

HOUSE BILL NO. 736

INTRODUCED BY STAIGMILLER, CONROY, LIEN,  
C. SMITH, ELLERD

IN THE HOUSE

February 10, 1979	Introduced and referred to Committee on Agriculture, Livestock, and Irrigation.
February 17, 1979	Committee recommend bill do pass. Report adopted.
February 20, 1979	Second reading, do pass as amended.
February 21, 1979	Correctly engrossed.
February 22, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 22, 1979	Introduced and referred to Committee on Agriculture, Livestock, and Irrigation.
March 6, 1979	Committee recommend bill be concurred in. Report adopted.
March 8, 1979	Second reading, concurred in.
March 12, 1979	Third reading, concurred in.

IN THE HOUSE

March 13, 1979	Returned from second house. Concurred in. Sent to enrolling. Reported correctly enrolled.
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1 *House* BILL NO. *736*  
 2 INTRODUCED BY *Starigamilla Couray Linn*  
 3 *C. Smith* *Ellerud*

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING PRESLAUGHTER  
 5 INSPECTION OF LIVESTOCK AT LICENSED LIVESTOCK MARKETS;  
 6 AMENDING SECTIONS 81-3-203 THROUGH 81-3-205, 81-3-211, AND  
 7 81-3-213, MCA."

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

10 Section 1. Section 81-3-203, MCA, is amended to read:

11 "81-3-203. Duties of state stock inspectors and deputy  
 12 stock inspectors. (1) State stock inspectors and deputy  
 13 state stock inspectors, upon the application of the owner or  
 14 the duly authorized agent of the owner of livestock, shall  
 15 inspect the livestock which is intended for sale, removal,  
 16 or shipment, or slaughter at a licensed slaughter plant and  
 17 issue a certificate of inspection therefor if it appears  
 18 with reasonable certainty that the applicant is the owner of  
 19 the livestock or has the lawful right to the possession  
 20 thereof.

21 (2) The inspection shall include an examination of the  
 22 livestock and all marks and brands thereon to identify  
 23 ownership of the livestock. The certificate of inspection  
 24 shall be made in triplicate and shall specify the date of  
 25 inspection, the place of origin and place of destination of

1 the shipment, the name and address of the owner of the  
 2 livestock or of the applicant for inspection and the  
 3 purchaser or transferee, if applicable, the class of the  
 4 animal, the marks and brands, if any, upon the animal, and  
 5 any other information upon the form of certificate as the  
 6 department may from time to time require. One copy of the  
 7 certificate shall be retained by the inspector, one copy  
 8 shall be furnished by the inspector to the owner or shipper  
 9 of the livestock, and one copy shall be filed by the  
 10 inspector with the department within 5 days.

11 (3) If it appears with reasonable certainty that the  
 12 applicant is the owner of the livestock or has the lawful  
 13 right to the possession thereof, the state stock inspectors  
 14 or deputy state stock inspectors or any sheriff or deputy  
 15 sheriff, upon application of an owner or his agent of the  
 16 livestock to be consigned and delivered directly to a  
 17 licensed livestock market or licensed livestock  
 18 slaughterhouse located in another county of the state or  
 19 delivered directly to a shipping point duly approved by the  
 20 department where a livestock inspector is available for  
 21 inspection in an adjoining county, shall issue to the person  
 22 a separate market consignment permit or transportation  
 23 permit for each owner when the owner or owners or their duly  
 24 authorized agents sign the permit certifying the brands,  
 25 description, and destination of the livestock. The market

