

SENATE BILL NO. 102

INTRODUCED BY OCHSNER, McCALLUM, E. SMITH, LEE,
ZABROCKI, BLAYLOCK, DEVLIN, HANSON, BOYLAN, HOWE

BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

IN THE SENATE

January 11, 1983	Introduced and referred to Committee on Agriculture, Livestock and Irrigation.
January 17, 1983	Committee recommend bill do pass. Report adopted.
January 18, 1983	Bill printed and placed on members' desks.
January 19, 1983	Second reading, do pass.
January 20, 1983	Considered correctly engrossed.
January 21, 1983	Third reading, passed. Ayes, 43; Noes, 0. Transmitted to House.

IN THE HOUSE

January 22, 1983	Introduced and referred to Committee on Agriculture, Livestock and Irrigation.
January 31, 1983	Committee recommend bill be concurred in. Report adopted. Posted on Consent Calendar.
February 1, 1983	Questions and answers.
February 2, 1983	Consent Calendar, concurred in.

IN THE SENATE

February 3, 1983	Returned to Senate. Sent to enrolling.
	Reported correctly enrolled.

1 *Senate* BILL NO. *102*
 2 INTRODUCED BY *Debra* *McAllister* *E. Smith*
 3 *Zabacki* *Stagoch* *Lee*
 4 BY REQUEST OF THE DEPARTMENT OF LIVESTOCK *M. Henson*
 5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A TRAVEL
 6 PERMIT FOR LIVESTOCK OWNED BY A RODEO PRODUCER IS EFFECTIVE
 7 FOR A CALENDAR YEAR; AMENDING SECTION 81-3-211, MCA."

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

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

11 "81-3-211. Inspection of livestock before change of
 12 ownership or removal from county — transportation permits.

13 (1) For the purposes of this section:

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

18 (b) "Family business entity" means:

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

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

23 (iii) an association whose members all are members of
 24 the same family; or

25 (iv) any other entity owned solely by members of the

1 same family.

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

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

18 (b) the change of ownership transaction is
 19 accomplished without the livestock changing premises,
 20 involves part of a herd to which no livestock have been
 21 added other than by natural increase or after brand
 22 inspection, and is between:

23 (i) members of the same family;

24 (ii) a member of one family and the same family's
 25 business entity; or

INTRODUCED BILL

(iii) the same family's business entities.

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

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

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

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

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

(6) The following transportation permits may be issued:

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

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

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

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

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

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

- 1 (7) Before any removal or change of ownership may take
- 2 place, the seller of livestock shall request all required
- 3 inspections and shall pay the required fees."

-End-

Approved by Committee
on Agriculture Livestock
& Irrigation

1 *Senate* BILL NO. *102*
2 INTRODUCED BY *Ochener, M. Bullen, E. Smith*
3 *Zabacki, Stanley, D. Smith* BY REQUEST OF THE DEPARTMENT OF LIVESTOCK *Lee*
4 *M. Hanson*

5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A TRAVEL
6 PERMIT FOR LIVESTOCK OWNED BY A RODEO PRODUCER IS EFFECTIVE
7 FOR A CALENDAR YEAR; AMENDING SECTION 81-3-211, MCA."

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

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

11 "81-3-211. Inspection of livestock before change of
12 ownership or removal from county — transportation permits.

13 (1) For the purposes of this section:

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

18 (b) "Family business entity" means:

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

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

23 (iii) an association whose members all are members of
24 the same family; or

25 (iv) any other entity owned solely by members of the

1 same family.

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

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

18 (b) the change of ownership transaction is
19 accomplished without the livestock changing premises,
20 involves part of a herd to which no livestock have been
21 added other than by natural increase or after brand
22 inspection, and is between:

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24 (ii) a member of one family and the same family's
25 business entity; or

SECOND READING

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (7) Before any removal or change of ownership may take
2 place, the seller of livestock shall request all required
3 inspections and shall pay the required fees."

-End-

1 *Senate* BILL NO. *102*
 2 INTRODUCED BY *Ochsner* *McAllister* *E. Smith*
 3 *Gabrochi* *Stanlock* *Dustin* BY REQUEST OF THE DEPARTMENT OF LIVESTOCK *Lee*
 4 *M. Hanson*
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THIRD READING

SB/02

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ZABROCKI, BLAYLOCK, DEVLIN, HANSON, BOYLAN, HOWE
BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

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 12 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 (7) Before any removal or change of ownership may take
3 place, the seller of livestock shall request all required
4 inspections and shall pay the required fees."

-End-