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 2 INTRODUCED BY ^H Manuel by request Dept. of Livestock BILL NO. 509

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING THE
 5 REQUIREMENT THAT LIVESTOCK BE INSPECTED AT A LIVESTOCK
 6 MARKET AFTER SALE; ABOLISHING THE INSPECTION FEE ON OUTGOING
 7 LIVESTOCK; AND RAISING THE INSPECTION FEE ON INCOMING
 8 LIVESTOCK; AMENDING SECTIONS 46-801.2, 46-801.4, 46-804,
 9 46-806, 46-902, AND 46-918.1, R.C.M. 1947."

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

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

14 "46-801.2. Inspection of livestock before change of
 15 ownership or removal from county -- transportation permits.
 16 (1) Except as otherwise provided in this act, it is unlawful
 17 to remove or cause to be removed from a county in this state
 18 any livestock, or to transfer ownership by sale or otherwise
 19 or for an intended purchaser or his agent to take possession
 20 of any such animal subject to title passing upon meeting or
 21 satisfaction of any conditions unless the livestock has been
 22 inspected for brands by a state stock inspector or deputy
 23 state stock inspector, and a certificate of the inspection
 24 has been issued in connection with and for the purpose of
 25 the transportation or removal or of such change of ownership

1 as provided in this act. The inspection must be made in
 2 daylight provided, however, that the change of ownership
 3 inspection requirements of this subsection shall not apply
 4 when such sale or change of ownership transaction involves
 5 five (5) or less such animals.

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

12 (3) It is unlawful to remove or cause to be removed
 13 any livestock from the premises of a livestock market in
 14 this state unless ~~the livestock has been inspected for marks~~
 15 ~~and brands by a state stock inspector and an inspection~~
 16 ~~certificate for the livestock has been issued in connection~~
 17 ~~with and for the purpose of the removal from the premises of~~
 18 ~~the livestock market, as provided in this act, the person~~
 19 removing the livestock has been issued a purchaser's sheet
 20 by the livestock market setting forth the head count,
 21 description, brands, date and time of issuance, and
 22 destination of the livestock being removed. The purchaser's
 23 sheet shall permit the movement of the livestock to the
 24 destination shown thereon without further inspection,
 25 provided the movement takes place within 36 hours after the

1 issuance of the purchaser's sheet.

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 transportation permit authorized by this act, or when
7 removed from a livestock market shall have in his possession
8 the certificate of inspection ~~or~~ market consignment permit,
9 transportation permit, or purchaser's sheet issued in
10 connection therewith, and shall exhibit the certificate to
11 any sheriff, deputy sheriff, constable, highway patrolman,
12 state stock inspector or deputy state stock inspector at the
13 request of either of them. Section 46-803 shall be extended
14 to livestock transported or sold under the above-mentioned
15 permits.

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

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

1 order to serve as a travel permit in this state for a period
2 not to exceed ~~one~~{1} year for the horse or cow described
3 thereon. The permit becomes void upon any transfer of
4 ownership or if the horse or cow are to be removed from the
5 state. In such instances an inspection must be secured for
6 removal and the endorsed certificate surrendered.

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

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

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

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

20 Section 2. Section 46-801.4, R.C.M. 1947, is amended
 21 to read as follows:

22 "46-801.4. Inspection for livestock removed from this
 23 state. Except as provided for in subsections (1) and (2) of
 24 section 46-801.3 and subsection (5)(b) of section 46-801.2,
 25 and subsection (3) of 46-801.2, nothing contained in this

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

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

10 "46-804. Fees for inspection and livestock
 11 transportation permits. (1) For the service of inspection
 12 before removal from a county, or before change of ownership,
 13 the inspector making the inspections shall receive
 14 twenty-five cents (\$.25) per head for twelve (12) head or
 15 less, or three dollars (\$3) for from twelve (12) head to
 16 twenty (20) head and shall receive twenty cents (\$.20) per
 17 head for each head over twenty (20) head. For the issuance
 18 of a market consignment permit or transportation permit
 19 (other than a permanent permit) before removal from a
 20 county, the inspector, sheriff or deputy sheriff issuing the
 21 permits shall receive twenty-five cents (\$.25) for each
 22 permit issued for twelve (12) head or less; fifty cents
 23 (\$.50) for each permit for twelve (12) to thirty (30) head
 24 and one dollar (\$1) for each permit issued for over thirty
 25 (30) head and shall receive in addition his necessary actual