1 consignment permit or transportation permit shall be made in  
 2 triplicate, shall specify the date and time issued, the  
 3 place of origin and place of destination of the shipment,  
 4 the name and address of the owner of the livestock and the  
 5 name and address of the person actually transporting the  
 6 livestock if different than the owner, the kind of  
 7 livestock, the marks and brands, if any, upon the livestock,  
 8 a description of the vehicle or vehicles to be used to  
 9 transport the livestock to include the license number of the  
 10 vehicles, and any other information upon the form of permit  
 11 as the department may from time to time require. Any permit  
 12 so issued shall be good for shipment within 36 hours from  
 13 date and time of issue; however, permits not used within  
 14 this time limitation must be returned to the issuing officer  
 15 to be canceled and to release the permittee from  
 16 performance. One copy of the permit shall be retained by the  
 17 inspector or sheriff's office, one copy shall be filed by  
 18 the inspector or sheriff's office with the department within  
 19 5 days of the date of issue, and one copy shall be furnished  
 20 by the inspector or sheriff's office to the owner or shipper  
 21 of the livestock, which copy of the permit shall accompany  
 22 the shipment and be delivered to the state stock inspector  
 23 at the livestock market or shipping point where the  
 24 livestock is delivered.

25 (4) Upon application of an owner or his agent, when it

1 appears with reasonable certainty that the applicant is the  
 2 owner of the livestock or has lawful right to the possession  
 3 thereof, a state stock inspector shall issue a  
 4 transportation permit which will allow the movement of the  
 5 livestock into an immediately adjoining county to land owned  
 6 or controlled by the owner or his agent for purposes of  
 7 grazing. The transportation permit shall state the breed,  
 8 description, marks and brands, if any, head count, and  
 9 description of land to and from which the livestock will be  
 10 moved. The permit will be valid for 6 months. A state  
 11 stock inspector may enter the premises where livestock so  
 12 moved have been transported and inspect any livestock moved  
 13 under the transportation permit or any livestock commingled  
 14 therewith.

15 (5) Any person transporting strays or livestock not  
 16 lawfully under his control is guilty of a misdemeanor and  
 17 punishable as provided in 81-3-231."

18 Section 2. Section 81-3-204, MCA, is amended to read:  
 19 "81-3-204. Seizure of livestock -- retention of  
 20 livestock -- sale -- disposal of proceeds. (1) All state  
 21 stock inspectors inspecting any livestock, either before or  
 22 after shipment or removal from any county in this state, or  
 23 upon a change of ownership, or at the preslaughter  
 24 inspection at a licensed slaughterhouse may inspect and  
 25 seize either at the point of sale, shipment, or destination.

1 or slaughter or en route any livestock or proceeds thereof  
 2 which the inspector believes is stolen or upon which brands  
 3 have been altered or obliterated or which does not conform  
 4 to the description contained on the tally sheet furnished by  
 5 the shipper thereof or to the description contained in any  
 6 certificate of inspection or release issued before shipment  
 7 or removal of the livestock.

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

25 Section 3. Section 81-3-205, MCA, is amended to read:

1 "81-3-205. Fees for inspection and livestock  
 2 transportation permits. (1) For the service of inspection  
 3 before removal from a county or before change of ownership,  
 4 the inspector making the inspections shall receive 25 cents  
 5 per head for 12 head or less, or \$3 for 12 head to 20 head  
 6 and 20 cents per head for each head over 20 head. For the  
 7 issuance of a market consignment permit or transportation  
 8 permit (other than a permanent permit) before removal from a  
 9 county, the inspector, sheriff, or deputy sheriff issuing  
 10 the permits shall receive 25 cents for each permit issued  
 11 for 12 head or less, 50 cents for each permit for 12 to 30  
 12 head, and \$1 for each permit issued for over 30 head and  
 13 shall receive in addition his necessary actual expenses, to  
 14 be paid by the owner or the person for whom the inspection  
 15 is made or permit issued. For the issuance of a permanent  
 16 horse transportation permit, the state stock inspector  
 17 taking the application for permit shall receive \$5 per head  
 18 for each permit issued. All inspection and permit fees and  
 19 expenses shall be collected by the inspector, sheriff, or  
 20 deputy sheriff at the time of inspection or issuance of  
 21 permit, and all the fees and expenses collected by a deputy  
 22 state stock inspector, sheriff, or deputy sheriff shall be  
 23 retained by him, and all such fees and expenses collected by  
 24 a state stock inspector shall be sent by him to the  
 25 department for deposit in the state treasury to the credit

HB 736

1 of the earmarked revenue fund for the use of the department.

