

HOUSE BILL NO. 278

INTRODUCED BY BARDANOUE, THIESSEN, BURNETT

IN THE HOUSE

January 19, 1979	Introduced and referred to Committee on Agriculture, Livestock, and Irrigation.
January 30, 1979	Committee recommend bill do pass as amended. Report adopted.
February 1, 1979	Printed and placed on members' desks.
February 2, 1979	Second reading, pass consideration. On motion taken from second reading and referred to Committee on Judiciary.
February 13, 1979	Committee recommend bill do pass as amended. Report adopted.
February 15, 1979	Printed and placed on members' desks.
February 17, 1979	Second reading, do pass as amended.
February 19, 1979	Correctly engrossed.
February 21, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 22, 1979	Introduced and referred to Committee on Agriculture, Livestock, and Irrigation.
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March 3, 1979

Committee recommend bill be
concurrent in. Report adopted.

March 6, 1979

Second reading, concurrent in.

March 9, 1979

Third reading, concurrent in.

IN THE HOUSE

March 10, 1979

Returned from second house.
Concurrent in. Sent to
enrolling.

Reported correctly enrolled.

1 *House* BILL NO. *278*
2 INTRODUCED BY *Barbara L. Larson*

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
5 81-3-211, MCA, TO PROVIDE AN EXCEPTION TO BRAND INSPECTIONS
6 FOR LIVESTOCK TRANSFERS WHERE THE TRANSFERS RESULT FROM A
7 CHANGE IN THE FORM OF A FAMILY RANCHING ENTITY; ESTABLISHING
8 THE CONDITIONS FOR THE EXCEPTION."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 81-3-211, MCA, is amended to read:

12 "81-3-211. Inspection of livestock before change of
13 ownership or removal from county -- transportation permits.

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

1 ~~However, the~~ change of ownership inspection requirements of
2 this subsection ~~shall do~~ not apply when:

3 (a) such sale or change of ownership transaction
4 involves five or less such animals; or

5 (b) ~~the change of ownership transaction:~~
6 (i) ~~is between:~~

7 (A) ~~an individual who is a member of one family and an~~
8 ~~individual of the same family;~~

9 (B) ~~an individual who is a member of one family and a~~
10 ~~business entity (including a partnership, corporation,~~
11 ~~association, or any entity not enumerated capable of owning~~
12 ~~or controlling livestock) that is composed of members of the~~
13 ~~same family; or~~

14 (C) ~~a business entity composed of members of one~~
15 ~~family and another business entity composed of members of~~
16 ~~the same family;~~

17 (iii) ~~involves a transfer of the complete livestock~~
18 ~~ownership of the transferor;~~

19 (iiii) ~~is accomplished without the livestock changing~~
20 ~~premises; and~~

21 (iv) ~~involves part of a herd to which no livestock~~
22 ~~have been added other than by natural increases or by~~
23 ~~addition of males used for breeding purposes for at least 2~~
24 ~~years.~~

25 (2) ~~For the purpose of subsection (1)(b), "members of~~

1 one family* means a group whose membership is determined by
 2 including an individual, the individual's ancestors and
 3 lineal descendants, the lineal descendants of a grandparent
 4 of the individual, the spouse of the individual, and the
 5 spouse of any such descendant.

6 ~~(2)(3)~~ 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 part.

12 ~~(3)(4)~~ 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 released by a state
 15 stock inspector and a certificate of release for the
 16 livestock has been issued in connection with and for the
 17 purpose of the removal from the premises of the livestock
 18 market. The release obtained pursuant to this subsection
 19 will permit the movement of the livestock so released
 20 directly to the destination shown on the certificate.

21 ~~(4)(5)~~ The person in charge of livestock being removed
 22 from a county in this state, where inspection thereof is
 23 required by this section or where change of ownership has
 24 occurred or when moved under a market consignment permit or
 25 a market release certificate, shall have in his possession

1 the certificate of inspection, market consignment permit,
 2 transportation permit, or market release certificate issued
 3 in connection therewith and shall exhibit the certificate to
 4 any sheriff, deputy sheriff, constable, highway patrolman,
 5 state stock inspector, or deputy state stock inspector upon
 6 request. Section 81-3-204 shall be extended to livestock
 7 transported or sold under the above-mentioned permits.