1 expenses, to be paid by the owner or the person for whom the
 2 inspection is made or permit issued. For the issuance of a
 3 permanent horse transportation permit, the state stock
 4 inspector taking the application for permit shall receive
 5 five dollars (\$5) per head for each permit issued. All
 6 inspection and permit fees and expenses shall be collected
 7 by the inspector, sheriff, or deputy sheriff at the time of
 8 inspection or issuance of permit and all the fees and
 9 expenses collected by a deputy state stock inspector,
 10 sheriff or deputy sheriff shall be retained by him and all
 11 such fees and expenses collected by a state stock inspector
 12 shall be sent by him to the department for deposit in the
 13 state treasury to the credit of the earmarked revenue fund
 14 for the use of the department.

15 (2) For the service of inspection before livestock is
 16 sold or offered for sale at a licensed public livestock
 17 market, a state stock inspector making the inspection shall
 18 receive ~~twenty-cents-(\$0.20)~~ 30 cents per head for an animal
 19 originating within the county in the state in which the
 20 market is maintained, or transported under a market
 21 consignment permit, and ~~ten-cents-(\$0.10)~~ 20 cents per head
 22 for an animal previously inspected before removal from a
 23 county as herein provided. All fees shall be paid by the
 24 owner or by the person for whom the inspection is made. For
 25 ~~inspecting--an-animal-before-it-is-removed-from-the-premises~~

1 ~~of-a-licensed-public-market-the-state-stock-inspector-making~~
 2 ~~the-inspection-shall-receive-ten-cents-(\$0.10)-per-head--from~~
 3 ~~the-owner-or-the-person-for-whom-the-inspection-is-made.~~ All
 4 fees for inspection at the market shall be collected by the
 5 state stock inspector making the inspection at the time the
 6 inspection is made and shall be sent by him to the
 7 department for deposit in the state treasury to the credit
 8 of the earmarked revenue fund for the use of the department.
 9 Shall be paid to the department for deposit in the state
 10 treasury to the credit of the earmarked revenue fund for the
 11 use of the department. State stock inspectors shall be paid
 12 for their services and receive their expenses as fixed by
 13 the department."

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

16 "46-806. Penalties for violations of act. (1) A
 17 person who removes or causes to be removed from a county in
 18 this state, livestock (a) without having the livestock
 19 inspected before removal where an inspection is required by
 20 law; (b) without obtaining a market consignment permit or
 21 transportation permit, where the permits are obtainable by
 22 law; (c) and does obtain a market consignment permit for
 23 livestock but does not deliver the livestock transported
 24 thereunder to the livestock market designated in the market
 25 consignment permit; (d) and does obtain a transportation

1 permit for the livestock but does not deliver the livestock
 2 transported thereunder to the destination as shown on the
 3 transportation permit and fails to have the livestock so
 4 transported inspected at the point of destination or does
 5 not file a loading tally with the carrier as provided in
 6 section 46-1008; is guilty of a misdemeanor and shall be
 7 punishable as provided in subsection (6) of this section.

8 (2) A person who sells or offers for sale at a
 9 livestock market ~~or removes or causes to be removed from a~~
 10 ~~livestock market~~ livestock without having the livestock
 11 inspected ~~or removes or causes to be removed~~ livestock
 12 ~~without obtaining the required purchaser's sheet~~ is guilty
 13 of a misdemeanor and is punishable as provided in subsection
 14 (6) of this section.

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

24 (4) A person who has in his charge livestock being
 25 removed from a county in the state, and for which an

1 inspection certificate or a market consignment permit has
 2 been issued, and fails to have in his possession
 3 accompanying the livestock the inspection certificate or
 4 market consignment permit as issued for the livestock; or
 5 who, having the certificate of inspection or market
 6 consignment permit, fails to exhibit them to a sheriff,
 7 deputy sheriff, constable, highway patrolman, state stock
 8 inspector or deputy state stock inspector at their request,
 9 is guilty of a misdemeanor and is punishable as provided in
 10 subsection (6) of this section.

