

SENATE BILL NO. 414

INTRODUCED BY BOYLAN

BY REQUEST OF THE SENATE AGRICULTURE COMMITTEE  
AND THE DEPARTMENT OF LIVESTOCK

IN THE SENATE

February 9, 1981	Introduced and referred to Committee on Agriculture, Livestock, and Irrigation.
February 16, 1981	Committee recommend bill do pass. Report adopted.
February 17, 1981	Bill printed and placed on members' desks.
February 18, 1981	Second reading, do pass.
February 19, 1981	Correctly engrossed.
February 20, 1981	Third reading, passed. Ayes, 50; Noes, 0. Transmitted to House.

IN THE HOUSE

February 21, 1981	Introduced and referred to Committee on Agriculture.
March 12, 1981	Committee recommend bill be concurred in. Report adopted.
March 21, 1981	Second reading, concurred in.
March 24, 1981	Third reading, concurred in. Ayes, 96; Noes, 0.

IN THE SENATE

March 25, 1981	Returned from House. Concurred in. Sent to enrolling.
March 27, 1981	Correctly enrolled.

March 27, 1981

Signed by President.

March 28, 1981

Delivered to Governor.

April 3, 1981

Returned from Governor with recommended amendments.

April 4, 1981

On motion placed on second reading for consideration this legislative day. Motion adopted.

Second reading, Governor's amendments concurred in.

On motion rules suspended. Bill placed on calendar for third reading this day.

Third reading, Governor's amendments concurred in. Ayes, 44; Noes, 0. Transmitted to House.

#### IN THE HOUSE

April 4, 1981

Second reading, Governor's amendments concurred in.

Third reading, Governor's amendments concurred in.

#### IN THE SENATE

April 6, 1981

Returned from House. Concurred in. Sent to enrolling.

Reported correctly enrolled.

1 *Sen. Stoyan* BILL NO. 414  
 2 INTRODUCED BY *Stoyan*  
 3 BY REQUEST OF THE SENATE AGRICULTURE COMMITTEE  
 4 AND THE DEPARTMENT OF LIVESTOCK

5  
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE LAW  
 7 WHICH ADDRESSES THE CONDITIONS UNDER WHICH THE CHANGE OF  
 8 OWNERSHIP LIVESTOCK INSPECTION REQUIREMENTS DO NOT APPLY;  
 9 AMENDING SECTION 81-3-211, MCA."

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

12 Section 1. 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) For the purposes of this section:

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

20 (b) "Family business entity" means:

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

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

25 (iii) an association whose members all are members of

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

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

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

20 (b) the change of ownership transaction  
 21 ~~(i) is between~~  
 22 ~~(A) members of the same family;~~  
 23 ~~(B) a member of one family and the same family's~~  
 24 ~~business entity; or~~  
 25 ~~(C) the same family's business entities;~~

1       ~~+++~~ is accomplished without the livestock changing  
2 premises, and

3       ~~+++~~ involves part of a herd to which no livestock  
4 have been added other than by natural increase or after  
5 brand inspection, and is between:

- 6       ~~(i) members of the same family;~~  
7       ~~(ii) a member of one family and the same family's~~  
8       ~~business entity; or~~  
9       ~~(iii) the same family's business entities.~~

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

16       (b) It is unlawful to slaughter livestock at a  
17 licensed livestock slaughterhouse unless the livestock have  
18 been inspected for marks or brands by a state or deputy  
19 state stock inspector.

20       (4) It is unlawful to remove or cause to be removed  
21 any livestock from the premises of a livestock market in  
22 this state unless the livestock has been released by a state  
23 stock inspector and a certificate of release for the  
24 livestock has been issued in connection with and for the  
25 purpose of the removal from the premises of the livestock

1 market. The release obtained pursuant to this subsection  
2 will permit the movement of the livestock so released  
3 directly to the destination shown on the certificate.