8 ~~(5)(6)~~ The following transportation permits may be
 9 issued:

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

24 (b) The owner of a saddle, work, or show horse may
 25 apply for a permanent transportation permit valid for both

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

25 (c) When livestock owned by and bearing the registered

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

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

-End-

HB 278

STATE OF MONTANA

Request No. 446-79

FISCAL NOTE

Form BD-15

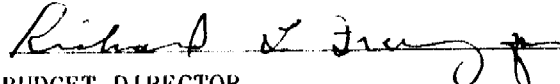
In compliance with a written request received March 9, 1979, there is hereby submitted a Fiscal Note for House Bill 278 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

This bill exempts change of ownership brand inspections when the transaction is between members of the same family.

FISCAL IMPACT:

The effect of House Bill 278 on revenue and expenditures will be minimal.


BUDGET DIRECTOR
Office of Budget and Program Planning
Date: 3/15/79

Approved by Committee
on Agriculture Livestock
& Irrigation

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THE CONDITIONS FOR THE EXCEPTION."

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Section 1. Section 81-3-211, MCA, is amended to read:

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ownership or removal from county -- transportation permits.
(1) Except as otherwise provided in this part, 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 part. The inspection
must be made in daylight;--provided;--however;--that--the

~~However, the change of ownership inspection requirements of
this subsection shall do not apply when:~~

~~(a) such sale or change of ownership transaction
involves five or less such animals; or~~

~~(b) the change of ownership transaction:~~

~~(i) is between:~~

~~(A) an individual, who is a member of one family and
an individual of the same family HIS SPOUSE, CHILD, OR
GRANDCHILD;~~

~~(B) an individual who is a member of one family and a
business entity (including a partnership, corporation,
association, or any entity not enumerated capable of owning
or controlling livestock) that is composed SOLELY of members
of the same INDIVIDUAL'S family; or~~

~~(C) a business entity composed SOLELY of members of
one family and another business entity composed SOLELY of
members of the same family;~~

~~(D) A BUSINESS ENTITY COMPOSED SOLELY OF MEMBERS OF
THE SAME FAMILY AND INDIVIDUALS OF THE SAME FAMILY WHO ARE
PART OF THE BUSINESS ENTITY;~~

~~(iii) involves a transfer of the complete livestock
ownership of the transferor;~~

~~(iv)(iii) is accomplished without the livestock
changing premises; and~~

~~(v)(iii) involves part of a herd to which no livestock~~

1 ~~have been added other than by natural increases--or--by~~
 2 ~~addition--of--males--used--for--breeding--purposes--for--at--least--2~~
 3 ~~years~~ INCREASE OR AFTER BRAND INSPECTION.

4 ~~(2) For the purpose of subsection (1)(b), "members of~~
 5 ~~one THE SAME family" means a group whose membership is~~
 6 ~~determined by including an individual, the--individual's~~
 7 ~~ancestors--and--lineal--descendants--the--lineal--descendants--of~~
 8 ~~a--grandparent--of--the--individual--the--spouse--of--the~~
 9 ~~individual--and--the--spouse--of--any--such--descendant HIS~~
 10 ~~PARENTS, CHILDREN, AND THE SPOUSES OF EACH.~~

11 ~~(2)(3) It is unlawful to sell or offer for sale at a~~
 12 ~~livestock market any livestock originating within any county~~
 13 ~~in this state in which a livestock market is maintained or~~
 14 ~~transported under a market consignment permit until the~~
 15 ~~livestock has been inspected for marks and brands by a state~~
 16 ~~stock inspector, as provided in this part.~~

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 22 ~~purpose of the removal from the premises of the livestock~~
 23 ~~market. The release obtained pursuant to this subsection~~
 24 ~~will permit the movement of the livestock so released~~
 25 ~~directly to the destination shown on the certificate.~~

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

13 ~~(5)(6) 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~~
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 23 ~~order to serve as a travel permit in this state for a period~~
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1 the horse or cow is to be removed from the state. In such
2 instances an inspection must be secured for removal and the
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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
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1 treasury to the credit of the earmarked revenue fund for the
2 use of the department. This permit may be used in lieu of
3 the inspection and certificate required by this section for
4 movement of livestock across a county line."