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

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

25 Section 5. Section 46-902, R.C.M. 1947, is amended to

1 read as follows:

2 "46-902. Inspection of public markets. Livestock
3 inspectors, which include stock inspectors of a county or
4 district, the sheriff of a county, or a representative of
5 the department of livestock, may enter upon the premises
6 where livestock is being held or sold, and be accorded every
7 facility by the owners thereof in determining whether a
8 violation of the law is being made, or is likely to be made,
9 by a person, association, or corporation. The inspection may
10 not unnecessarily interfere with the conduct of the sales.
11 Livestock so sold at the market may not be delivered to the
12 purchaser until he has first received an inspection
13 certificate, ~~issued by~~ assurance from one of the officers
14 designated in this section for the inspection of the
15 livestock, ~~showing clearly and explicitly that the person~~
16 ~~making the inspection~~ he is satisfied as to the ownership of
17 the livestock and the health of all livestock so sold."

18 Section 6. Section 46-918.1, R.C.M. 1947, is amended
19 to read as follows:

20 "46-918.1. Operator of market to issue a receipt for
21 livestock consigned ~~-- purchaser's sheet to be issued for~~
22 livestock sold. Livestock consigned. A person operating a
23 livestock market as defined by section 46-906 which must
24 have a certificate issued by the board according to section
25 46-908, shall issue:

1 (1) a receipt to any person, firm, partnership, or
2 corporation selling livestock through a livestock market
3 showing the number and description of livestock he has
4 consigned for sale; and

5 (2) a purchaser's sheet to each person purchasing
6 livestock indicating the head count, description, brands and
7 marks, if any, date and time of issuance, destination of the
8 livestock, and any other information required by the board."

-End-

STATE OF MONTANA

REQUEST NO. 273-77

FISCAL NOTE

Form BD-15

In compliance with a written request received January 31, 19 77, there is hereby submitted a Fiscal Note for House Bill 509 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 509 abolishes the inspection fees on outgoing livestock, raises the inspection fees on incoming livestock, and removes the requirement that livestock be inspected at a livestock market after sale.

ASSUMPTIONS:

1. Overtime will be reduced by approximately 85%.
2. The Governor's recommended expenditure for the Inspection and Control Program were used to develop this estimate.
3. There is no change in estimated fee collections because lost revenue will be made up by the additional revenue as proposed.

FISCAL IMPACT:

	<u>FY 78</u>	<u>FY 79</u>	<u>TOTAL</u>
Decrease in personal services cost due to the proposed legislation	<u>\$50,000</u>	<u>\$50,000</u>	<u>\$100,000</u>

Richard D. Dean
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-2-77

Approved by Committee
on Agriculture Livestock
& Irrigation

1 INTRODUCTION BY ^H Manuel by request Dept. of Livestock BILL NO. 509

2 A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING THE
3 REQUIREMENT THAT LIVESTOCK BE INSPECTED AT A LIVESTOCK
4 MARKET AFTER SALE; ABOLISHING THE INSPECTION FEE ON OUTGOING
5 LIVESTOCK; AND RAISING THE INSPECTION FEE ON INCOMING
6 LIVESTOCK; AMENDING SECTIONS 46-801.2, 46-801.4, 46-804,
7 46-806, 46-902, AND 46-918.1, R.C.M. 1947."

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

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

11 "46-801.2. Inspection of livestock before change of
12 ownership or removal from county -- transportation permits.

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

1 as provided in this act. The inspection must be made in
2 daylight provided, however, that the change of ownership
3 inspection requirements of this subsection shall not apply
4 when such sale or change of ownership transaction involves
5 five (5) or less such animals.

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

12 (3) It is unlawful to remove or cause to be removed
13 any livestock from the premises of a livestock market in
14 this state unless ~~the livestock has been inspected for marks~~
15 ~~and brands by a state stock inspector and an inspection~~
16 ~~certificate for the livestock has been issued in connection~~
17 ~~with and for the purpose of the removal from the premises of~~
18 ~~the livestock market, as provided in this act. the person~~
19 removing the livestock has been issued a purchaser's sheet
20 by the livestock market setting forth the head count,
21 description, brands, date and time of issuance, and
22 destination of the livestock being removed. The purchaser's
23 sheet shall permit the movement of the livestock to the
24 destination shown thereon without further inspection,
25 provided the movement takes place within 36 hours after the

HB 509

1 issuance of the purchaser's sheet.