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

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

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

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

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

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

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

19 (d) An owner of livestock or his agent may be issued a  
 20 transportation permit allowing the movement of his livestock  
 21 into an immediately adjoining county and return when the  
 22 livestock is being moved for grazing purposes and when it is  
 23 being moved to and from land owned or controlled by the  
 24 owner of the livestock or his agent. The permit is valid for  
 25 6 months and must be issued by a state stock inspector. The

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1 fee for the permit is \$5, which shall be paid to the state  
2 stock inspector at the time the permit is issued and  
3 remitted by him to the department for deposit in the state  
4 treasury to the credit of the earmarked revenue fund for the  
5 use of the department. This permit may be used in lieu of  
6 the inspection and certificate required by this section for  
7 movement of livestock across a county line."

-End-

Approved by Committee on Agriculture Livestock & Irrigation

SENATE BILL NO. 414

1 INTRODUCED BY [Signature]
2 BY REQUEST OF THE SENATE AGRICULTURE COMMITTEE
3 AND THE DEPARTMENT OF LIVESTOCK
4

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6 WHICH ADDRESSES THE CONDITIONS UNDER WHICH THE CHANGE OF
7 OWNERSHIP LIVESTOCK INSPECTION REQUIREMENTS DO NOT APPLY;
8 AMENDING SECTION 81-3-211, MCA."
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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) For the purposes of this section:

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

19 (b) "Family business entity" means:

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

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

24 (iii) an association whose members all are members of
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1 the same family; or
2 (iv) any other entity owned solely by members of the
3 same family.

4 (2) Except as otherwise provided in this part, it is
5 unlawful to remove or cause to be removed from a county in
6 this state any livestock or to transfer ownership by sale or
7 otherwise or for an intended purchaser or his agent to take
8 possession of any such animal subject to title passing upon
9 meeting or satisfaction of any conditions, unless the
10 livestock has been inspected for brands by a state stock
11 inspector or deputy state stock inspector and a certificate
12 of the inspection has been issued in connection with and for
13 the purpose of the transportation or removal or of such
14 change of ownership as provided in this part. The inspection
15 must be made in daylight. However, the change of ownership
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17 when:

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

20 (b) the change of ownership transaction
21 ~~{+}--is-between~~

22 ~~{\*}--members-of-the-same-family;~~
23 ~~{B)--a-member-of-one-family-and-the-same-family's~~

24 ~~business-entity; or~~
25 ~~{C)--the-same-family's-business-entity;~~

1       ~~(++)~~ is accomplished without the livestock changing  
2 premises; end

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5 brand inspection, and is between:

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

16       (b) It is unlawful to slaughter livestock at a  
17 licensed livestock slaughterhouse unless the livestock have  
18 been inspected for marks or brands by a state or deputy  
19 state stock inspector.

20       (4) It is unlawful to remove or cause to be removed  
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22 this state unless the livestock has been released by a state  
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25 purpose of the removal from the premises of the livestock

1 market. The release obtained pursuant to this subsection  
2 will permit the movement of the livestock so released  
3 directly to the destination shown on the certificate.

4       (5) The person in charge of livestock being removed  
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8 a market release certificate, shall have in his possession  
9 the certificate of inspection, market consignment permit,  
10 transportation permit, or market release certificate issued  
11 in connection therewith and shall exhibit the certificate to  
12 any sheriff, deputy sheriff, constable, highway patrolman,  
13 state stock inspector, or deputy state stock inspector upon  
14 request. Section 81-3-204 shall be extended to livestock  
15 transported or sold under the above-mentioned permits.

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

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



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

7 (b) The owner of a saddle, work, or show horse may  
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 9 interstate and intrastate transportation of the horse until  
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 24 automatically become void. The permit must accompany the  
 25 horse for which it was issued at all times while the horse

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 2 and certificates required under the provisions of this  
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 5 jurisdictions to the owner of a saddle, work, or show horse  
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1 fee for the permit is \$5, which shall be paid to the state  
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3 remitted by him to the department for deposit in the state  
4 treasury to the credit of the earmarked revenue fund for the  
5 use of the department. This permit may be used in lieu of  
6 the inspection and certificate required by this section for  
7 movement of livestock across a county line."

