

HOUSE BILL NO. 276

INTRODUCED BY PATTERSON, BOYLAN, ZOOK, SWIFT, KASTEN,
GIACOMETTO, HANSON, GLASER, GRINDE, KELLER, KOEHNKE,
ELLISON, GRADY, DEBRUYCKER, IVERSON, DEVLIN, BENGTSON,
GUTHRIE, SEVERSON, DAILY, NATHE

BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

IN THE HOUSE

JANUARY 13, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK & IRRIGATION.
JANUARY 18, 1989	FIRST READING.
FEBRUARY 2, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 3, 1989	PRINTING REPORT.
FEBRUARY 4, 1989	SECOND READING, DO PASS.
FEBRUARY 6, 1989	ENGROSSING REPORT.
FEBRUARY 7, 1989	THIRD READING, PASSED. AYES, 97; NOES, 2.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 8, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK & IRRIGATION.
	FIRST READING.
MARCH 6, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 7, 1989	SECOND READING, CONCURRED IN.
MARCH 9, 1989	THIRD READING, CONCURRED IN. AYES, 50; NOES, 0.
	RETURNED TO HOUSE.

MARCH 10, 1989

IN THE HOUSE

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 276
2 INTRODUCED BY Lawson Boyle Swift Walter
3 Dixon BY REQUEST OF THE U.S. House DEPARTMENT OF LIVESTOCK
4 Boehner Ellison Shady Seaton Wahl Wicker Wright WV VA MD
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
6 LAWS RELATING TO LIVESTOCK; PROVIDING FOR SEASONAL BRANDS OF
7 LIMITED DURATION; REVISING BRAND INSPECTION AND
8 TRANSPORTATION PERMIT PROVISIONS; DELETING PROVISIONS
9 RELATING TO TRANSPORTATION OF LIVESTOCK BY RAILROAD;
10 DELETING THE BRAND INSPECTION REQUIREMENT FOR IMPORTED
11 LIVESTOCK; INCLUDING LLAMAS AND BISON IN LAWS RELATING TO
12 CONTAINMENT OF LIVESTOCK AND UNAUTHORIZED MOVEMENT OR
13 TRANSPORTATION OF LIVESTOCK; AMENDING SECTIONS 81-2-702,
14 81-3-103, 81-3-203, 81-3-205, 81-3-211 THROUGH 81-3-214,
15 81-3-231, 81-4-201, 81-4-214, 81-4-215, 81-4-306, 81-4-401,
16 81-4-402, 81-4-601, 81-4-603, 81-4-621, 81-5-101, AND
17 81-5-104, MCA; AND REPEALING SECTIONS 81-4-607 THROUGH
18 81-4-610, MCA."

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

21 **Section 1.** Section 81-2-702, MCA, is amended to read:

22 "81-2-702. Definitions. As used in this part, the
23 following definitions apply:

24 (1) "Animals" means livestock, dogs, cats, rabbits,
25 rodents, game animals, fur-bearing and wild animals, and

1 poultry and other birds.

2 (2) "Biologics" means medicinal preparations made from
3 living organisms and their products. It includes but is not
4 limited to serums, vaccines, antigens, and antitoxins.

5 (3) "Department" means the department of livestock.

6 (4) "Health certificate" means a legible record
7 written on an official health certificate form of the state
8 of origin or on an equivalent form of the U.S. department of
9 agriculture attesting that the animals, animal semen, or
10 animal biologics described thereon have been visually
11 inspected by a federally accredited veterinarian and found
12 to meet the entry requirements of the state of Montana.

13 (5) "Livestock" means cattle, horses, mules, asses,
14 sheep, llamas, bison, swine, and goats.

15 (6) "Permit" means an official document issued by the
16 department after proper application that allows the movement
17 of animals, animal semen, or animal biologics into Montana.

18 (7) "Poultry" means domesticated birds, including but
19 not limited to chickens, turkeys, ducks, geese, guinea fowl,
20 pigeons, and pheasants."

21 **Section 2.** Section 81-3-103, MCA, is amended to read:

22 *81-3-103. Application for recording -- record of
23 brands. (1) A person, firm, or corporation desiring to have
24 recorded an artificial mark or brand for use in
25 distinguishing or identifying the ownership of any domestic

1 animal or livestock shall make application for the mark or
 2 brand to the department. The application must be in writing
 3 and must contain the name, residence, and post-office
 4 address of the applicant and the species of the animals on
 5 which the mark or brand is to be used. An applicant may
 6 apply for a seasonal mark or brand that is designated for
 7 use only for a specific period of time and that is subject
 8 to renewal upon termination of that period.

9 (2) The department shall designate for the applicant's
 10 use some practical form of mark or brand distinguishable
 11 with reasonable certainty from all other marks and brands
 12 recorded or rerecorded, within the period of 10 years
 13 immediately preceding the time of filing the application, in
 14 the name of some person, firm, or corporation other than the
 15 applicant. The department shall designate the position on
 16 the animals on which the mark or brand shall be placed and
 17 the species of animals on which the mark or brand may be
 18 used.

19 (3) The department shall keep a record in a book kept
 20 by it for that purpose of the particular mark or brand, the
 21 position on the animal where the mark or brand is to be
 22 used, the species of animals on which the mark or brand is
 23 to be used, and the date of recording. The record is a
 24 public record and is prima facie evidence of the facts
 25 recorded in it."

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

2 **"81-3-203. Duties of state stock inspectors and deputy**
 3 **stock inspectors.** (1) State stock inspectors and deputy
 4 state stock inspectors, upon the application of the owner or
 5 the duly authorized agent of the owner of livestock, shall
 6 inspect the livestock which is intended for sale, removal,
 7 shipment, or slaughter at a licensed slaughter plant and
 8 issue a certificate of inspection therefor if it appears
 9 with reasonable certainty that the applicant is the owner of
 10 the livestock or has the lawful right to the possession
 11 thereof.

12 (2) The inspection shall include an examination of the
 13 livestock and all marks and brands thereon to identify
 14 ownership of the livestock. The certificate of inspection
 15 shall be made in triplicate and shall specify the date of
 16 inspection, the place of origin and place of destination of
 17 the shipment, the name and address of the owner of the
 18 livestock or of the applicant for inspection and the
 19 purchaser or transferee, if applicable, the class of the
 20 animal, the marks and brands, if any, upon the animal, and
 21 any other information upon the form of certificate as the
 22 department may from time to time require. One copy of the
 23 certificate shall be retained by the inspector, one copy
 24 shall be furnished by the inspector to the owner or shipper
 25 of the livestock, and one copy shall be filed by the

1 inspector with the department within 5 days.