2 (2) For the service of inspection before livestock is  
3 sold or offered for sale at a licensed livestock market, or  
4 slaughtered at a licensed slaughterhouse, a state stock  
5 inspector or deputy state stock inspector making the  
6 inspection shall receive 20 cents per head for an animal  
7 originating within the county in the state in which the  
8 market or slaughterhouse is maintained or transported under  
9 a market consignment permit or transportation permit and 10  
10 cents per head for an animal previously inspected before  
11 removal from a county as herein provided. All fees shall be  
12 paid by the owner or by the person for whom the inspection  
13 is made. For releasing an animal so that it may be removed  
14 from the premises of a licensed livestock market, the state  
15 stock inspector making the release shall receive 20 cents  
16 per head from the owner or the person for whom the release  
17 is made. All fees for inspection and release at the market  
18 shall be collected at the time the inspection or release is  
19 made by the state stock inspector making the inspection or  
20 release and shall be sent by him to the department for  
21 deposit in the state treasury to the credit of the earmarked  
22 revenue fund for the use of the department. All fees for  
23 preslaughter inspection made at a licensed slaughterhouse by  
24 the state stock inspector shall be paid to the department  
25 for deposit in the state treasury to the credit of the

1 earmarked revenue fund for the use of the department.

2 Preslaughter inspection fees paid to a deputy state stock  
3 inspector shall be retained by him.

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

11 Section 4. 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 up on  
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 change

1 of ownership inspection requirements of this subsection  
2 shall not apply when such sale or change of ownership  
3 transaction involves five or less such animals.

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

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

14 ~~(3)(4)~~ 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 released by a state  
17 stock inspector and a certificate of release for the  
18 livestock has been issued in connection with and for the  
19 purpose of the removal from the premises of the livestock  
20 market. The release obtained pursuant to this subsection  
21 will permit the movement of the livestock so released  
22 directly to the destination shown on the certificate.

23 ~~(4)(5)~~ The person in charge of livestock being removed  
24 from a county in this state, where inspection thereof is  
25 required by this section or where change of ownership has

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

10 ~~(5)(6)~~ The following transportation permits may be  
11 issued:

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

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

1 automatically void upon a change of ownership.

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

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

1 movement of livestock across a county line."

2 Section 5. Section 81-3-213, MCA, is amended to read:

3 "81-3-213. Inspection of livestock removed from state.

4 Except as provided for in subsections (1) and (2) of

5 81-3-212 and subsections ~~(3)~~ (4) and ~~(5)(b)~~(b) of 81-3-211,

6 nothing contained in this part authorizes or permits a

7 person to remove or cause to be removed livestock from this

8 state to a location outside of this state, unless the

9 livestock has been inspected for brands by a state stock

10 inspector or deputy state stock inspector and a certificate

11 for the inspection has been issued in connection with and

12 for the purpose of the transportation or removal as provided

13 in this part."

-End-

HB 736



STATE OF MONTANA

Request No. 467-79

FISCAL NOTE

Form BD-15

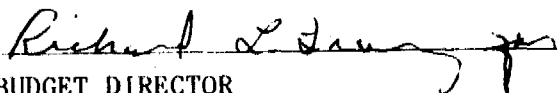
In compliance with a written request received March 9, 1979, there is hereby submitted a Fiscal Note for House Bill 736 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

This bill requires preslaughter inspection of livestock at licensed slaughterhouses.

FISCAL IMPACT:

House Bill 736 will have no fiscal effect on the Department of Livestock because the Department has been performing the functions proposed in the bill.