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*Sen. Stoylan* BILL NO. *414*  
*Stoylan*

INTRODUCED BY \_\_\_\_\_  
BY REQUEST OF THE SENATE AGRICULTURE COMMITTEE  
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A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE LAW WHICH ADDRESSES THE CONDITIONS UNDER WHICH THE CHANGE OF OWNERSHIP LIVESTOCK INSPECTION REQUIREMENTS DO NOT APPLY; AMENDING SECTION 81-3-211, MCA."

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.

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the same family; or  
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(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. However, the change of ownership inspection requirements of this subsection do not apply when:

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

(b) the change of ownership transaction

~~(i) is between~~

~~(A) members of the same family;~~

~~(B) a member of one family and the some family's~~

~~business entity; or~~

~~(C) the some family's business entities;~~

1       ~~+++~~ is accomplished without the livestock changing  
2 premises, and

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4 have been added other than by natural increase or after  
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25 purpose of the removal from the premises of the livestock

1       market. The release obtained pursuant to this subsection  
2 will permit the movement of the livestock so released  
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23 ownership, the inspection certificate required by this  
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25 transportation by the inspector issuing the certificate in

1 order to serve as a travel permit in this state for a period  
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 3 The permit becomes void upon any transfer of ownership or if  
 4 the horse or cow is to be removed from the state. In such  
 5 instances an inspection must be secured for removal and the  
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7 (b) The owner of a saddle, work, or show horse may  
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 11 must have either a registered brand that has been legally  
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 2 and certificates required under the provisions of this  
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 9 brand of a bona fide rodeo producer is being transported  
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6 the inspection and certificate required by this section for  
7 movement of livestock across a county line."

-End-

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(b) "Family business entity" means:

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

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2       premises; and

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8       business entity; or

9       (iii) the same family's business entities.

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

16       (b) It is unlawful to slaughter livestock at a  
17       licensed livestock slaughterhouse unless the livestock have  
18       been inspected for marks or brands by a state or deputy  
19       state stock inspector.

20       (4) It is unlawful to remove or cause to be removed  
21       any livestock from the premises of a livestock market in  
22       this state unless the livestock has been released by a state  
23       stock inspector and a certificate of release for the  
24       livestock has been issued in connection with and for the  
25       purpose of the removal from the premises of the livestock

1       market. The release obtained pursuant to this subsection  
2       will permit the movement of the livestock so released  
3       directly to the destination shown on the certificate.

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

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

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



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

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

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

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

19 (d) An owner of livestock or his agent may be issued a  
 20 transportation permit allowing the movement of his livestock  
 21 into an immediately adjoining county and return when the  
 22 livestock is being moved for grazing purposes and when it is  
 23 being moved to and from land owned or controlled by the  
 24 owner of the livestock or his agent. The permit is valid for  
 25 6 months and must be issued by a state stock inspector. The

1 fee for the permit is \$5, which shall be paid to the state  
2 stock inspector at the time the permit is issued and  
3 remitted by him to the department for deposit in the state  
4 treasury to the credit of the earmarked revenue fund for the  
5 use of the department. This permit may be used in lieu of  
6 the inspection and certificate required by this section for  
7 movement of livestock across a county line."

-End-

1           SENATE BILL NO. 414  
 2           INTRODUCED BY BOYLAN  
 3           BY REQUEST OF THE SENATE AGRICULTURE COMMITTEE  
 4           AND THE DEPARTMENT OF LIVESTOCK  
 5

6   A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE LAW  
 7   WHICH ADDRESSES THE CONDITIONS UNDER WHICH THE CHANGE OF  
 8   OWNERSHIP LIVESTOCK INSPECTION REQUIREMENTS DO NOT APPLY AND  
 9   TO CLARIFY THE DATE ON WHICH THE BRUCELLOSIS VACCINATION  
 10   REQUIREMENT IS EFFECTIVE; PROVIDING AN EFFECTIVE DATE FOR  
 11   THE LATTER CLARIFICATION; AMENDING SECTION 81-3-211, MCA."  
 12

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

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

15       "81-3-211. Inspection of livestock before change of  
 16   ownership or removal from county -- transportation permits.