2 (3) If it appears with reasonable certainty that the
3 applicant is the owner of the livestock or has the lawful
4 right to the possession thereof, the state stock inspectors
5 or deputy state stock inspectors ~~or any sheriff or deputy~~
6 ~~sheriff~~, upon application of an owner or his agent of the
7 livestock to be consigned and delivered directly to a
8 licensed livestock market or licensed livestock
9 slaughterhouse located in another county of the state or
10 delivered directly to a shipping point duly approved by the
11 department where a livestock inspector is available for
12 inspection in an adjoining county, shall issue to the person
13 a separate market consignment permit or transportation
14 permit for each owner when the owner or owners or their duly
15 authorized agents sign the permit certifying the brands,
16 description, and destination of the livestock. The market
17 consignment permit or transportation permit shall be made in
18 triplicate, shall specify the date and time issued, the
19 place of origin and place of destination of the shipment,
20 the name and address of the owner of the livestock and the
21 name and address of the person actually transporting the
22 livestock if different than the owner, the kind of
23 livestock, the marks and brands, if any, upon the livestock,
24 a description of the vehicle or vehicles to be used to
25 transport the livestock to include the license number of the

1 vehicles, and any other information upon the form of permit
2 as the department may from time to time require. Any permit
3 so issued shall be good for shipment within 36 hours from
4 date and time of issue; however, permits not used within
5 this time limitation must be returned to the issuing officer
6 to be canceled and to release the permittee from
7 performance. One copy of the permit shall be retained by the
8 inspector ~~or sheriff's office~~, one copy shall be filed by
9 the inspector ~~or sheriff's office~~ with the department within
10 5 days of the date of issue, and one copy shall be furnished
11 by the inspector ~~or sheriff's office~~ to the owner or shipper
12 of the livestock, which copy of the permit shall accompany
13 the shipment and be delivered to the state stock inspector
14 at the livestock market or shipping point where the
15 livestock is delivered.

16 (4) Upon application of an owner or his agent, when it
17 appears with reasonable certainty that the applicant is the
18 owner of the livestock or has lawful right to the possession
19 thereof, a state stock inspector shall issue a
20 transportation permit which will allow the movement of the
21 livestock into an ~~immediately~~ adjoining county to land owned
22 or controlled by the owner or his agent for purposes of
23 grazing. The transportation permit shall state the breed,
24 description, marks and brands, if any, head count, and
25 description of land to and from which the livestock will be

1 moved. The permit ~~will be~~ is valid for 6 months as provided
 2 in 81-3-211(6)(d). A state stock inspector may enter the
 3 premises where livestock so moved have been transported and
 4 inspect any livestock moved under the transportation permit
 5 or any livestock commingled therewith.

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

9 **Section 4.** Section 81-3-205, MCA, is amended to read:

10 "81-3-205. Fees for inspection and livestock
 11 transportation permits. (1) For the service of inspection of
 12 all livestock except horses, mules, or asses before removal
 13 from a county or before change of ownership, the inspector
 14 making the inspections shall receive a fee established by
 15 the department for each head inspected. For the issuance of
 16 a market consignment permit or transportation permit (other
 17 than a permanent permit) before removal from a county for
 18 all livestock, the inspector~~7--sheriff7--or-deputy-sheriff~~
 19 issuing the permits shall receive a fee established by the
 20 department for each permit issued and shall receive in
 21 addition his necessary actual expenses, to be paid by the
 22 owner or the person for whom the inspection is made or
 23 permit issued. For the issuance of a permanent horse
 24 transportation permit, the state stock inspector taking the
 25 application for permit shall receive a fee established by

1 the department for each permit issued. All inspection and
 2 permit fees and expenses shall be collected by the
 3 inspector~~7--sheriff7--or--deputy--sheriff~~ at the time of
 4 inspection or issuance of permit, and all the fees and
 5 expenses collected by a deputy state stock inspector~~7~~
 6 ~~sheriff7--or-deputy-sheriff~~ shall be retained by him, and all
 7 such fees and expenses collected by a state stock inspector
 8 shall be sent by him to the department for deposit in the
 9 state treasury to the credit of the state special revenue
 10 fund for the use of the department.

11 (2) For the service of inspection before any livestock
 12 except a horse, mule, or ass is sold or offered for sale at
 13 a licensed livestock market or slaughtered at a licensed
 14 slaughterhouse, a state stock inspector or deputy state
 15 stock inspector making the inspection shall receive a fee
 16 established by the department for each head inspected. All
 17 fees shall be paid by the owner or by the person for whom
 18 the inspection is made. For releasing an animal so that it
 19 may be removed from the premises of a licensed livestock
 20 market, the state stock inspector making the release shall
 21 receive a fee established by the department for each head
 22 inspected from the owner or the person for whom the release
 23 is made. All fees for inspection and release at the market
 24 shall be collected at the time the inspection or release is
 25 made by the state stock inspector making the inspection or

1 release and shall be sent by him to the department for
 2 deposit in the state treasury to the credit of the state
 3 special revenue fund for the use of the department. All
 4 fees for preslaughter inspection made at a licensed
 5 slaughterhouse by the state stock inspector shall be paid to
 6 the department for deposit in the state treasury to the
 7 credit of the state special revenue fund for the use of the
 8 department. Preslaughter inspection fees paid to a deputy
 9 state stock inspector shall be retained by him.

10 (3) (a) For the service of inspection of horses,
 11 mules, or asses before removal from a county or before
 12 change of ownership, the inspector making the inspection
 13 shall receive a fee established by the department for each
 14 head inspected and shall receive in addition his necessary
 15 actual expenses, to be paid by the owner or the person for
 16 whom the inspection is made. All fees and expenses collected
 17 by a state stock inspector must be sent by him to the
 18 department for deposit in the state treasury to the credit
 19 of the state special revenue fund for the use of the
 20 department.

21 (b) For the service of inspection before a horse,
 22 mule, or ass is sold or offered for sale at a licensed
 23 livestock market, a state stock inspector making the
 24 inspection shall receive a fee established by the department
 25 for each head inspected. All fees shall be paid by the owner

1 or the person for whom the inspection is made to the state
 2 stock inspector.

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

10 **Section 5.** 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 (c) "Rodeo producer" means a person who produces or
3 furnishes livestock that is used for rodeo purposes.

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

21 (a) members of the same family;

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

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

25 (3) (a) It is unlawful to sell or offer for sale at a

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

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

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

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

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

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

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

23 (b) The owner of a saddle, work, or show horse may
24 apply for a permanent transportation permit valid for both
25 interstate and intrastate transportation of the horse until

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

24 (c) When livestock owned by and bearing the registered
25 brand of a bona fide rodeo producer is being transported

from county to county in this state by the owner for rodeo 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 the livestock described thereon. The certificate is effective for the calendar year for which it is issued. The certificate shall be issued by a state stock inspector.

(d) An owner of livestock or his agent may be issued a transportation permit allowing the movement of his livestock into an immediately adjoining county and return when the livestock is being moved for grazing purposes and when it is being moved to and from land owned or controlled by the owner of the livestock or his agent. The permit is valid for 6-months the period from March 31 through December 31 of the calendar year in which it is issued and must be issued by a state stock inspector. The permit may be issued only if the livestock is branded with the permittee's brand, which must be registered in Montana. The department shall establish a fee for the permit, to be paid to the state stock inspector at the time the permit is issued and remitted by him to the department for deposit in the state treasury to the credit of the state special revenue fund for the use of the department. This permit may be used in lieu of the

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

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

Section 6. Section 81-3-212, MCA, is amended to read:

"81-3-212. Exceptions. Section 81-3-211 does not apply to livestock:

(1) being transported through the state in interstate commerce without leaving the custody of the carrier;

~~{2}--transported-by--railroad--consigned-to-and-which, without-leaving-the-custody-of-the--carrier,--does--reach--a market--at--which-the-department-regularly-maintains-a-stock inspector-and-a-loading-tally-has-been-filed-by-the--shipper with-the-carrier-as-provided-in-81-4-607;~~

~~{3}~~(2) when driven on the hoof and not moved by means of any motor vehicle, trailer, horse-drawn vehicle, railroad car, or boat by the owner from one county to the--next an adjoining county within the state onto land owned or controlled by the owner of livestock so moved for the purpose of pasturing, feeding, or changing the range thereof;