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 transportation permit authorized by this act, or when
7 removed from a livestock market shall have in his possession
8 the certificate of inspection ~~or~~ market consignment permit,
9 transportation permit, or purchaser's sheet issued in
10 connection therewith, and shall exhibit the certificate to
11 any sheriff, deputy sheriff, constable, highway patrolman,
12 state stock inspector or deputy state stock inspector at the
13 request of either of them. Section 46-803 shall be extended
14 to livestock transported or sold under the above-mentioned
15 permits.

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

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

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

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

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

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

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

20 Section 2. Section 46-801.4, R.C.M. 1947, is amended
 21 to read as follows:

22 "46-801.4. Inspection for livestock removed from this
 23 state. Except as provided for in subsections (1) and (2) of
 24 section 46-801.3 ~~and~~ subsection (5)(b) of section 46-801.2,
 25 ~~and subsection (3) of 46-801.2,~~ nothing contained in this

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

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

10 "46-804. Fees for inspection and livestock
 11 transportation permits. (1) For the service of inspection
 12 before removal from a county, or before change of ownership,
 13 the inspector making the inspections shall receive
 14 twenty-five cents (\$.25) per head for twelve (12) head or
 15 less, or three dollars (\$3) for from twelve (12) head to
 16 twenty (20) head and shall receive twenty cents (\$.20) per
 17 head for each head over twenty (20) head. For the issuance
 18 of a market consignment permit or transportation permit
 19 (other than a permanent permit) before removal from a
 20 county, the inspector, sheriff or deputy sheriff issuing the
 21 permits shall receive twenty-five cents (\$.25) for each
 22 permit issued for twelve (12) head or less; fifty cents
 23 (\$.50) for each permit for twelve (12) to thirty (30) head
 24 and one dollar (\$1) for each permit issued for over thirty
 25 (30) head and shall receive in addition his necessary actual

1 expenses, to be paid by the owner or the person for whom the
 2 inspection is made or permit issued. For the issuance of a
 3 permanent horse transportation permit, the state stock
 4 inspector taking the application for permit shall receive
 5 five dollars (\$5) per head for each permit issued. All
 6 inspection and permit fees and expenses shall be collected
 7 by the inspector, sheriff, or deputy sheriff at the time of
 8 inspection or issuance of permit and all the fees and
 9 expenses collected by a deputy state stock inspector,
 10 sheriff or deputy sheriff shall be retained by him and all
 11 such fees and expenses collected by a state stock inspector
 12 shall be sent by him to the department for deposit in the
 13 state treasury to the credit of the earmarked revenue fund
 14 for the use of the department.

15 (2) For the service of inspection before livestock is
 16 sold or offered for sale at a licensed ~~public~~ livestock
 17 market, a state stock inspector making the inspection shall
 18 receive ~~twenty-cents-(\$-20)~~ 30 cents per head for an animal
 19 originating within the county in the state in which the
 20 market is maintained, or transported under a market
 21 consignment permit, and ~~ten-cents-(\$-10)~~ 20 cents per head
 22 for an animal previously inspected before removal from a
 23 county as herein provided. All fees shall be paid by the
 24 owner or by the person for whom the inspection is made. ~~For~~
 25 ~~inspecting--an-animal-before-it-is-removed-from-the-premises~~

1 ~~of-a-licensed-public-market-the-state-stock-inspector-making~~
 2 ~~the-inspection-shall-receive-ten-cents-(\$-10)-per-head--from~~
 3 ~~the-owner-or-the-person-for-whom-the-inspection-is-made.~~ All
 4 fees for inspection at the market shall be collected by the
 5 state stock inspector making the inspection at the time the
 6 inspection is made and shall be sent by him to the
 7 department for deposit in the state treasury to the credit
 8 of the earmarked revenue fund for the use of the department.
 9 Shall be paid to the department for deposit in the state
 10 treasury to the credit of the earmarked revenue fund for the
 11 use of the department. State stock inspectors shall be paid
 12 for their services and receive their expenses as fixed by
 13 the department."