17   (1) For the purposes of this section:

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

22       (b) "Family business entity" means:

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

25       (ii) a partnership in which the partners are all

1   members of the same family;

2       (iii) an association whose members all are members of  
 3   the same family; or

4       (iv) any other entity owned solely by members of the  
 5   same family.

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

20       (a) such sale or change of ownership transaction  
 21   involves five or fewer such animals; or

22       (b) the change of ownership transaction:

23       ~~(1) is between~~

24       ~~(A) members of the same family;~~

25       ~~(B) a member of one family and the same family's~~

1 ~~business-entity; or~~  
 2 ~~(E)--the-same-family's-business-entities;~~  
 3 ~~(ii) is accomplished without the livestock changing~~  
 4 ~~premises; and~~  
 5 ~~(iii) involves part of a herd to which no livestock~~  
 6 ~~have been added other than by natural increase or after~~  
 7 ~~brand inspection; and is between:~~  
 8 ~~(i) members of the same family;~~  
 9 ~~(ii) a member of one family and the same family's~~  
 10 ~~business entity; or~~  
 11 ~~(iii) the same family's business entities.~~  
 12 (3) (a) It is unlawful to sell or offer for sale at a  
 13 livestock market any livestock originating within any county  
 14 in this state in which a livestock market is maintained or  
 15 transported under a market consignment permit until the  
 16 livestock has been inspected for marks and brands by a state  
 17 stock inspector, as provided in this part.  
 18 (b) It is unlawful to slaughter livestock at a  
 19 licensed livestock slaughterhouse unless the livestock have  
 20 been inspected for marks or brands by a state or deputy  
 21 state stock inspector.  
 22 (4) It is unlawful to remove or cause to be removed  
 23 any livestock from the premises of a livestock market in  
 24 this state unless the livestock has been released by a state  
 25 stock inspector and a certificate of release for the

1 livestock has been issued in connection with and for the  
 2 purpose of the removal from the premises of the livestock  
 3 market. The release obtained pursuant to this subsection  
 4 will permit the movement of the livestock so released  
 5 directly to the destination shown on the certificate.  
 6 (5) The person in charge of livestock being removed  
 7 from a county in this state, where inspection thereof is  
 8 required by this section or where change of ownership has  
 9 occurred or when moved under a market consignment permit or  
 10 a market release certificate, shall have in his possession  
 11 the certificate of inspection, market consignment permit,  
 12 transportation permit, or market release certificate issued  
 13 in connection therewith and shall exhibit the certificate to  
 14 any sheriff, deputy sheriff, constable, highway patrolman,  
 15 state stock inspector, or deputy state stock inspector upon  
 16 request. Section 81-3-204 shall be extended to livestock  
 17 transported or sold under the above-mentioned permits.  
 18 (6) The following transportation permits may be  
 19 issued:  
 20 (a) If a saddle, work, or show horse is being  
 21 transported from county to county in this state by the owner  
 22 for his personal use or business or where a purebred cow is  
 23 being transported from county to county in this state by its  
 24 owner for show purposes and where there is no change of  
 25 ownership, the inspection certificate required by this

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

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

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

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

21 (d) An owner of livestock or his agent may be issued a  
 22 transportation permit allowing the movement of his livestock  
 23 into an immediately adjoining county and return when the  
 24 livestock is being moved for grazing purposes and when it is  
 25 being moved to and from land owned or controlled by the

1 owner of the livestock or his agent. The permit is valid for  
2 6 months and must be issued by a state stock inspector. The  
3 fee for the permit is \$5, which shall be paid to the state  
4 stock inspector at the time the permit is issued and  
5 remitted by him to the department for deposit in the state  
6 treasury to the credit of the earmarked revenue fund for the  
7 use of the department. This permit may be used in lieu of  
8 the inspection and certificate required by this section for  
9 movement of livestock across a county line."