~~{4}~~(3) when driven on the hoof or moved by means of a motor vehicle, trailer, horse-drawn vehicle, railroad-car, or boat by the owner from one county to the--next an

adjoining county within this state onto land owned or controlled by the owner of livestock without leaving land owned or controlled by the owner when moved for the purpose of pasturing, feeding, or changing the range thereof;

~~(5)~~(4) when driven on the hoof from one county to an adjoining county within this state for the purpose of ~~shipment-by-railroad-or~~ delivery to a licensed public market by a person who has been the owner of that livestock for a period of at least 3 months;

~~(6)~~(5) from one county to be consigned to, and which actually reaches ~~by-means-other-than-railroad~~, a licensed livestock market located in another county of the state at which the department regularly maintains a stock inspector and for which a market consignment permit has been obtained in a manner provided by law;

~~(7)--when-hauled-by-truck-or-trailer-from-one-county-to-an-adjoining-county-within-the-state-for-the-purpose-of-shipment-by-railroad-at-which-shipping-point-the-department-maintains-a-stock-inspector-or-where-a-deputy-state-stock-inspector-is-available-and-for-which-a-transportation-permit-has-been-obtained-in-the-manner-provided-by-law-~~

(6) being transported to a veterinarian for health treatment and returned to their original premises if certification of treatment by the attending veterinarian accompanies the livestock on their return."

Section 7. Section 81-3-213, MCA, is amended to read:

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

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

Section 8. Section 81-3-214, MCA, is amended to read:

"81-3-214. Inspection--of--imported--livestock Entry permit. ~~(1) Except as provided in subsections (2) and (3) of this section, any person owning livestock imported into this state or his agent must notify the department or a salaried employee of the department of the number, breed, type, and age of the livestock, its location, and the purpose for which it has been brought into the state. Such notification shall be made within 48 hours after the arrival of the livestock in the state. Livestock so moved may not be commingled with any livestock already in Montana until inspected for brands and marks in daylight by a state stock inspector or deputy state stock inspector. The fees for this~~

inspection--shall--be--the--same--as---those---imposed---for
 county--line--or--change-of-ownership--inspections---The--fees
 paid--to--state--stock--inspectors--shall--be--remitted--to--the
 department--for--deposit--in--the--state--special--revenue--fund--for
 the--use--of--the--department.

{2}--Livestock--consigned--to--a--licensed--livestock--market
 or--for--immediate--slaughter--to--a--licensed--slaughter--facility
 at--which--pre-slaughter--inspection--is--maintained--is--exempt
 from--the--requirements--of--this--section.

{3}--Livestock--moved--between--Montana--and--an--adjacent
 state--for--graze--on--a--regular--basis--and--as--part--of--the--usual
 operation--of--a--farm--or--ranch--shall--be--exempt--from--the--notice
 and--inspection--requirements--of--this--section,--provided--a--A
 transportation permit for the entry of the livestock into
 Montana has--been must be obtained by the owner or his agent
 from a state stock inspector prior to the entry of the
 livestock into Montana. The department shall establish a fee
 for the permit, to be remitted by the department to the
 state treasury for credit to the state special revenue
 account of the department. The department shall provide by
 rule for the issuance and control of transportation permits
 authorized by this subsection section."

Section 9. Section 81-3-231, MCA, is amended to read:

"81-3-231. Penalties. (1) A person is guilty of a
 misdemeanor and is punishable as provided in subsection {6}

(5) of this section if he removes livestock or causes
 livestock to be removed from a county in this state:

(a) without having the livestock inspected before
 removal if an inspection is required by law;

(b) without obtaining a market consignment permit or
 transportation permit if the permits are required by law;

(c) and does obtain a market consignment permit for
 livestock but does not deliver the livestock transported
 thereunder to the livestock market designated in the market
 consignment permit;

(d) and does obtain a transportation permit for the
 livestock but does not deliver the livestock transported
 thereunder to the destination as shown on the transportation
 permit and fails to have the livestock so transported
 inspected at the point of destination or--does--not--file--a
 loading--tally--with--the--carrier--as--provided--in--81-4-607.

(2) A person who sells livestock or offers livestock
 for sale at a livestock market without having the livestock
 inspected or removes livestock or causes livestock to be
 removed from a livestock market without obtaining a release
 is guilty of a misdemeanor and is punishable as provided in
 subsection {6} (5) of this section.

{3}--A--person--who--ships--by--railroad--carrier--and--the
 railroad--carrier--transporting--livestock--for--which--a--loading
 tally--has--been--filed--as--provided--by--81-4-607--and--for--which

~~shipment-of-livestock-an-inspection-has-not-been-made--which
after--shipment-causes-or-permits-the-livestock-to-leave-the
custody-of-the-railroad-carrier-at-a-place-other-than--where
this--state--regularly-maintains-a-stock-inspector-is-guilty
of-a-misdemeanor-and-is-punishable-as-provided-in-subsection
{6}-of-this-section-~~

~~{4}{3}~~ A person who has in his charge livestock being removed from a county in the state for which an inspection certificate, a market consignment permit, transportation permit, or a market release certificate has been issued and fails to have in his possession accompanying the livestock the inspection certificate, market consignment permit, transportation permit, or a market release certificate as issued for the livestock, or who, having the certificate of inspection, market consignment permit, transportation permit, or market release certificate, fails to exhibit it to a sheriff, deputy sheriff, constable, gross vehicle weight enforcement officer, highway patrolman, state stock inspector, or deputy state stock inspector at his request is guilty of a misdemeanor and is punishable as provided in subsection ~~{6}~~ {5} of this section.

~~{5}{4}~~ Except as specifically otherwise provided, a person violating any of the provisions of this part is guilty of a misdemeanor and is punishable as provided in subsection ~~{6}~~ {5} of this section.

~~{6}{5}~~ Upon conviction under this section, a person, firm, association, or corporation shall be fined not less than \$50 or more than \$500 or imprisoned in the county jail for a period of not more than 6 months or both fined and imprisoned. Of all fines assessed and collected under this section, except those assessed and collected in a justice's court, 50% shall be paid into the state treasury and credited to the state special revenue fund for the use of the department and 50% shall be paid into the general fund of the county in which the conviction occurred."

Section 10. Section 81-4-201, MCA, is amended to read:

"81-4-201. Swine, sheep, llamas, bison, and goats running at large. It ~~shall-be~~ is unlawful for any owner or person in control of swine, sheep, llamas, bison, or goats to willfully permit the same to run at large."

Section 11. Section 81-4-214, MCA, is amended to read:

"81-4-214. Branding cattle animals running at large -- running irons prohibited. Every person ~~save-only~~ except an owner, and he only when branding on his own premises and in the presence of two responsible citizens, who marks or brands any calf or cattle that are running at large between December 1 and May 10 of the next ensuing year, and every person who shall at any time brand or cause to be branded or marked, any horse, mule, cattle or head of cattle, sheep, llama, bison, swine, or other animal, 1 year old or older,

with any piece of metal or implement, other than a branding iron, which branding iron shall be of the same design as the brand or mark owned by the party using it, or who shall so mark or brand, or cause to be marked or branded any of the animals aforesaid with any piece or pieces of iron called "running irons", such as bars, rings, half or quarter circles is punishable by imprisonment in the county jail for not exceeding 6 months, or by a fine of not less than \$25 or more than \$500, or both."

Section 12. Section 81-4-215, MCA, is amended to read:

"81-4-215. Liability of owners of stock for trespass.

