

HB 323 INTRODUCED BY KELLER, ET AL.
LIVESTOCK TRANSPORTATION THROUGH TWO CONSECUTIVELY
ADJACENT COUNTIES

1/20 INTRODUCED

1/20 REFERRED TO AGRICULTURE, LIVESTOCK &
IRRIGATION

2/06 TABLED IN COMMITTEE

1 *House* BILL NO. *323*
 2 INTRODUCED BY *Kellen Jayne Ryan Patterson*
 3 *n. Hancock* *Dionette Poff* *Tracy Spalk*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW TRANSPORTATION
 5 OF LIVESTOCK FOR GRAZING PURPOSES FROM THE COUNTY OF ORIGIN
 6 THROUGH NOT MORE THAN TWO COUNTIES TO THE COUNTY OF
 7 DESTINATION WITHOUT A BRAND INSPECTION; AND AMENDING SECTION
 8 81-3-211, MCA."

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

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

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

14 (1) 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
25 the same family; or

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

3 (2) Except as otherwise provided in this part, it is
4 unlawful to remove or cause to be removed from a county in
5 this state any livestock or to transfer ownership by sale or
6 otherwise or for an intended purchaser or his agent to take
7 possession of any such animal subject to title passing upon
8 meeting or satisfaction of any conditions, unless the
9 livestock has been inspected for brands by a state stock
10 inspector or deputy state stock inspector and a certificate
11 of the inspection has been issued in connection with and for
12 the purpose of the transportation or removal or of such
13 change of ownership as provided in this part. The inspection
14 must be made in daylight. However, the change of ownership
15 inspection requirements of this subsection do not apply
16 when the change of ownership transaction is accomplished
17 without the livestock changing premises, involves part of a
18 herd to which no livestock have been added other than by
19 natural increase or after brand inspection, and is between:

20 (a) members of the same family;

21 (b) a member of one family and the same family's
22 business entity; or

23 (c) the same family's business entities.

24 (3) (a) It is unlawful to sell or offer for sale at a
25 livestock market any livestock originating within any county



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1 in this state in which a livestock market is maintained or
 2 transported under a market consignment permit until the
 3 livestock has been inspected for marks and brands by a state
 4 stock inspector, as provided in this part.

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

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

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

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

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

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

21 (b) The owner of a saddle, work, or show horse may
 22 apply for a permanent transportation permit valid for both
 23 interstate and intrastate transportation of the horse until
 24 there is a change of ownership. To obtain a permit a horse
 25 must have either a registered brand that has been legally

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

22 (c) When livestock owned by and bearing the registered
 23 brand of a bona fide rodeo producer is being transported
 24 from county to county in this state by the owner for rodeo
 25 purposes and where there is no change of ownership, the

1 inspection certificate required by this section may be
 2 endorsed, as to the purpose and extent of transportation, by
 3 the inspector issuing the certificate in order to serve as a
 4 travel permit in this state for the livestock described
 5 thereon. The certificate is effective for the calendar year
 6 for which it is issued. The certificate shall be issued by
 7 a state stock inspector.

8 (d) An owner of livestock or his agent may be issued a
 9 transportation permit allowing the movement of his livestock
 10 into--an--immediately--adjoining--county from the county of
 11 origin through not more than two counties to the county of
 12 destination and return when the livestock is being moved for
 13 grazing purposes and when it is being moved to and from land
 14 owned or controlled by the owner of the livestock or his
 15 agent. The permit is valid for 6 months and must be issued
 16 by a state stock inspector. The department shall establish a
 17 fee for the permit, to be paid to the state stock inspector
 18 at the time the permit is issued and remitted by him to the
 19 department for deposit in the state treasury to the credit
 20 of the state special revenue fund for the use of the
 21 department. This permit may be used in lieu of the
 22 inspection and certificate required by this section for
 23 movement of livestock across a county line.

24 (7) Before any removal or change of ownership may take
 25 place, the seller of livestock shall request all required

1 inspections and shall pay the required fees."

2 NEW SECTION. Section 2. Extension of authority. Any
3 existing authority of the department of livestock to make
4 rules on the subject of the provisions of this act is
5 extended to the provisions of this act.

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