show horse is being
 18 transported from county to county in this state by the owner
 19 for his personal use or business, or where a purebred cow is
 20 being transported from county to county in this state by its
 21 owner for show purposes, and where there is no change of
 22 ownership, the inspection certificate as required by this
 23 act, may be endorsed as to the purpose and extent of
 24 transportation by the inspector issuing the certificate in
 25 order to serve as a travel permit in this state for a period

1 not to exceed ~~one-1/2~~ year for the horse or cow described
 2 thereon. The permit becomes void upon any transfer of
 3 ownership or if the horse or cow are to be removed from the
 4 state. In such instances an inspection must be secured for
 5 removal and the endorsed certificate surrendered.

6 (b) The owner of a saddle, work, or show horse may
 7 apply for a permanent transportation permit valid for both
 8 interstate and intrastate transportation of the horse until
 9 there is a change of ownership. To obtain a permit a horse
 10 must have either a registered brand that has been legally
 11 cleared, or a lip tattoo, or the owner must present proof of
 12 ownership to a state stock inspector. A written application,
 13 on forms to be provided by the department, must be completed
 14 by the owner and presented to a state stock inspector
 15 together with a ~~five-dollar-(\$5)~~ permit fee for each horse.
 16 The application shall contain a thorough physical
 17 description of the horse and list all brands and tattoos
 18 carried by the horse.

19 Upon approval of the application by a state stock
 20 inspector, a permanent transportation permit shall be issued
 21 by the department to the owner for each horse and such
 22 permit shall be valid for the life of the horse. If there is
 23 a change of ownership in a horse the permit shall
 24 automatically become void. The permit must accompany the
 25 horse for which it was issued at all times while the horse

1 is in transit. This permit shall be in lieu of other permits
 2 and certificates required under the provisions of this
 3 section. The state of Montana shall recognize as valid
 4 permanent transportation permits issued in other
 5 jurisdictions to the owner of a saddle, work, or show horse
 6 subsequently entering the state. Such a permit shall be
 7 automatically void upon a change of ownership.

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

19 ~~SECTION 2. SECTION 46-801.4, R.C.M. 1947, IS AMENDED~~
 20 ~~TO READ AS FOLLOWS:~~

21 "46-801.4. Inspection for livestock removed from this
 22 state. Except as provided for in subsections (1) and (2) of
 23 section 46-801.3 and ~~subsection subsections (3) and (5)(b)~~
 24 of section 46-801.2, nothing contained in this chapter
 25 authorizes or permits a person to remove or cause to be

1 removed livestock from this state to a location outside of
 2 this state, unless the livestock has been inspected for
 3 brands by a state stock inspector or deputy state stock
 4 inspector and a certificate for the inspection has been
 5 issued in connection with and for the purpose of the
 6 transportation or removal as provided in this chapter.*"

7 Section 3. Section 46-803, R.C.M. 1947, is amended to
 8 read as follows:

9 "46-803. Seizure of livestock, retention of livestock,
 10 sale, disposal of proceeds. (1) All state stock inspectors
 11 inspecting any livestock, either before or after shipment or
 12 removal from any county in this state, or upon a change of
 13 ownership, may inspect and seize either at the point of
 14 sale, shipment, or destination or en route any livestock, or
 15 proceeds thereof, which the inspector believes is stolen, or
 16 upon which brands have been altered or obliterated, or which
 17 does not conform to the description contained on the tally
 18 sheet furnished by the shipper thereof or to the description
 19 contained in any certificate of inspection or release issued
 20 before shipment or removal of the livestock.

21 (2) Upon taking possession of livestock under this
 22 act, a state stock inspector may retain the livestock in his
 23 possession for ~~fifteen~~ {15} days to make further
 24 investigation relative to its ownership. A state stock
 25 inspector may either at once or at any time within fifteen

1 ~~{15} days~~ sell the livestock at a licensed livestock
 2 market~~y~~ or in the open market~~y~~ for the best available price
 3 and remit the proceeds, less the cost of keeping and sale,
 4 to the department together with a full description of the
 5 livestock sold, giving marks and brand, if any, and a
 6 statement of the reason for the seizure and sale. The
 7 proceeds shall be deposited by the department with the state
 8 treasurer and credited to the department fund, where it is
 9 subject to claim by the owner of the livestock in the same
 10 manner and for the same length of time as is provided by law
 11 for the making of claims for moneys arising from the sale of
 12 stray stock."

13 Section 4. Section 46-804, R.C.M. 1947, is amended to
 14 read as follows:

15 *46-804. Fees for inspection and livestock
 16 transportation permits. (1) For the service of inspection
 17 before removal from a county~~y~~ or before change of ownership,
 18 the inspector making the inspections shall receive
 19 ~~twenty-five 25 cents {~~\$~~25}~~ per head for ~~twelve-{12}~~ head or
 20 less, or ~~three--dollars--{~~\$~~3}~~ for ~~from twelve-{12}~~ head to
 21 ~~twenty-{20}~~ head and shall receive ~~twenty 20 cents {~~\$~~20}~~
 22 per head for each head over ~~twenty--{20}~~ head. For the
 23 issuance of a market consignment permit or transportation
 24 permit (other than a permanent permit) before removal from a
 25 county, the inspector, sheriff~~s~~ or deputy sheriff issuing

1 the permits shall receive ~~twenty-five 25 cents {~~\$~~25}~~ for
 2 each permit issued for ~~twelve-{12}~~ head or less; ~~fifty 50~~
 3 cents ~~{~~\$~~50}~~ for each permit for ~~twelve-{12}~~ to ~~thirty--{30}~~
 4 head and ~~one--dollar--{~~\$~~1}~~ for each permit issued for over
 5 ~~thirty-{30}~~ head and shall receive in addition his necessary
 6 actual expenses, to be paid by the owner or the person for
 7 whom the inspection is made or permit issued. For the
 8 issuance of a permanent horse transportation permit, the
 9 state stock inspector taking the application for permit
 10 shall receive ~~five-dollars--{~~\$~~5}~~ per head for each permit
 11 issued. All inspection and permit fees and expenses shall be
 12 collected by the inspector, sheriff, or deputy sheriff at
 13 the time of inspection or issuance of permit~~s~~ and all the
 14 fees and expenses collected by a deputy state stock
 15 inspector, sheriff~~s~~ or deputy sheriff shall be retained by
 16 him~~s~~ and all such fees and expenses collected by a state
 17 stock inspector shall be sent by him to the department for
 18 deposit in the state treasury to the credit of the earmarked
 19 revenue fund for the use of the department.