If any cattle, horses, mules, asses, hogs, sheep, llamas, bison, or other domestic animals break into any enclosure, the fence being legal as provided in 81-4-101, the owner of such animals is liable for all damages to the owner or occupant of the enclosure which may be sustained thereby. This section must not be construed so as to require a legal fence in order to maintain an action for injury done by animals running at large contrary to law."

Section 13. Section 81-4-306, MCA, is amended to read:

"81-4-306. Penalty for permitting animals to run at large in herd districts. (1) Any person who is the owner or entitled to the possession of any horses, mules, cattle, sheep, llamas, bison, asses, hogs, or goats, who ~~shall~~ willfully ~~permit-same~~ permits such animals to run at large

within any herd district, ~~shall-be~~ is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$50 or more than \$250 for each offense. Each day that each five head or less of such horses, mules, cattle, sheep, llamas, bison, asses, hogs, or goats are willfully permitted to run at large ~~shall constitute~~ constitutes a separate offense.

(2) Any person who is the owner or entitled to the possession of any bull, stallion, or jackass over 1 year of age who ~~shall~~ willfully ~~permit-same~~ permits such animal to run at large within any herd district ~~shall-be~~ is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$50 or more than \$250 for each offense. Each day that ~~such a bull be~~ is permitted to run at large ~~shall-constitute~~ constitutes a separate offense."

Section 14. Section 81-4-401, MCA, is amended to read:

"81-4-401. Certain livestock not to run at large in municipalities. ~~It--is--hereby--provided---that---livestock consisting--of~~ No horses, cattle, mules, sheep, llamas, bison, goats, and or swine ~~or-any-such-animals-shall-not~~ may be allowed to run at large in any incorporated city or ~~in any-incorporated town.~~

Section 15. Section 81-4-402, MCA, is amended to read:

"81-4-402. Punishment for permitting trespass of livestock. Any person owning livestock or having in charge

1 any horses, mules, cattle, sheep, llamas, bison, goats, or
 2 swine ~~or any such animals~~, who willfully and unlawfully
 3 permits any such livestock to trespass in violation of any
 4 of the provisions of 81-4-401, ~~shall be deemed to be~~ is
 5 guilty of a misdemeanor and upon conviction thereof shall be
 6 punished ~~as such~~ as provided by law."

7 **Section 16.** Section 81-4-601, MCA, is amended to read:

8 "81-4-601. Estray defined. In this part, "estray"
 9 means a horse, mule, mare, gelding, colt, llama, bison, cow,
 10 ox, bull, stag, steer, heifer, calf, sheep, or lamb:

11 (1) not bearing a brand and the ownership of which
 12 cannot be determined by the stock inspector of the district
 13 in which the animal is found by inquiry among reputable
 14 resident stock owners or freeholders;

15 (2) bearing a recorded brand, the owner of which brand
 16 cannot be located at or through the post office designated
 17 on the records of the department or which owner cannot be
 18 located by the stock inspector of the district where the
 19 estray is found by inquiry among reputable resident stock
 20 owners or freeholders; or

21 (3) which bears an unrecorded brand, the owner of
 22 which unrecorded brand cannot be ascertained by the stock
 23 inspector of the district in which the animal is found by
 24 inquiry among reputable resident stock owners or
 25 freeholders."

1 **Section 17.** Section 81-4-603, MCA, is amended to read:

2 "81-4-603. Taking up and disposition of estrays --
 3 advertisement. (1) A stock inspector authorized by the
 4 department shall take into his possession an estray found in
 5 his district and shall either ship or arrange for the
 6 shipment of the estray to a licensed livestock market for
 7 sale, or he may hold the estray in his possession and care
 8 for the estray in the cheapest and most practicable manner
 9 for a period of not less than 30 days or more than 60 days,
 10 during which time he shall advertise that he holds the
 11 estray and that, unless claimed by the owner, he will on a
 12 date to be specified in the notice sell the estray at a
 13 public auction to the highest bidder for cash.

14 (2) The notice shall be published in the newspaper
 15 doing the county printing of the county in which the estray
 16 is found and in addition to that paper in a paper published
 17 in the town or city nearest the place in which the estray is
 18 held. This notice shall be published at least once a week
 19 for 4 consecutive weeks and shall contain a statement of the
 20 date of the sale, the place where the sale is to be held,
 21 and a general description of the estray, including the sex
 22 and the approximate age, together with an illustration of
 23 the brand and the position of the brand on the estray and a
 24 description of the place or locality where the estray was
 25 found or taken.

(3) The proceeds from the sale shall be disposed of under 81-4-605 and 81-4-606.

(4) The owner of the estray may appear and claim it at any time before the sale or shipment, as provided in this part, without cost or expense to the owner upon payment to the department of the cost of caring for the estray as determined by the department."

Section 18. Section 81-4-621, MCA, is amended to read:

"81-4-621. Penalties. (1) Any person who shall, for his own use or benefit and without the owner's consent, take into his possession any estray shall be guilty of a misdemeanor and shall be punishable by a fine of not less than \$25 or more than \$100 or by imprisonment in the county jail not exceeding 60 days or by both such fine and imprisonment.

(2) Every person, agent, firm, or corporation violating the provisions of 81-4-607 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$300 or imprisoned in the county jail not to exceed 6 months or both fined and imprisoned.

(3) Any person, agent, firm, corporation, pool, or roundup association who shall ship cattle from this state and shall fail to make such inspection or tally at point of loading or who shall fail to file a true and correct tally, to the best of his knowledge and belief, of all the brands

of cattle in such shipment with the railroad agent at the point of shipment or who shall fail to forward a true and correct copy, duly signed by him as party making the shipment, to the stock inspector at point of destination or any person who shall accompany a shipment of cattle as the shipper in charge from this state and shall fail to take a description of any and every animal taken out in transit and hand such description to the stock inspector at point of destination or any stock inspector at market points who shall fail to make inspection as provided in 81-4-609 shall be deemed guilty of a misdemeanor and shall be subject to a fine of not less than \$50 or more than \$500 for each and every offense. The fines so collected, except those collected in a justice's court, shall be turned into the general fund of the county where conviction is had, and any stock inspector, sheriff, or other police officer shall have power to make arrests to enforce the provisions of this part."

Section 19. Section 81-5-101, MCA, is amended to read:

"81-5-101. Moving cattle livestock from customary range forbidden. Every person who willfully moves or causes to be moved any cattle, horses, mules, swine, llamas, bison, or sheep from their customary range without the permission of the owner thereof is punishable by imprisonment in the county jail not exceeding 90 days or by fine not exceeding

1 \$100, or both."

2 **Section 20.** Section 81-5-104, MCA, is amended to read:

3 **"81-5-104. Stolen livestock -- seizure and forfeiture**
 4 **of vehicle used to transport.** (1) The use of any vehicle for
 5 the transportation of any stolen mule, horse, mare, colt,
 6 foal, filly, sheep, lamb, cow, calf, heifer, steer, bull,
 7 llama, bison, hogs, poultry, or the products of any thereof
 8 is unlawful, and such vehicle shall be forfeited to the
 9 state. Any vehicle found in such use or upon probable cause
 10 believed to be devoted wholly or in part to such use shall
 11 be seized and held.