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

16 "46-806. Penalties for violations of act. (1) A
 17 person who removes or causes to be removed from a county in
 18 this state, livestock (a) without having the livestock
 19 inspected before removal where an inspection is required by
 20 law; (b) without obtaining a market consignment permit or
 21 transportation permit, where the permits are obtainable by
 22 law; (c) and does obtain a market consignment permit for
 23 livestock but does not deliver the livestock transported
 24 thereunder to the livestock market designated in the market
 25 consignment permit; (d) and does obtain a transportation

1 permit for the livestock but does not deliver the livestock
 2 transported thereunder to the destination as shown on the
 3 transportation permit and fails to have the livestock so
 4 transported inspected at the point of destination or does
 5 not file a loading tally with the carrier as provided in
 6 section 46-1008; is guilty of a misdemeanor and shall be
 7 punishable as provided in subsection (6) of this section.

8 (2) A person who sells or offers for sale at a
 9 ~~livestock market, or removes or causes to be removed from a~~
 10 ~~livestock market,~~ livestock without having the livestock
 11 ~~inspected or removes or causes to be removed livestock~~
 12 ~~without obtaining the required purchaser's sheet~~ is guilty
 13 of a misdemeanor and is punishable as provided in subsection
 14 (6) of this section.

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

24 (4) A person who has in his charge livestock being
 25 removed from a county in the state, and for which an

1 inspection certificate or a market consignment permit has
 2 been issued, and fails to have in his possession
 3 accompanying the livestock the inspection certificate or
 4 market consignment permit as issued for the livestock; or
 5 who, having the certificate of inspection or market
 6 consignment permit, fails to exhibit them to a sheriff,
 7 deputy sheriff, constable, highway patrolman, state stock
 8 inspector or deputy state stock inspector at their request,
 9 is guilty of a misdemeanor and is punishable as provided in
 10 subsection (6) of this section.

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

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

25 Section 5. Section 46-902, R.C.M. 1947, is amended to

1 read as follows:

2 "46-902. Inspection of public markets. Livestock
3 inspectors, which include stock inspectors of a county or
4 district, the sheriff of a county, or a representative of
5 the department of livestock, may enter upon the premises
6 where livestock is being held or sold, and be accorded every
7 facility by the owners thereof in determining whether a
8 violation of the law is being made, or is likely to be made,
9 by a person, association, or corporation. The inspection may
10 not unnecessarily interfere with the conduct of the sales.
11 Livestock so sold at the market may not be delivered to the
12 purchaser until he has first received an inspection
13 certificate ~~issued by~~ assurance from one of the officers
14 designated in this section, for the inspection of the
15 livestock, ~~showing clearly and explicitly that the person~~
16 ~~making the inspection~~ he is satisfied as to the ownership of
17 the livestock and the health of all livestock so sold."

18 Section 6. Section 46-918.1, R.C.M. 1947, is amended
19 to read as follows:

20 "46-918.1. Operator of market to issue a receipt for
21 livestock consigned ~~-- purchaser's sheet to be issued for~~
22 livestock sold. Livestock consigned. A person operating a
23 livestock market as defined by section 46-906 which must
24 have a certificate issued by the board according to section
25 46-908, shall issue:

1 (1) a receipt to any person, firm, partnership, or
2 corporation selling livestock through a livestock market
3 showing the number and description of livestock he has
4 consigned for sale; and
5 (2) a purchaser's sheet to each person purchasing
6 livestock indicating the head count, description, brands and
7 marks, if any, date and time of issuance, destination of the
8 livestock, and any other information required by the board."

-End-

1 HOUSE BILL NO. 509
 2 INTRODUCED BY MANUEL
 3 BY REQUEST OF THE DEPARTMENT OF LIVESTOCK
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING THE
 6 REQUIREMENT THAT LIVESTOCK BE INSPECTED AT A LIVESTOCK
 7 MARKET AFTER SALE; ABOLISHING THE INSPECTION FEE ON OUTGOING
 8 LIVESTOCK; AND RAISING THE INSPECTION FEE ON INCOMING
 9 LIVESTOCK; AMENDING SECTIONS 46-801.2, 46-801.4, 46-804,
 10 46-806, 46-902, AND 46-918.1, R.C.M. 1947."
 11
 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
 25 has been issued in connection with and for the purpose of