20 (2) For the service of inspection before livestock is
 21 sold or offered for sale at a licensed ~~public~~ livestock
 22 market, a state stock inspector making the inspection shall
 23 receive ~~twenty 20 cents {~~\$~~20}~~ per head for an animal
 24 originating within the county in the state in which the
 25 market is maintained~~y~~ or transported under a market

1 consignment permit and ten ~~10~~ cents ~~(\$10)~~ per head for an
 2 animal previously inspected before removal from a county as
 3 herein provided. All fees shall be paid by the owner or by
 4 the person for whom the inspection is made. For ~~inspecting~~
 5 ~~releasing~~ an animal before ~~it is so that it may be~~ removed
 6 from the premises of a licensed ~~public~~ livestock market, the
 7 state stock inspector making the inspection release shall
 8 receive ~~ten 10~~ 20 cents ~~(\$10)~~ per head from the owner or
 9 the person for whom the inspection release is made. All fees
 10 for inspection and release at the market shall be collected
 11 by the state stock inspector making the inspection or
 12 release at the time the inspection or release is made and
 13 shall be sent by him to the department for deposit in the
 14 state treasury to the credit of the earmarked revenue fund
 15 for the use of the department.

16 (3) All inspection and release fees and expenses shall
 17 be paid to the department for deposit in the state treasury
 18 to the credit of the earmarked revenue fund for the use of
 19 the department. State stock inspectors shall be paid for
 20 their services and receive their expenses as fixed by the
 21 department."

22 Section 5. Section 46-806, R.C.M. 1947, is amended to
 23 read as follows:

24 "46-806. Penalties for violations of act. (1) A
 25 person who removes or causes to be removed from a county in

1 this state, livestock (a) without having the livestock
 2 inspected before removal where an inspection is required by
 3 law; (b) without obtaining a market consignment permit or
 4 transportation permit, where the permits are obtainable by
 5 law; (c) and does obtain a market consignment permit for
 6 livestock but does not deliver the livestock transported
 7 thereunder to the livestock market designated in the market
 8 consignment permit; (d) and does obtain a transportation
 9 permit for the livestock but does not deliver the livestock
 10 transported thereunder to the destination as shown on the
 11 transportation permit and fails to have the livestock so
 12 transported inspected at the point of destination or does
 13 not file a loading tally with the carrier as provided in
 14 ~~section~~ 46-1008; is guilty of a misdemeanor and shall be
 15 punishable as provided in subsection (6) of this section.

16 (2) A person who sells livestock or offers such for
 17 sale at a livestock market, without having the livestock
 18 inspected or removes livestock or causes such to be removed
 19 from a livestock market, ~~livestock--without--having--the~~
 20 ~~livestock--inspected~~ without obtaining a release is guilty of
 21 a misdemeanor and is punishable as provided in subsection
 22 (6) of this section.

23 (3) A person who ships by railroad carrier, and the
 24 railroad carrier transporting, livestock for which a loading
 25 tally has been filed as provided by ~~section~~ 46-1008 and for

1 which shipment of livestock an inspection has not been made,
 2 and after shipment, causes or permits the livestock to leave
 3 the custody of the railroad carrier at a place other than
 4 where this state regularly maintains a stock inspector, is
 5 guilty of a misdemeanor and shall be punishable as provided
 6 in subsection (6) of this section.

7 (4) A person who has in his charge livestock being
 8 removed from a county in the state--and for which an
 9 inspection certificate, or a market consignment permit, or a
 10 market release certificate has been issued, and fails to
 11 have in his possession accompanying the livestock the
 12 inspection certificate, or market consignment permit, or a
 13 market release certificate as issued for the livestock; or
 14 who, having the certificate of inspection, or market
 15 consignment permit, or market release certificate, fails to
 16 exhibit them to a sheriff, deputy sheriff, constable,
 17 highway patrolman, state stock inspector, or deputy state
 18 stock inspector at ~~their~~ his request, is guilty of a
 19 misdemeanor and is punishable as provided in subsection (6)
 20 of this section.

21 (5) A person violating any of the provisions of this
 22 act is guilty of a misdemeanor and is punishable as provided
 23 in subsection (6) of this section.

24 (6) Upon conviction, of a person, firm, association,
 25 or corporation under this act, they shall be fined not less

1 than ~~fifty--dollars--(\$50)--nor or~~ more than ~~five-hundred~~
 2 ~~dollars--(\$500)~~ or imprisoned in the county jail for a period
 3 of not more than ~~six--(6)~~ months, or both fined and
 4 imprisoned. Of all fines assessed and collected under this
 5 act, ~~fifty-per-cent--(50%)--thereof~~ shall be paid into the
 6 state treasury and credited to the earmarked revenue fund
 7 for the use of the department, and ~~fifty--per--cent--(50%)~~
 8 ~~thereof~~ shall be paid into the general fund of the county in
 9 which the conviction occurred."

-End-