12 (2) Within 45 days after the seizure, any peace
 13 officer or officer of the agency that seizes any property
 14 shall file a petition to institute forfeiture proceedings
 15 with the clerk of the district court of the county in which
 16 the seizure occurs. The clerk shall issue a summons at the
 17 request of the petitioning party, who shall cause the same
 18 to be served upon all owners or claimants of the property by
 19 one of the following methods:

20 (a) upon an owner or claimant whose address is known,
 21 by personal service of a copy of the petition and summons as
 22 provided in the Montana Rules of Civil Procedure;

23 (b) upon an owner or claimant whose address is unknown
 24 but who is believed to have an interest in the property, by
 25 publication of the summons in one issue of a newspaper of

1 general circulation in the county where the seizure occurred
 2 or, if there is no such newspaper, by publication in one
 3 issue of a newspaper of general circulation in an adjoining
 4 county, and by mailing a copy of the petition and summons to
 5 the most recent address of such owner or claimant, if any,
 6 shown in the records of the division of motor vehicles.

7 (3) A vehicle is not subject to forfeiture under this
 8 section if:

9 (a) it is a stolen vehicle at the time it is used for
 10 such unlawful transportation; or

11 (b) the owner thereof is not in collusion with the
 12 party or parties guilty of the theft."

13 **NEW SECTION. Section 21. Repealer.** Sections 81-4-607
 14 through 81-4-610, MCA, are repealed.

15 **NEW SECTION. Section 22. Extension of authority.** Any
 16 existing authority to make rules on the subject of the
 17 provisions of [this act] is extended to the provisions of
 18 [this act].

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB276, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

The act generally revises the laws relating to livestock; provides for seasonal brands of limited duration; revises brand inspection and transportation permit provisions; deletes provisions relating to transportation of livestock by railroad; deletes the brand inspection requirement for imported livestock; includes llamas and bison in laws relating to containment of livestock and unauthorized movement; and amends and repeals sections.

ASSUMPTIONS:

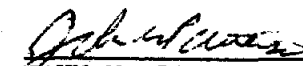
1. The number of seasonal brands recorded is insignificant when compared to the total number of brands recorded or transferred during a fiscal year.
2. The number of llamas and bison are insignificant when compared to the total number of livestock in the state, current staff can conduct the functions required by the act.



RAY SHACKLEFORD, BUDGET DIRECTOR
OFFICE OF BUDGET AND PROGRAM PLANNING

1/25/89

DATE



JOHN W. PATTERSON, PRIMARY SPONSOR

26 JAN 89

DATE

Fiscal Note for HB276, as introduced

HB 276

APPROVED BY COMMITTEE
ON AGRICULTURE LIVESTOCK
& IRRIGATION

HOUSE BILL NO. 276

INTRODUCED BY PATTERSON, BOYLAN, ZOOK, SWIFT, KASTEN,
GIACOMETTO, HANSON, GLASER, GRINDE, KELLER, KOEHNKE,
ELLISON, GRADY, DEBRUYCKER, IVERSON, DEVLIN, BENGTON,
GUTHRIE, SEVERSON, DAILY, NATHE
BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
LAWS RELATING TO LIVESTOCK; PROVIDING FOR SEASONAL BRANDS OF
LIMITED DURATION; REVISING BRAND INSPECTION AND
TRANSPORTATION PERMIT PROVISIONS; DELETING PROVISIONS
RELATING TO TRANSPORTATION OF LIVESTOCK BY RAILROAD;
DELETING THE BRAND INSPECTION REQUIREMENT FOR IMPORTED
LIVESTOCK; INCLUDING LLAMAS AND BISON IN LAWS RELATING TO
CONTAINMENT OF LIVESTOCK AND UNAUTHORIZED MOVEMENT OR
TRANSPORTATION OF LIVESTOCK; DELETING GROSS VEHICLE WEIGHT
OFFICERS AS INSPECTORS OF CERTAIN PERMITS; AMENDING SECTIONS
81-2-702, 81-3-103, 81-3-203, 81-3-205, 81-3-211 THROUGH
81-3-214, 81-3-231, 81-4-201, 81-4-214, 81-4-215, 81-4-306,
81-4-401, 81-4-402, 81-4-601, 81-4-603, 81-4-621, 81-5-101,
AND 81-5-104, MCA; AND REPEALING SECTIONS 81-4-607 THROUGH
81-4-610 AND 81-8-801 THROUGH 81-8-805, MCA; AND PROVIDING
AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 81-2-702, MCA, is amended to read:

"81-2-702. Definitions. As used in this part, the
following definitions apply:

(1) "Animals" means livestock, dogs, cats, rabbits,
rodents, game animals, fur-bearing and wild animals, and
poultry and other birds.

(2) "Biologics" means medicinal preparations made from
living organisms and their products. It includes but is not
limited to serums, vaccines, antigens, and antitoxins.

(3) "Department" means the department of livestock.

(4) "Health certificate" means a legible record
written on an official health certificate form of the state
of origin or on an equivalent form of the U.S. department of
agriculture attesting that the animals, animal semen, or
animal biologics described thereon have been visually
inspected by a federally accredited veterinarian and found
to meet the entry requirements of the state of Montana.

(5) "Livestock" means cattle, horses, mules, asses,
sheep, llamas, bison, swine, and goats.

(6) "Permit" means an official document issued by the
department after proper application that allows the movement
of animals, animal semen, or animal biologics into Montana.

(7) "Poultry" means domesticated birds, including but
not limited to chickens, turkeys, ducks, geese, guinea fowl,
pigeons, and pheasants."

Section 2. Section 81-3-103, MCA, is amended to read:

"81-3-103. Application for recording -- record of brands. (1) A person, firm, or corporation desiring to have recorded an artificial mark or brand for use in distinguishing or identifying the ownership of any domestic animal or livestock shall make application for the mark or brand to the department. The application must be in writing and must contain the name, residence, and post-office address of the applicant and the species of the animals on which the mark or brand is to be used. An applicant may apply for a seasonal mark or brand that is designated for use only for a specific period of time and that is subject to renewal upon termination of that period.

(2) The department shall designate for the applicant's use some practical form of mark or brand distinguishable with reasonable certainty from all other marks and brands recorded or rerecorded, within the period of 10 years immediately preceding the time of filing the application, in the name of some person, firm, or corporation other than the applicant. The department shall designate the position on the animals on which the mark or brand shall be placed and the species of animals on which the mark or brand may be used.

(3) The department shall keep a record in a book kept by it for that purpose of the particular mark or brand, the

position on the animal where the mark or brand is to be used, the species of animals on which the mark or brand is to be used, and the date of recording. The record is a public record and is prima facie evidence of the facts recorded in it."

Section 3. 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, 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

1 any other information upon the form of certificate as the
 2 department may from time to time require. One copy of the
 3 certificate shall be retained by the inspector, one copy
 4 shall be furnished by the inspector to the owner or shipper
 5 of the livestock, and one copy shall be filed by the
 6 inspector with the department within 5 days.

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

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

21 (4) Upon application of an owner or his agent, when it
 22 appears with reasonable certainty that the applicant is the
 23 owner of the livestock or has lawful right to the possession
 24 thereof, a state stock inspector shall issue a
 25 transportation permit which will allow the movement of the

1 livestock into an ~~immediately~~ adjoining county to land owned
 2 or controlled by the owner or his agent for purposes of
 3 grazing. The transportation permit shall state the breed,
 4 description, marks and brands, if any, head count, and
 5 description of land to and from which the livestock will be
 6 moved. The permit ~~will be~~ is valid for 6 months as provided
 7 in 81-3-211(6)(d). A state stock inspector may enter the
 8 premises where livestock so moved have been transported and
 9 inspect any livestock moved under the transportation permit
 10 or any livestock commingled therewith.