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

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

13 (3) It is unlawful to remove or cause to be removed
 14 any livestock from the premises of a livestock market in
 15 this state unless ~~the livestock has been inspected for marks~~
 16 ~~and brands by a state stock inspector and an inspection~~
 17 ~~certificate for the livestock has been issued in connection~~
 18 ~~with and for the purpose of the removal from the premises of~~
 19 ~~the livestock market, as provided in this act, the person~~
 20 removing the livestock has been issued a purchaser's sheet
 21 by the livestock market setting forth the head count,
 22 description, brands, date and time of issuance, and
 23 destination of the livestock being removed. The purchaser's
 24 sheet shall permit the movement of the livestock to the
 25 destination shown thereon without further inspection.

1 provided the movement takes place within 36 hours after the
 2 issuance of the purchaser's sheet.

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

17 (5) The following transportation permits may be
 18 issued:

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

1 transportation by the inspector issuing the certificate in
 2 order to serve as a travel permit in this state for a period
 3 not to exceed ~~one~~(1) year for the horse or cow described
 4 thereon. The permit becomes void upon any transfer of
 5 ownership or if the horse or cow are to be removed from the
 6 state. In such instances an inspection must be secured for
 7 removal and the endorsed certificate surrendered.

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

21 Upon approval of the application by a state stock
 22 inspector, a permanent transportation permit shall be issued
 23 by the department to the owner for each horse and such
 24 permit shall be valid for the life of the horse. If there is
 25 a change of ownership in a horse the permit shall

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

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

21 Section 2. Section 46-801.4, R.C.M. 1947, is amended
 22 to read as follows:

23 "46-801.4. Inspection for livestock removed from this
 24 state. Except as provided for in subsections (1) and (2) of
 25 section 46-801.3 and subsection (5)(b) of section 46-801.2,

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

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

11 "46-804. Fees for inspection and livestock
 12 transportation permits. (1) For the service of inspection
 13 before removal from a county, or before change of ownership,
 14 the inspector making the inspections shall receive
 15 twenty-five cents (\$.25) per head for twelve (12) head or
 16 less, or three dollars (\$3) for from twelve (12) head to
 17 twenty (20) head and shall receive twenty cents (\$.20) per
 18 head for each head over twenty (20) head. For the issuance
 19 of a market consignment permit or transportation permit
 20 (other than a permanent permit) before removal from a
 21 county, the inspector, sheriff or deputy sheriff issuing the
 22 permits shall receive twenty-five cents (\$.25) for each
 23 permit issued for twelve (12) head or less; fifty cents
 24 (\$.50) for each permit for twelve (12) to thirty (30) head
 25 and one dollar (\$1) for each permit issued for over thirty

1 (30) head and shall receive in addition his necessary actual
 2 expenses, to be paid by the owner or the person for whom the
 3 inspection is made or permit issued. For the issuance of a
 4 permanent horse transportation permit, the state stock
 5 inspector taking the application for permit shall receive
 6 five dollars (\$5) per head for each permit issued. All
 7 inspection and permit fees and expenses shall be collected
 8 by the inspector, sheriff, or deputy sheriff at the time of
 9 inspection or issuance of permit and all the fees and
 10 expenses collected by a deputy state stock inspector,
 11 sheriff or deputy sheriff shall be retained by him and all
 12 such fees and expenses collected by a state stock inspector
 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 (2) For the service of inspection before livestock is
 17 sold or offered for sale at a licensed public livestock
 18 market, a state stock inspector making the inspection shall
 19 receive ~~twenty-cents-(\$0.20)~~ 20 cents per head for an animal
 20 originating within the county in the state in which the
 21 market is maintained, or transported under a market
 22 consignment permit, and ~~ten-cents-(\$0.10)~~ 20 cents per head
 23 for an animal previously inspected before removal from a
 24 county as herein provided. All fees shall be paid by the
 25 owner or by the person for whom the inspection is made. For

1 ~~inspecting--on-animal-before-it-is-removed-from-the-premises~~
 2 ~~of-a-licensed-public-market-the-state-stock-inspector-making~~
 3 ~~the-inspection-shall-receive-ten-cents-(\$0.10)-per-head-from~~
 4 ~~the-owner-or-the-person-for-whom-the-inspection-is-made.~~ All
 5 fees for inspection at the market shall be collected by the
 6 state stock inspector making the inspection at the time the
 7 inspection is made and shall be sent by him to the
 8 department for deposit in the state treasury to the credit
 9 of the earmarked revenue fund for the use of the department.
 10 Shall be paid to the department for deposit in the state
 11 treasury to the credit of the earmarked revenue fund for the
 12 use of the department. State stock inspectors shall be paid
 13 for their services and receive their expenses as fixed by
 14 the department."