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

## 1 HOUSE BILL NO. 736

2 INTRODUCED BY STAIGMILLER, CONROY, LIEN,

3 C. SMITH, ELLERD

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING PRESLAUGHTER  
6 INSPECTION OF LIVESTOCK AT LICENSED LIVESTOCK MARKETS  
7 SLAUGHTERHOUSES; AMENDING SECTIONS 81-3-203 THROUGH  
8 81-3-205, 81-3-211, AND 81-3-213, MCA."  
9

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

11 Section 1. Section 81-3-203, MCA, is amended to read:

12 "81-3-203. Duties of state stock inspectors and deputy  
13 stock inspectors. (1) State stock inspectors and deputy  
14 state stock inspectors, upon the application of the owner or  
15 the duly authorized agent of the owner of livestock, shall  
16 inspect the livestock which is intended for sale, removal,  
17 or shipment, or slaughter at a licensed slaughter plant and  
18 issue a certificate of inspection therefor if it appears  
19 with reasonable certainty that the applicant is the owner of  
20 the livestock or has the lawful right to the possession  
21 thereof.

22 (2) The inspection shall include an examination of the  
23 livestock and all marks and brands thereon to identify  
24 ownership of the livestock. The certificate of inspection  
25 shall be made in triplicate and shall specify the date of

1 inspection, the place of origin and place of destination of  
2 the shipment, the name and address of the owner of the  
3 livestock or of the applicant for inspection and the  
4 purchaser or transferee, if applicable, the class of the  
5 animal, the marks and brands, if any, upon the animal, and  
6 any other information upon the form of certificate as the  
7 department may from time to time require. One copy of the  
8 certificate shall be retained by the inspector, one copy  
9 shall be furnished by the inspector to the owner or shipper  
10 of the livestock, and one copy shall be filed by the  
11 inspector with the department within 5 days.

12 (3) If it appears with reasonable certainty that the  
13 applicant is the owner of the livestock or has the lawful  
14 right to the possession thereof, the state stock inspectors  
15 or deputy state stock inspectors or any sheriff or deputy  
16 sheriff, upon application of an owner or his agent of the  
17 livestock to be consigned and delivered directly to a  
18 licensed livestock market or licensed livestock  
19 slaughterhouse located in another county of the state or  
20 delivered directly to a shipping point duly approved by the  
21 department where a livestock inspector is available for  
22 inspection in an adjoining county, shall issue to the person  
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 7 livestock if different than the owner, the kind of  
 8 livestock, the marks and brands, if any, upon the livestock,  
 9 a description of the vehicle or vehicles to be used to  
 10 transport the livestock to include the license number of the  
 11 vehicles, and any other information upon the form of permit  
 12 as the department may from time to time require. Any permit  
 13 so issued shall be good for shipment within 36 hours from  
 14 date and time of issue; however, permits not used within  
 15 this time limitation must be returned to the issuing officer  
 16 to be canceled and to release the permittee from  
 17 performance. One copy of the permit shall be retained by the  
 18 inspector or sheriff's office, one copy shall be filed by  
 19 the inspector or sheriff's office with the department within  
 20 5 days of the date of issue, and one copy shall be furnished  
 21 by the inspector or sheriff's office to the owner or shipper  
 22 of the livestock, which copy of the permit shall accompany  
 23 the shipment and be delivered to the state stock inspector  
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 25 livestock is delivered.

1 (4) Upon application of an owner or his agent, when it  
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 14 under the transportation permit or any livestock commingled  
 15 therewith.

16 (5) Any person transporting strays or livestock not  
 17 lawfully under his control is guilty of a misdemeanor and  
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19 Section 2. Section 81-3-204, MCA, is amended to read:  
 20 "81-3-204. Seizure of livestock -- retention of  
 21 livestock -- sale -- disposal of proceeds. (1) All state  
 22 stock inspectors inspecting any livestock, either before or  
 23 after shipment or removal from any county in this state, or  
 24 upon a change of ownership, or at the preslaughter  
 25 inspection at a licensed slaughterhouse may inspect and

1 seize either at the point of sale, shipment, or destination,  
 2 ~~or slaughter~~ or en route any livestock or proceeds thereof  
 3 which the inspector believes is stolen or upon which brands  
 4 have been altered or obliterated or which does not conform  
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 14 livestock at a licensed livestock market or in the open  
 15 market for the best available price and remit the proceeds,  
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 17 together with a full description of the livestock sold,  
 18 giving marks and brands, if any, and a statement of the  
 19 reason for the seizure and sale. The proceeds shall be  
 20 deposited by the department with the state treasurer and  
 21 credited to the department fund, where it is subject to  
 22 claim by the owner of the livestock in the same manner and  
 23 for the same length of time as is provided by law for the  
 24 making of claims for moneys arising from the sale of stray  
 25 stock."