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Approved by Committee
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& Irrigation

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 25 The permit becomes void upon any transfer of ownership or if

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 5 apply for a permanent transportation permit valid for both
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 24 and certificates required under the provisions of this
 25 section. The state of Montana shall recognize as valid

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5 (c) When livestock owned by and bearing the registered
 6 brand of a bona fide rodeo producer is being transported
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1 treasury to the credit of the earmarked revenue fund for the
2 use of the department. This permit may be used in lieu of
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4 movement of livestock across a county line."

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

Section 1. Section 81-3-211, MCA, is amended to read:

"81-3-211. Inspection of livestock before change of ownership or removal from county -- transportation permits.

(1) FOR THE PURPOSES OF THIS SECTION:

(A) "MEMBERS OF THE SAME FAMILY" MEANS A GROUP WHOSE MEMBERSHIP IS DETERMINED BY INCLUDING AN INDIVIDUAL, HIS SPOUSE, AND HIS PARENTS, CHILDREN, GRANDCHILDREN, AND THE SPOUSES OF EACH.

(B) "FAMILY BUSINESS ENTITY" MEANS:

(i) A CORPORATION WHOSE STOCK IS OWNED SOLELY BY MEMBERS OF THE SAME FAMILY;

(ii) A PARTNERSHIP IN WHICH THE PARTNERS ARE ALL MEMBERS OF THE SAME FAMILY;

(iii) AN ASSOCIATION WHOSE MEMBERS ALL ARE MEMBERS OF THE SAME FAMILY; OR

(iv) ANY OTHER ENTITY OWNED SOLELY BY MEMBERS OF THE SAME FAMILY. (2) Except as otherwise provided in

this part, 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 part. The inspection must be made in daylight--provided--however--that-the- However, the change of ownership inspection requirements of this subsection shall do not apply when:

(a) such sale or change of ownership transaction involves five or less FEWER such animals; or

(b) the change of ownership transaction:

(i) is between:

(A) --an--individual--who--is--a--member--of--one--family--and--an--individual--of--the--same--family--HIS--SPOUSE--CHILD--OR--GRANDCHILD--OR--A--SPOUSE--OF--EITHER--A--CHILD--OR--GRANDCHILD

1 ~~f8i--an--individual--who--is--a--member--of--one--family--and--a~~
 2 ~~business--entity--including--a--partnership--corporation~~
 3 ~~association--or--any--entity--not--enumerated--capable--of--owning~~
 4 ~~or--controlling--livestock--that--is--composed--SOLELY--of--members~~
 5 ~~of--the--same--INDIVIDUAL'S--family--or~~

6 ~~f6i--a--business--entity--composed--SOLELY--of--members--of~~
 7 ~~one--family--and--another--business--entity--composed--SOLELY--of~~
 8 ~~members--of--the--same--family~~

9 ~~f9i--A--BUSINESS--ENTITY--COMPOSED--SOLELY--OF--MEMBERS--OF~~
 10 ~~THE--SAME--FAMILY--AND--INDIVIDUALS--OF--THE--SAME--FAMILY--WHR--ARE~~
 11 ~~PART--OF--THE--BUSINESS--ENTITY~~

12 ~~f11i--involves--a--transfer--of--the--complete--livestock~~
 13 ~~ownership--of--the--transferor~~

14 f1A) MEMBERS OF THE SAME FAMILY;