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

14 **Section 4.** Section 81-3-205, MCA, is amended to read:

15 "81-3-205. Fees for inspection and livestock
 16 transportation permits. (1) For the service of inspection of
 17 all livestock except horses, mules, or asses before removal
 18 from a county or before change of ownership, the inspector
 19 making the inspections shall receive a fee established by
 20 the department for each head inspected. For the issuance of
 21 a market consignment permit or transportation permit (other
 22 than a permanent permit) before removal from a county for
 23 all livestock, the inspector, ~~sheriff, or deputy sheriff~~
 24 issuing the permits shall receive a fee established by the
 25 department for each permit issued and shall receive in

1 addition his necessary actual expenses, to be paid by the
 2 owner or the person for whom the inspection is made or
 3 permit issued. For the issuance of a permanent horse
 4 transportation permit, the state stock inspector taking the
 5 application for permit shall receive a fee established by
 6 the department for each permit issued. All inspection and
 7 permit fees and expenses shall be collected by the
 8 inspector, ~~sheriff, or deputy sheriff~~ at the time of
 9 inspection or issuance of permit, and all the fees and
 10 expenses collected by a deputy state stock inspector,
 11 ~~sheriff, or deputy sheriff~~ shall be retained by him, and all
 12 such fees and expenses collected by a state stock inspector
 13 shall be sent by him to the department for deposit in the
 14 state treasury to the credit of the state special revenue
 15 fund for the use of the department.

16 (2) For the service of inspection before any livestock
 17 except a horse, mule, or ass is sold or offered for sale at
 18 a licensed livestock market or slaughtered at a licensed
 19 slaughterhouse, a state stock inspector or deputy state
 20 stock inspector making the inspection shall receive a fee
 21 established by the department for each head inspected. All
 22 fees shall be paid by the owner or by the person for whom
 23 the inspection is made. For releasing an animal so that it
 24 may be removed from the premises of a licensed livestock
 25 market, the state stock inspector making the release shall

1 receive a fee established by the department for each head
 2 inspected from the owner or the person for whom the release
 3 is made. All fees for inspection and release at the market
 4 shall be collected at the time the inspection or release is
 5 made by the state stock inspector making the inspection or
 6 release and shall be sent by him to the department for
 7 deposit in the state treasury to the credit of the state
 8 special revenue fund for the use of the department. All
 9 fees for preslaughter inspection made at a licensed
 10 slaughterhouse by the state stock inspector shall be paid to
 11 the department for deposit in the state treasury to the
 12 credit of the state special revenue fund for the use of the
 13 department. Preslaughter inspection fees paid to a deputy
 14 state stock inspector shall be retained by him.

15 (3) (a) For the service of inspection of horses,
 16 mules, or asses before removal from a county or before
 17 change of ownership, the inspector making the inspection
 18 shall receive a fee established by the department for each
 19 head inspected and shall receive in addition his necessary
 20 actual expenses, to be paid by the owner or the person for
 21 whom the inspection is made. All fees and expenses collected
 22 by a state stock inspector must be sent by him to the
 23 department for deposit in the state treasury to the credit
 24 of the state special revenue fund for the use of the
 25 department.

1 (b) For the service of inspection before a horse,
 2 mule, or ass is sold or offered for sale at a licensed
 3 livestock market, a state stock inspector making the
 4 inspection shall receive a fee established by the department
 5 for each head inspected. All fees shall be paid by the owner
 6 or the person for whom the inspection is made to the state
 7 stock inspector.

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

15 **Section 5.** Section 81-3-211, MCA, is amended to read:

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

18 (1) For the purposes of this section:

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

23 (b) "Family business entity" means:

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

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

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

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

(c) "Rodeo producer" means a person who produces or furnishes livestock that is used for rodeo purposes.

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

(a) members of the same family;

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

(c) the same family's business entities.

(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 has 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

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, ~~gross-vehicle-weight~~
 8 ~~enforcement---officer~~, highway patrolman, state stock
 9 inspector, or deputy state stock inspector upon request.
 10 Section 81-3-204 shall be extended to livestock transported
 11 or sold under the above-mentioned permits.

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

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

1 instances an inspection must be secured for removal and the
 2 endorsed certificate surrendered.

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

in other jurisdictions to the owner of a saddle, work, or show horse subsequently entering the state. Such a permit shall be automatically void upon a change of ownership.

(c) When livestock owned by and bearing the registered brand of a bona fide rodeo producer is being transported from county to county in this state by the owner for rodeo 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 the livestock described thereon. The certificate is effective for the calendar year for which it is issued. The certificate shall be issued by a state stock inspector.

(d) An owner of livestock or his agent may be issued a transportation permit allowing the movement of his livestock into an immediately adjoining county and return when the livestock is being moved for grazing purposes and when it is being moved to and from land owned or controlled by the owner of the livestock or his agent. The permit is valid for 6--months the period from March 31 through December-31 NOVEMBER 30 of the calendar year in which it is issued and must be issued by a state stock inspector. The permit may be issued only if the livestock is branded with the permittee's brand, which must be registered in Montana. The department

shall establish a fee for the permit, to be paid to the state stock inspector at the time the permit is issued and remitted by him to the department for deposit in the state treasury to the credit of the state special revenue fund for the use of the department. This permit may be used in lieu of the inspection and certificate required by this section for movement of livestock across a county line.

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

Section 6. Section 81-3-212, MCA, is amended to read:

"81-3-212. **Exceptions.** Section 81-3-211 does not apply to livestock:

(1) being transported through the state in interstate commerce without leaving the custody of the carrier;

~~{2}--transported-by-railroad-consigned--to--and--which, without--leaving--the--custody--of--the--carrier,--does--reach--a market-at-which-the-department-regularly-maintains--a--stock inspector--and-a-loading-tally-has-been-filled-by-the-shipper with-the-carrier-as-provided-in-81-4-607;~~

~~{3}~~(2) when driven on the hoof and not moved by means of any motor vehicle, trailer, horse-drawn vehicle, ~~railroad car,~~ or boat by the owner from one county to the next ~~an~~ adjoining county within the state onto land owned or controlled by the owner of livestock so moved for the

purpose of pasturing, feeding, or changing the range thereof;

~~{4}{3}~~ when driven on the hoof or moved by means of a motor vehicle, trailer, horse-drawn vehicle, ~~railroad--car,~~ or boat by the owner from one county to ~~the next~~ an adjoining county within this state onto land owned or controlled by the owner of livestock without leaving land owned or controlled by the owner when moved for the purpose of pasturing, feeding, or changing the range thereof;

~~{5}{4}~~ when driven on the hoof from one county to an adjoining county within this state for the purpose of ~~shipment-by-railroad-or~~ delivery to a licensed public market by a person who has been the owner of that livestock for a period of at least 3 months;

~~{6}{5}~~ from one county to be consigned to, and which actually reaches ~~by--means-ether-than-railroad,~~ a licensed livestock market located in another county of the state at which the department regularly maintains a stock inspector and for which a market consignment permit has been obtained in a manner provided by law;

~~{7}--when-hauled-by-truck-or-trailer-from-one-county-to an--adjoining--county--within--the--state-for-the-purpose-of shipment-by-railroad-at-which-shipping-point-the--department maintains--a--stock--inspector-or-where-a-deputy-state-stock inspector-is-available-and-for-which-a-transportation-permit~~

~~has-been-obtained-in-the-manner-provided-by-law.~~

(6) being transported to a veterinarian for health treatment and returned to their original premises if certification of treatment by the attending veterinarian accompanies the livestock on their return."