1 Section 3. Section 81-3-205, MCA, is amended to read:  
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 6 per head for 12 head or less, or \$3 for 12 head to 20 head  
 7 and 20 cents per head for each head over 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 25 cents for each permit issued  
 12 for 12 head or less, 50 cents for each permit for 12 to 30  
 13 head, and \$1 for each permit issued for over 30 head and  
 14 shall receive in addition his necessary actual expenses, to  
 15 be paid by the owner or the person for whom the inspection  
 16 is made or permit issued. For the issuance of a permanent  
 17 horse transportation permit, the state stock inspector  
 18 taking the application for permit shall receive \$5 per head  
 19 for each permit issued. All inspection and permit fees and  
 20 expenses shall be collected by the inspector, sheriff, or  
 21 deputy sheriff at the time of inspection or issuance of  
 22 permit, and all the fees and expenses collected by a deputy  
 23 state stock inspector, sheriff, or deputy sheriff shall be  
 24 retained by him, and all such fees and expenses collected by  
 25 a state stock inspector shall be sent by him to the

1 department for deposit in the state treasury to the credit  
 2 of the earmarked revenue fund for the use of the department.

3 (2) For the service of inspection before livestock is  
 4 sold or offered for sale at a licensed livestock market or  
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 6 inspector or deputy state stock inspector making the  
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 11 cents per head for an animal previously inspected before  
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 13 paid by the owner or by the person for whom the inspection  
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 15 from the premises of a licensed livestock market, the state  
 16 stock inspector making the release shall receive 20 cents  
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 18 is made. All fees for inspection and release at the market  
 19 shall be collected at the time the inspection or release is  
 20 made by the state stock inspector making the inspection or  
 21 release and shall be sent by him to the department for  
 22 deposit in the state treasury to the credit of the earmarked  
 23 revenue fund for the use of the department. All fees for  
 24 preslaughter inspection made at a licensed slaughterhouse by  
 25 the state stock inspector shall be paid to the department

1 for deposit in the state treasury to the credit of the  
 2 earmarked revenue fund for the use of the department.  
 3 Preslaughter inspection fees paid to a deputy state stock  
 4 inspector shall be retained by him.

5 (3) All inspection and release fees and expenses shall  
 6 be paid to the department for deposit in the state treasury  
 7 to the credit of the earmarked revenue fund for the use of  
 8 the department unless paid to a deputy state stock  
 9 inspector. State stock inspectors shall be paid for their  
 10 services and receive their expenses as fixed by the  
 11 department."

12 Section 4. Section 81-3-211, MCA, is amended to read:  
 13 "81-3-211. Inspection of livestock before change of  
 14 ownership or removal from county -- transportation permits.  
 15 (1) Except as otherwise provided in this part, it is  
 16 unlawful to remove or cause to be removed from a county in  
 17 this state any livestock or to transfer ownership by sale or  
 18 otherwise or for an intended purchaser or his agent to take  
 19 possession of any such animal subject to title passing upon  
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 21 livestock has been inspected for brands by a state stock  
 22 inspector or deputy state stock inspector and a certificate  
 23 of the inspection has been issued in connection with and for  
 24 the purpose of the transportation or removal or of such  
 25 change of ownership as provided in this part. The inspection

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

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

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

15 ~~(4)(5)~~ It is unlawful to remove or cause to be removed  
16 any livestock from the premises of a livestock market in  
17 this state unless the livestock has been released by a state  
18 stock inspector and a certificate of release for the  
19 livestock has been issued in connection with and for the  
20 purpose of the removal from the premises of the livestock  
21 market. The release obtained pursuant to this subsection  
22 will permit the movement of the livestock so released  
23 directly to the destination shown on the certificate.