15 f1B) A MEMBER OF ONE FAMILY AND THE SAME FAMILY'S
 16 BUSINESS ENTITY; OR

17 f1C) THE SAME FAMILY'S BUSINESS ENTITIES;

18 ~~f11i)(III) is accomplished without the livestock~~
 19 ~~changing premises; and~~

20 ~~f1v)(IIII) involves part of a herd to which no livestock~~
 21 ~~have been added other than by natural increases or by~~
 22 ~~addition of males used for breeding purposes for at least 2~~
 23 ~~years INCREASE OR AFTER BRAND INSPECTION.~~

24 ~~f2i--For--the--purpose--of--subsection--f11i)(i)--"members--of~~
 25 ~~one--THE--SAME--family"--means--a--group--whose--membership--is~~

1 ~~determined--by--including--an--individual--the--individual's~~
 2 ~~ancestors--and--lineal--descendants--the--lineal--descendants--of~~
 3 ~~a--grandparent--of--the--individual--the--spouse--of--the~~
 4 ~~individual--and--the--spouse--of--any--such--descendant--HIS~~
 5 ~~PARENTS--CHILDREN--GRANDCHILDREN--AND--THE--SPOUSES--OF--EACH~~

6 ~~f2)(3) 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 part.~~

12 ~~f3)(4) 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 released by a state~~
 15 ~~stock inspector and a certificate of release for the~~
 16 ~~livestock has been issued in connection with and for the~~
 17 ~~purpose of the removal from the premises of the livestock~~
 18 ~~market. The release obtained pursuant to this subsection~~
 19 ~~will permit the movement of the livestock so released~~
 20 ~~directly to the destination shown on the certificate.~~

21 ~~f4)(5) The person in charge of livestock being removed~~
 22 ~~from a county in this state, where inspection thereof is~~
 23 ~~required by this section or where change of ownership has~~
 24 ~~occurred or when moved under a market consignment permit or~~
 25 ~~a market release certificate, shall have in his possession~~

1 the certificate of inspection, market consignment permit,
 2 transportation permit, or market release certificate issued
 3 in connection therewith and shall exhibit the certificate to
 4 any sheriff, deputy sheriff, constable, highway patrolman,
 5 state stock inspector, or deputy state stock inspector upon
 6 request. Section 81-3-204 shall be extended to livestock
 7 transported or sold under the above-mentioned permits.

8 ~~†5†~~6 The following transportation permits may be
 9 issued:

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

24 (b) The owner of a saddle, work, or show horse may
 25 apply for a permanent transportation permit valid for both

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

25 (c) When livestock owned by and bearing the registered

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

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

-End-

HOUSE BILL NO. 278

INTRODUCED BY BARDANOUVE, THIESSEN, BURNETT

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 81-3-211, MCA, TO PROVIDE AN EXCEPTION TO BRAND INSPECTIONS FOR LIVESTOCK TRANSFERS WHERE THE TRANSFERS RESULT FROM A CHANGE IN THE FORM OF A FAMILY RANCHING ENTITY; ESTABLISHING THE CONDITIONS FOR THE EXCEPTION."

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

Section 1. Section 81-3-211, MCA, is amended to read:

"81-3-211. Inspection of livestock before change of ownership or removal from county -- transportation permits.

(1) FOR THE PURPOSES OF THIS SECTION:

(A) "MEMBERS OF THE SAME FAMILY" MEANS A GROUP WHOSE MEMBERSHIP IS DETERMINED BY INCLUDING AN INDIVIDUAL, HIS SPOUSE, AND HIS PARENTS, CHILDREN, GRANDCHILDREN, AND THE SPOUSES OF EACH.

(B) "FAMILY BUSINESS ENTITY" MEANS:

(i) A CORPORATION WHOSE STOCK IS OWNED SOLELY BY MEMBERS OF THE SAME FAMILY;

(ii) A PARTNERSHIP IN WHICH THE PARTNERS ARE ALL MEMBERS OF THE SAME FAMILY;

(iii) AN ASSOCIATION WHOSE MEMBERS ALL ARE MEMBERS OF THE SAME FAMILY; OR

(iv) ANY OTHER ENTITY OWNED SOLELY BY MEMBERS OF THE SAME FAMILY.