Section 7. Section 81-3-213, MCA, is amended to read:

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

Section 8. Section 81-3-214, MCA, is amended to read:

"81-3-214. inspection--of--imported--livestock Entry permit. ~~{1}--Except-as-provided-in-subsections--(2)--and--(3)--of this-section,--any-person-owning-livestock-imported-into-this state--or-his-agent-must-notify-the-department-or-a-salaried employee-of-the-department-of-the-number,--breed,--type,--and age--of--the--livestock,--its--location,--and-the-purpose-for which-it-has-been-brought-into-the-state,--Such--notification~~

1 shall--be--made--within--48--hours--after--the--arrival--of--the
 2 livestock--in--the--state--Livestock--so--moved--may--not--be
 3 commingled--with--any--livestock--already--in--Montana--until
 4 inspected--for--brands--and--marks--in--daylight--by--a--state--stock
 5 inspector--or--deputy--state--stock--inspector--The--fees--for--this
 6 inspection--shall--be--the--same--as--those--imposed--for
 7 county--line--or--change--of--ownership--inspections--The--fees
 8 paid--to--state--stock--inspectors--shall--be--remitted--to--the
 9 department--for--deposit--in--the--state--special--revenue--fund--for
 10 the--use--of--the--department--

11 {2}--Livestock--consigned--to--a--licensed--livestock--market
 12 or--for--immediate--slaughter--to--a--licensed--slaughter--facility
 13 at--which--preslaughter--inspection--is--maintained--is--exempt
 14 from--the--requirements--of--this--section--

15 {3}--Livestock--moved--between--Montana--and--an--adjacent
 16 state--for--graze--on--a--regular--basis--and--as--part--of--the--usual
 17 operation--of--a--farm--or--ranch--shall--be--exempt--from--the--notice
 18 and--inspection--requirements--of--this--section--provided--a A
 19 transportation permit for the entry of the livestock into
 20 Montana has--been must be obtained by the owner or his agent
 21 from a state stock inspector prior to the entry of the
 22 livestock into Montana. The department shall establish a fee
 23 for the permit, to be remitted by the department to the
 24 state treasury for credit to the state special revenue
 25 account of the department. The department shall provide by

1 rule for the issuance and control of transportation permits
 2 authorized by this subsection section."

3 **Section 9.** Section 81-3-231, MCA, is amended to read:

4 "81-3-231. Penalties. (1) A person is guilty of a
 5 misdemeanor and is punishable as provided in subsection {6}
 6 (5) of this section if he removes livestock or causes
 7 livestock to be removed from a county in this state:

8 (a) without having the livestock inspected before
 9 removal if an inspection is required by law;

10 (b) without obtaining a market consignment permit or
 11 transportation permit if the permits are required by law;

12 (c) and does obtain a market consignment permit for
 13 livestock but does not deliver the livestock transported
 14 thereunder to the livestock market designated in the market
 15 consignment permit;

16 (d) and does obtain a transportation permit for the
 17 livestock but does not deliver the livestock transported
 18 thereunder to the destination as shown on the transportation
 19 permit and fails to have the livestock so transported
 20 inspected at the point of destination or--does--not--file--a
 21 loading--tally--with--the--carrier--as--provided--in--81-4-607.

22 (2) A person who sells livestock or offers livestock
 23 for sale at a livestock market without having the livestock
 24 inspected or removes livestock or causes livestock to be
 25 removed from a livestock market without obtaining a release

1 is guilty of a misdemeanor and is punishable as provided in
2 subsection {6} (5) of this section.

3 {3}--A-person-who-ships-by-railroad-carrier-and-the
4 railroad-carrier-transporting-livestock-for-which-a-loading
5 tally-has-been-filed-as-provided-by-81-4-607-and-for-which
6 shipment-of-livestock-an-inspection-has-not-been-made-which
7 after-shipment-causes-or-permits-the-livestock-to-leave-the
8 custody-of-the-railroad-carrier-at-a-place-other-than-where
9 this-state-regularly-maintains-a-stock-inspector-is-guilty
10 of-a-misdemeanor-and-is-punishable-as-provided-in-subsection
11 {6}-of-this-section:

12 {4}(3) A person who has in his charge livestock being
13 removed from a county in the state for which an inspection
14 certificate, a market consignment permit, transportation
15 permit, or a market release certificate has been issued and
16 fails to have in his possession accompanying the livestock
17 the inspection certificate, market consignment permit,
18 transportation permit, or a market release certificate as
19 issued for the livestock, or who, having the certificate of
20 inspection, market consignment permit, transportation
21 permit, or market release certificate, fails to exhibit it
22 to a sheriff, deputy sheriff, constable, ~~gross-vehicle~~
23 ~~weight-enforcement-officer~~, highway patrolman, state stock
24 inspector, or deputy state stock inspector at his request is
25 guilty of a misdemeanor and is punishable as provided in

1 subsection {6} (5) of this section.

2 {5}(4) Except as specifically otherwise provided, a
3 person violating any of the provisions of this part is
4 guilty of a misdemeanor and is punishable as provided in
5 subsection {6} (5) of this section.

6 {6}(5) Upon conviction under this section, a person,
7 firm, association, or corporation shall be fined not less
8 than \$50 or more than \$500 or imprisoned in the county jail
9 for a period of not more than 6 months or both fined and
10 imprisoned. Of all fines assessed and collected under this
11 section, except those assessed and collected in a justice's
12 court, 50% shall be paid into the state treasury and
13 credited to the state special revenue fund for the use of
14 the department and 50% shall be paid into the general fund
15 of the county in which the conviction occurred."

16 **Section 10.** Section 81-4-201, MCA, is amended to read:

17 "81-4-201. Swine, sheep, llamas, bison, and goats
18 running at large. It ~~shall-be~~ is unlawful for any owner or
19 person in control of swine, sheep, llamas, bison, or goats
20 to willfully permit the same to run at large."

21 **Section 11.** Section 81-4-214, MCA, is amended to read:

22 "81-4-214. Branding cattle animals running at large --
23 running irons prohibited. Every person ~~save-only~~ except an
24 owner, and he only when branding on his own premises and in
25 the presence of two responsible citizens, who marks or

1 brands any calf or cattle that are running at large between
 2 December 1 and May 10 of the next ensuing year, and every
 3 person who shall at any time brand or cause to be branded or
 4 marked, any horse, mule, cattle or head of cattle, sheep,
 5 llama, bison, swine, or other animal, 1 year old or older,
 6 with any piece of metal or implement, other than a branding
 7 iron, which branding iron shall be of the same design as the
 8 brand or mark owned by the party using it, or who shall so
 9 mark or brand, or cause to be marked or branded any of the
 10 animals aforesaid with any piece or pieces of iron called
 11 "running irons", such as bars, rings, half or quarter
 12 circles is punishable by imprisonment in the county jail for
 13 not exceeding 6 months, or by a fine of not less than \$25 or
 14 more than \$500, or both."

15 **Section 12.** Section 81-4-215, MCA, is amended to read:

16 "81-4-215. Liability of owners of stock for trespass.
 17 If any cattle, horses, mules, asses, hogs, sheep, llamas,
 18 bison, or other domestic animals break into any enclosure,
 19 the fence being legal as provided in 81-4-101, the owner of
 20 such animals is liable for all damages to the owner or
 21 occupant of the enclosure which may be sustained thereby.
 22 This section must not be construed so as to require a legal
 23 fence in order to maintain an action for injury done by
 24 animals running at large contrary to law."