24 ~~(4)(5)~~ The person in charge of livestock being removed  
25 from a county in this state, where inspection thereof is

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

11 ~~(5)(6)~~ The following transportation permits may be  
12 issued:

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

1 endorsed certificate surrendered.

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

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

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

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

1 the inspection and certificate required by this section for  
2 movement of livestock across a county line."

3 Section 5. Section 81-3-213, MCA, is amended to read:

4 "81-3-213. Inspection of livestock removed from state.  
5 Except as provided for in subsections (1) and (2) of  
6 81-3-212 and subsections ~~(3)~~ (4) and ~~(5)~~(6)(b) of 81-3-211,  
7 nothing contained in this part authorizes or permits a  
8 person to remove or cause to be removed livestock from this  
9 state to a location outside of this state, unless the  
10 livestock has been inspected for brands by a state stock  
11 inspector or deputy state stock inspector and a certificate  
12 for the inspection has been issued in connection with and  
13 for the purpose of the transportation or removal as provided  
14 in this part."

-End-



HOUSE BILL NO. 736

INTRODUCED BY STAIGMILLER, CONROY, LIEN,

C. SMITH, ELLERD

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING PRESLAUGHTER INSPECTION OF LIVESTOCK AT LICENSED LIVESTOCK MARKETS SLAUGHTERHOUSES; AMENDING SECTIONS 81-3-203 THROUGH 81-3-205, 81-3-211, AND 81-3-213, MCA."

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

Section 1. Section 81-3-203, MCA, is amended to read:

"81-3-203. Duties of state stock inspectors and deputy stock inspectors. (1) State stock inspectors and deputy state stock inspectors, upon the application of the owner or the duly authorized agent of the owner of livestock, shall inspect the livestock which is intended for sale, removal, or shipment, or slaughter at a licensed slaughter plant and issue a certificate of inspection therefor if it appears with reasonable certainty that the applicant is the owner of the livestock or has the lawful right to the possession thereof.

(2) The inspection shall include an examination of the livestock and all marks and brands thereon to identify ownership of the livestock. The certificate of inspection shall be made in triplicate and shall specify the date of

inspection, the place of origin and place of destination of the shipment, the name and address of the owner of the livestock or of the applicant for inspection and the purchaser or transferee, if applicable, the class of the animal, the marks and brands, if any, upon the animal, and any other information upon the form of certificate as the department may from time to time require. One copy of the certificate shall be retained by the inspector, one copy shall be furnished by the inspector to the owner or shipper of the livestock, and one copy shall be filed by the inspector with the department within 5 days.

(3) If it appears with reasonable certainty that the applicant is the owner of the livestock or has the lawful right to the possession thereof, the state stock inspectors or deputy state stock inspectors or any sheriff or deputy sheriff, upon application of an owner or his agent of the livestock to be consigned and delivered directly to a licensed livestock market or licensed livestock slaughterhouse located in another county of the state or delivered directly to a shipping point duly approved by the department where a livestock inspector is available for inspection in an adjoining county, shall issue to the person a separate market consignment permit or transportation permit for each owner when the owner or owners or their duly authorized agents sign the permit certifying the brands,

1 description, and destination of the livestock. The market  
 2 consignment permit or transportation permit shall be made in  
 3 triplicate, shall specify the date and time issued, the  
 4 place of origin and place of destination of the shipment,  
 5 the name and address of the owner of the livestock and the  
 6 name and address of the person actually transporting the  
 7 livestock if different than the owner, the kind of  
 8 livestock, the marks and brands, if any, upon the livestock,  
 9 a description of the vehicle or vehicles to be used to  
 10 transport the livestock to include the license number of the  
 11 vehicles, and any other information upon the form of permit  
 12 as the department may from time to time require. Any permit  
 13 so issued shall be good for shipment within 36 hours from  
 14 date and time of issue; however, permits not used within  
 15 this time limitation must be returned to the issuing officer  
 16 to be canceled and to release the permittee from  
 17 performance. One copy of the permit shall be retained by the  
 18 inspector or sheriff's office, one copy shall be filed by  
 19 the inspector or sheriff's office with the department within  
 20 5 days of the date of issue, and one copy shall be furnished  
 21 by the inspector or sheriff's office to the owner or shipper  
 22 of the livestock, which copy of the permit shall accompany  
 23 the shipment and be delivered to the state stock inspector  
 24 at the livestock market or shipping point where the  
 25 livestock is delivered.