10 SECTION 2. EFFECTIVE DATE OF BRUCELLOSIS VACCINATION  
11 REQUIREMENT. (1) CHAPTER 196 OF THE LAWS OF 1981 IS  
12 EFFECTIVE ON THE EFFECTIVE DATE OF THIS SUBSECTION.

13 (2) SUBSECTION (1) IS EFFECTIVE ON PASSAGE AND  
14 APPROVAL.

-End-

April 3, 1981

PROPOSED GOVERNOR'S AMENDMENTS TO SENATE BILL NO. 414;  
REFERENCE COPY AS FOLLOWS:

1. Title, Line 8  
Following: "APPLY"  
Insert: "AND TO CLARIFY THE DATE ON WHICH THE BRUCELLOSIS  
VACCINATION REQUIREMENT IS EFFECTIVE; PROVIDING  
AN EFFECTIVE DATE FOR THE LATTER CLARIFICATION"
  
2. Page 7, Line 8.  
Following: Line 7  
Insert: Section 2. "Effective date of brucellosis vac-  
cination requirement. (1) Chapter 196 of the  
Laws of 1981 is effective on the effective date  
of this subsection.  
(2) Subsection (1) is effective on passage and  
approval."



State of Montana  
Office of the Governor  
Helena 59620

TED SCHWINDEN  
GOVERNOR

April 2, 1981

The Honorable Jean Turnage  
President of the Senate  
State Capitol  
Helena, Montana 59620

The Honorable Robert L. Marks  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Senator Turnage and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return Senate Bill 414, "AN ACT TO CLARIFY THE LAW WHICH ADDRESSES THE CONDITIONS UNDER WHICH THE CHANGE OF OWNERSHIP LIVESTOCK INSPECTION REQUIREMENTS DO NOT APPLY; AMENDING SECTION 81-3-211, MCA," without my signature and recommend the attached amendments for the following reasons.

The amendment I am proposing to Senate Bill No. 414, is necessary to clarify the intent of the Legislature with respect to House Bill No. 860 (Chapter 196, Laws 1981). House Bill No. 860 attempted to remove a potential hardship caused by the immediate effective date of House Bill No. 247 (Chapter 111, Laws 1981) by changing the effective date of House Bill No. 247 to January 1, 1982. House Bill No. 247 imposes a brucellasis vaccination requirement on certain female cattle imported into Montana.

House Bill No. 860 should have contained an immediate effective date. Without an immediate effective date, Section 1-2-201, MCA, provides that a bill takes effect on the first day of July following its passage and approval. Since an immediate effective date was not contained in House Bill No. 860, the immediate effective date of House Bill No. 247 was not successfully delayed until January 1, 1982. There-



Senator Turnage and Representative Marks

April 2, 1981

Page Two

fore the hardships immediately imposed on affected persons have not been mitigated or eliminated. Senate Bill No. 414 is returned for amendment to make House Bill No. 860 effective on passage and approval of Senate Bill No. 414.

I urge your concurrence in these amendments.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ted Schwinden".

TED SCHWINDEN  
Governor

April 2, 1981

PROPOSED GOVERNOR'S AMENDMENTS TO SENATE BILL NO. 414;  
REFERENCE COPY AS FOLLOWS:

1. Title, Line 8  
Following: "APPLY"  
Insert: "AND TO CLARIFY THE DATE ON WHICH THE BRUCELLOSIS  
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Insert: Section 2. "Effective date of brucellosis vac-  
cination requirement. (1) Chapter 196 of the  
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of this subsection.  
(2) Subsection (1) is effective on passage and  
approval."