~~††(2) Except as otherwise provided in this part, 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 part. The inspection must be made in daylight--provided--however--that--the--~~
~~However, the change of ownership inspection requirements of this subsection shall do not apply when:~~

~~(a) such sale or change of ownership transaction involves five or less FEWER such animals; OR~~

~~(b) the change of ownership transaction:~~

~~(i) is between:~~

~~††--an individual who is a member of one family--and an individual of the same family--HIS SPOUSE, CHILD, OR GRANDCHILD--OR A SPOUSE OF EITHER A CHILD OR GRANDCHILD;~~

~~††--an individual who is a member of one family--and a business entity--including a partnership--corporation--~~

~~association or any entity not enumerated capable of owning or controlling livestock; that is composed solely of members of the same INDIVIDUAL'S family; or~~

~~(f) a business entity composed solely of members of one family and another business entity composed solely of members of the same family~~

~~(g) a BUSINESS ENTITY COMPOSED SOLELY OF MEMBERS OF THE SAME FAMILY AND INDIVIDUALS OF THE SAME FAMILY WHO ARE PART OF THE BUSINESS ENTITY;~~

~~(i) involves a transfer of the complete livestock ownership of the transferor~~

~~(A) MEMBERS OF THE SAME FAMILY;~~

~~(B) A MEMBER OF ONE FAMILY AND THE SAME FAMILY'S BUSINESS ENTITY; OR~~

~~(C) THE SAME FAMILY'S BUSINESS ENTITIES;~~

~~(iii)(ii) is accomplished without the livestock changing premises; and~~

~~(iv)(iii) involves part of a herd to which no livestock have been added other than by natural increases or by addition of sales used for breeding purposes for at least 2 years INCREASE OR AFTER BRAND INSPECTION.~~

~~(2) For the purpose of subsection (i)(b), "members of one THE SAME family" means a group whose membership is determined by including an individual, the individual's ancestors and lineal descendants, the lineal descendants of~~

~~a grandparent of the individual, the spouse of the individual and the spouse of any such descendant HIS PARENTS, CHILDREN, GRANDCHILDREN, AND THE SPOUSES OF EACH~~

~~(2)(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 part.~~

~~(3)(4) 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 released by a state stock inspector and 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. The release obtained pursuant to this subsection will permit the movement of the livestock so released directly to the destination shown on the certificate.~~

~~(4)(5) The person in charge of livestock being removed from a county in this state, where inspection thereof is required by this section or where change of ownership has occurred or when moved under a market consignment permit or a market release certificate, shall have in his possession the certificate of inspection, market consignment permit, transportation permit, or market release certificate issued~~

1 in connection therewith and shall exhibit the certificate to
2 any sheriff, deputy sheriff, constable, highway patrolman,
3 state stock inspector, or deputy state stock inspector upon
4 request. Section 81-3-204 shall be extended to livestock
5 transported or sold under the above-mentioned permits.

6 ~~†5†6†~~ The following transportation permits may be
7 issued:

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

22 (b) The owner of a saddle, work, or show horse may
23 apply for a permanent transportation permit valid for both
24 interstate and intrastate transportation of the horse until
25 there is a change of ownership. To obtain a permit a horse

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

23 (c) When livestock owned by and bearing the registered
24 brand of a bona fide rodeo producer is being transported
25 from county to county in this state by the owner for rodeo

1 purposes and where there is no change of ownership, the
2 inspection certificate required by this section may be
3 endorsed as to the purpose and extent of transportation by
4 the inspector issuing the certificate in order to serve as a
5 travel permit in this state for the livestock described
6 thereon. The certificate is effective only between April 1
7 and October 31 of the year for which it is issued. The
8 certificate shall be issued by a state stock inspector.

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

-End-