1 (4) Upon application of an owner or his agent, when it  
 2 appears with reasonable certainty that the applicant is the  
 3 owner of the livestock or has lawful right to the possession  
 4 thereof, a state stock inspector shall issue a  
 5 transportation permit which will allow the movement of the  
 6 livestock into an immediately adjoining county to land owned  
 7 or controlled by the owner or his agent for purposes of  
 8 grazing. The transportation permit shall state the breed,  
 9 description, marks and brands, if any, head count, and  
 10 description of land to and from which the livestock will be  
 11 moved. The permit will be valid for 6 months. A state  
 12 stock inspector may enter the premises where livestock so  
 13 moved have been transported and inspect any livestock moved  
 14 under the transportation permit or any livestock commingled  
 15 therewith.

16 (5) Any person transporting strays or livestock not  
 17 lawfully under his control is guilty of a misdemeanor and  
 18 punishable as provided in 81-3-231."

19 Section 2. Section 81-3-204, MCA, is amended to read:  
 20 "81-3-204. Seizure of livestock -- retention of  
 21 livestock -- sale -- disposal of proceeds. (1) All state  
 22 stock inspectors inspecting any livestock, ~~either before or~~  
 23 ~~after shipment or removal from any county in this state,~~ or  
 24 upon a change of ownership, or at the preslaughter  
 25 inspection at a licensed slaughterhouse may inspect and

1 seize either at the point of sale, shipment, or destination,  
 2 ~~or slaughter~~ or en route any livestock or proceeds thereof  
 3 which the inspector believes is stolen or upon which brands  
 4 have been altered or obliterated or which does not conform  
 5 to the description contained on the tally sheet furnished by  
 6 the shipper thereof or to the description contained in any  
 7 certificate of inspection or release issued before shipment  
 8 or removal of the livestock.

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

1 Section 3. Section 81-3-205, MCA, is amended to read:  
 2 "81-3-205. Fees for inspection and livestock  
 3 transportation permits. (1) For the service of inspection  
 4 before removal from a county or before change of ownership,  
 5 the inspector making the inspections shall receive 25 cents  
 6 per head for 12 head or less, or \$3 for 12 head to 20 head  
 7 and 20 cents per head for each head over 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 25 cents for each permit issued  
 12 for 12 head or less, 50 cents for each permit for 12 to 30  
 13 head, and \$1 for each permit issued for over 30 head and  
 14 shall receive in addition his necessary actual expenses, to  
 15 be paid by the owner or the person for whom the inspection  
 16 is made or permit issued. For the issuance of a permanent  
 17 horse transportation permit, the state stock inspector  
 18 taking the application for permit shall receive \$5 per head  
 19 for each permit issued. All inspection and permit fees and  
 20 expenses shall be collected by the inspector, sheriff, or  
 21 deputy sheriff at the time of inspection or issuance of  
 22 permit, and all the fees and expenses collected by a deputy  
 23 state stock inspector, sheriff, or deputy sheriff shall be  
 24 retained by him, and all such fees and expenses collected by  
 25 a state stock inspector shall be sent by him to the