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

17 "46-806. Penalties for violations of act. (1) A
 18 person who removes or causes to be removed from a county in
 19 this state, livestock (a) without having the livestock
 20 inspected before removal where an inspection is required by
 21 law; (b) without obtaining a market consignment permit or
 22 transportation permit, where the permits are obtainable by
 23 law; (c) and does obtain a market consignment permit for
 24 livestock but does not deliver the livestock transported
 25 thereunder to the livestock market designated in the market

1 consignment permit; (d) and does obtain a transportation
 2 permit for the livestock but does not deliver the livestock
 3 transported thereunder to the destination as shown on the
 4 transportation permit and fails to have the livestock so
 5 transported inspected at the point of destination or does
 6 not file a loading tally with the carrier as provided in
 7 section 46-1008; is guilty of a misdemeanor and shall be
 8 punishable as provided in subsection (6) of this section.

9 (2) A person who sells or offers for sale at a
 10 livestock market, ~~or removes or causes to be removed from a~~
 11 ~~livestock market,~~ livestock without having the livestock
 12 inspected ~~or removes or causes to be removed livestock~~
 13 ~~without obtaining the required purchaser's sheet~~ is guilty
 14 of a misdemeanor and is punishable as provided in subsection
 15 (6) of this section.

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

25 (4) A person who has in his charge livestock being

1 removed from a county in the state, and for which an
 2 inspection certificate or a market consignment permit has
 3 been issued, and fails to have in his possession
 4 accompanying the livestock the inspection certificate or
 5 market consignment permit as issued for the livestock; or
 6 who, having the certificate of inspection or market
 7 consignment permit, fails to exhibit them to a sheriff,
 8 deputy sheriff, constable, highway patrolman, state stock
 9 inspector or deputy state stock inspector at their request,
 10 is guilty of a misdemeanor and is punishable as provided in
 11 subsection (6) of this section.

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

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

1 section 5. Section 46-902, R.C.M. 1947, is amended to
 2 read as follows:

3 "46-902. Inspection of public markets. Livestock
 4 inspectors, which include stock inspectors of a county or
 5 district, the sheriff of a county, or a representative of
 6 the department of livestock, may enter upon the premises
 7 where livestock is being held or sold, and be accorded every
 8 facility by the owners thereof in determining whether a
 9 violation of the law is being made, or is likely to be made,
 10 by a person, association, or corporation. The inspection may
 11 not unnecessarily interfere with the conduct of the sales.
 12 Livestock so sold at the market may not be delivered to the
 13 purchaser until he has first received an inspection
 14 certificate, ~~issued by~~ assurance from one of the officers
 15 designated in this section, for the inspection of the
 16 livestock, ~~showing clearly and explicitly that the person~~
 17 ~~making the inspection has~~ is satisfied as to the ownership of
 18 the livestock and the health of all livestock so sold."

19 Section 6. Section 46-918.1, R.C.M. 1947, is amended
 20 to read as follows:

21 "46-918.1. Operator of market to issue a receipt for
 22 livestock consigned ~~-- purchaser's sheet to be issued for~~
 23 livestock sold. Livestock consigned. A person operating a
 24 livestock market as defined by section 46-906 which must
 25 have a certificate issued by the board according to section

1 46-908, shall issue:

2 (1) a receipt to any person, firm, partnership, or
 3 corporation selling livestock through a livestock market
 4 showing the number and description of livestock he has
 5 consigned for sale; and

6 (2) a purchaser's sheet to each person purchasing
 7 livestock indicating the head count, description, brands and
 8 marks, if any, date and time of issuance, destination of the
 9 livestock, and any other information required by the board;
 10 AND

11 (3) A COPY OF EACH PURCHASER'S SHEET TO THE DEPARTMENT
 12 OF LIVESTOCK."

-End-