1 department for deposit in the state treasury to the credit  
 2 of the earmarked revenue fund for the use of the department.  
 3 (2) For the service of inspection before livestock is  
 4 sold or offered for sale at a licensed livestock market ~~or~~  
 5 ~~slaughtered at a licensed slaughterhouse,~~ a state stock  
 6 ~~inspector or deputy state stock inspector~~ making the  
 7 inspection shall receive 20 cents per head for an animal  
 8 originating within the county in the state in which the  
 9 market ~~or slaughterhouse~~ is maintained or transported under  
 10 a market consignment permit ~~or transportation permit~~ and 10  
 11 cents per head for an animal previously inspected before  
 12 removal from a county as herein provided. All fees shall be  
 13 paid by the owner or by the person for whom the inspection  
 14 is made. For releasing an animal so that it may be removed  
 15 from the premises of a licensed livestock market, the state  
 16 stock inspector making the release shall receive 20 cents  
 17 per head from the owner or the person for whom the release  
 18 is made. All fees for inspection and release at the market  
 19 shall be collected at the time the inspection or release is  
 20 made by the state stock inspector making the inspection or  
 21 release and shall be sent by him to the department for  
 22 deposit in the state treasury to the credit of the earmarked  
 23 revenue fund for the use of the department. All fees for  
 24 preslaughter inspection made at a licensed slaughterhouse by  
 25 the state stock inspector shall be paid to the department

1 ~~for deposit in the state treasury to the credit of the~~  
 2 ~~earmarked revenue fund for the use of the department.~~  
 3 ~~Pre~~slaughter inspection fees paid to a deputy state stock  
 4 ~~inspector shall be retained by him.~~  
 5 (3) All inspection and release fees and expenses shall  
 6 be paid to the department for deposit in the state treasury  
 7 to the credit of the earmarked revenue fund for the use of  
 8 the department ~~unless paid to a deputy state stock~~  
 9 ~~inspector.~~ State stock inspectors shall be paid for their  
 10 services and receive their expenses as fixed by the  
 11 department."  
 12 Section 4. Section 81-3-211, MCA, is amended to read:  
 13 \*81-3-211. Inspection of livestock before change of  
 14 ownership or removal from county -- transportation permits.  
 15 (1) Except as otherwise provided in this part, it is  
 16 unlawful to remove or cause to be removed from a county in  
 17 this state any livestock or to transfer ownership by sale or  
 18 otherwise or for an intended purchaser or his agent to take  
 19 possession of any such animal subject to title passing upon  
 20 meeting or satisfaction of any conditions, unless the  
 21 livestock has been inspected for brands by a state stock  
 22 inspector or deputy state stock inspector and a certificate  
 23 of the inspection has been issued in connection with and for  
 24 the purpose of the transportation or removal or of such  
 25 change of ownership as provided in this part. The inspection

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

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

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

15 (3)(4) It is unlawful to remove or cause to be removed  
16 any livestock from the premises of a livestock market in  
17 this state unless the livestock has been released by a state  
18 stock inspector and a certificate of release for the  
19 livestock has been issued in connection with and for the  
20 purpose of the removal from the premises of the livestock  
21 market. The release obtained pursuant to this subsection  
22 will permit the movement of the livestock so released  
23 directly to the destination shown on the certificate.

24 (4)(5) The person in charge of livestock being removed  
25 from a county in this state, where inspection thereof is

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

11 (5)(6) The following transportation permits may be  
12 issued:

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

1 endorsed certificate surrendered.

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

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

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

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

1 the inspection and certificate required by this section for  
2 movement of livestock across a county line."

3 Section 5. Section 81-3-213, MCA, is amended to read:

4 "81-3-213. Inspection of livestock removed from state.  
5 Except as provided for in subsections (1) and (2) of  
6 81-3-212 and subsections ~~(3)~~ (4) and ~~(5)~~ (6)(b) of 81-3-211,  
7 nothing contained in this part authorizes or permits a  
8 person to remove or cause to be removed livestock from this  
9 state to a location outside of this state, unless the  
10 livestock has been inspected for brands by a state stock  
11 inspector or deputy state stock inspector and a certificate  
12 for the inspection has been issued in connection with and  
13 for the purpose of the transportation or removal as provided  
14 in this part."

-End-