25 **Section 13.** Section 81-4-306, MCA, is amended to read:

1 "81-4-306. Penalty for permitting animals to run at
 2 large in herd districts. (1) Any person who is the owner or
 3 entitled to the possession of any horses, mules, cattle,
 4 sheep, llamas, bison, asses, hogs, or goats, who ~~shall~~
 5 willfully ~~permit--same permits~~ such animals to run at large
 6 within any herd district, ~~shall--be~~ is guilty of a
 7 misdemeanor and upon conviction thereof shall be punished by
 8 a fine of not less than \$50 or more than \$250 for each
 9 offense. Each day that each five head or less of such
 10 horses, mules, cattle, sheep, llamas, bison, asses, hogs, or
 11 goats are willfully permitted to run at large ~~shall~~
 12 ~~constitute~~ constitutes a separate offense.

13 (2) Any person who is the owner or entitled to the
 14 possession of any bull, stallion, or jackass over 1 year of
 15 age who ~~shall~~ willfully ~~permit--same permits~~ such animal to
 16 run at large within any herd district ~~shall--be~~ is guilty of
 17 a misdemeanor and upon conviction thereof shall be punished
 18 by a fine of not less than \$50 or more than \$250 for each
 19 offense. Each day that ~~such a bull be~~ is permitted to run at
 20 large ~~shall--constitute~~ constitutes a separate offense."

21 **Section 14.** Section 81-4-401, MCA, is amended to read:

22 "81-4-401. Certain livestock not to run at large in
 23 municipalities. ~~It---is---hereby---provided---that---livestock~~
 24 ~~consisting-of~~ No horses, cattle, mules, sheep, llamas,
 25 bison, goats, and or swine ~~or-any-such-animals-shall-not may~~

be allowed to run at large in any incorporated city or in any-incorporated town."

Section 15. Section 81-4-402, MCA, is amended to read:

"81-4-402. Punishment for permitting trespass of livestock. Any person owning livestock or having in charge any horses, mules, cattle, sheep, llamas, bison, goats, or swine or--any--such--animals, who willfully and unlawfully permits any such livestock to trespass in violation of any of the provisions of 81-4-401--shall-be-deemed-to-be is guilty of a misdemeanor and upon conviction thereof shall be punished as-such as provided by law."

Section 16. Section 81-4-601, MCA, is amended to read:

"81-4-601. Estray defined. In this part, "estrays" means a horse, mule, mare, gelding, colt, llama, bison, cow, ox, bull, stag, steer, heifer, calf, sheep, or lamb:

(1) not bearing a brand and the ownership of which cannot be determined by the stock inspector of the district in which the animal is found by inquiry among reputable resident stock owners or freeholders;

(2) bearing a recorded brand, the owner of which brand cannot be located at or through the post office designated on the records of the department or which owner cannot be located by the stock inspector of the district where the estray is found by inquiry among reputable resident stock owners or freeholders; or

(3) which bears an unrecorded brand, the owner of which unrecorded brand cannot be ascertained by the stock inspector of the district in which the animal is found by inquiry among reputable resident stock owners or freeholders."

Section 17. Section 81-4-603, MCA, is amended to read:

"81-4-603. Taking up and disposition of estrays -- advertisement. (1) A stock inspector authorized by the department shall take into his possession an estray found in his district and shall either ship or arrange for the shipment of the estray to a licensed livestock market for sale, or he may hold the estray in his possession and care for the estray in the cheapest and most practicable manner for a period of not less than 30 days or more than 60 days, during which time he shall advertise that he holds the estray and that, unless claimed by the owner, he will on a date to be specified in the notice sell the estray at a public auction to the highest bidder for cash.

(2) The notice shall be published in the newspaper doing the county printing of the county in which the estray is found and in addition to that paper in a paper published in the town or city nearest the place in which the estray is held. This notice shall be published at least once a week for 4 consecutive weeks and shall contain a statement of the date of the sale, the place where the sale is to be held,

1 and a general description of the estray, including the sex
2 and the approximate age, together with an illustration of
3 the brand and the position of the brand on the estray and a
4 description of the place or locality where the estray was
5 found or taken.

6 (3) The proceeds from the sale shall be disposed of
7 under 81-4-605 and 81-4-606.

8 (4) The owner of the estray may appear and claim it at
9 any time before the sale or shipment, as provided in this
10 part, without--cost-or-expense-to-the-owner upon payment to
11 the department of the cost of caring for the estray as
12 determined by the department."

13 **Section 18.** Section 81-4-621, MCA, is amended to read:

14 "81-4-621. Penalties. (1) Any person who shall, for
15 his own use or benefit and without the owner's consent, take
16 into his possession any estray shall be guilty of a
17 misdemeanor and shall be punishable by a fine of not less
18 than \$25 or more than \$100 or by imprisonment in the county
19 jail not exceeding 60 days or by both such fine and
20 imprisonment.

21 (2) Every--person,--agent,--firm,--or--corporation
22 violating--the-provisions-of-81-4-607-shall-be-deemed-guilty
23 of-a-misdemeanor-and-upon-conviction-thereof-shall-be-fined
24 in-any-sum-not-exceeding-\$300-or-imprisoned-in-the-county
25 jail-not-to-exceed-6-months-or-both-fined-and-imprisoned.

1 (3) Any-person, agent, firm, corporation, pool, or
2 roundup--association--who--shall-ship-cattle-from-this-state
3 and-shall-fail-to-make-such-inspection-or-tally-at-point--of
4 loading--or-who-shall-fail-to-file-a-true-and-correct-tally,
5 to-the-best-of-his-knowledge-and-belief,--of-all--the--brands
6 of--cattle--in--such-shipment-with-the-railroad-agent-at-the
7 point-of-shipment-or-who-shall-fail-to-forward--a--true--and
8 correct--copy,--duly--signed--by--him--as--party--making-the
9 shipment,--to-the-stock-inspector-at-point-of-destination--or
10 any--person--who-shall-accompany-a-shipment-of-cattle-as-the
11 shipper-in-charge-from-this-state-and-shall-fail-to--take--a
12 description-of-any-and-every-animal-taken-out-in-transit-and
13 hand--such--description--to--the-stock-inspector-at-point-of
14 destination-or-any-stock--inspector--at--market--points--who
15 shall--fail-to-make-inspection-as-provided-in-81-4-609-shall
16 be-deemed-guilty-of-a-misdemeanor-and-shall-be-subject-to--a
17 fine--of--not--less--than-\$50-or-more-than-\$500-for-each-and
18 every--offense.---The--fines--so--collected,--except---those
19 collected--in--a--justice's--court,--shall-be-turned-into-the
20 general-fund-of-the-county-where-conviction-is-had,--and--any
21 stock-inspector, sheriff, or other police officer shall have
22 power--to--make--arrests--to--enforce-the-provisions-of-this
23 part."

24 **Section 19.** Section 81-5-101, MCA, is amended to read:

25 "81-5-101. Moving cattle livestock from customary

range forbidden. Every person who willfully moves or causes to be moved any cattle, horses, mules, swine, llamas, bison, or sheep from their customary range without the permission of the owner thereof is punishable by imprisonment in the county jail not exceeding 90 days or by fine not exceeding \$100, or both."

Section 20. Section 81-5-104, MCA, is amended to read:

"81-5-104. Stolen livestock -- seizure and forfeiture of vehicle used to transport. (1) The use of any vehicle for the transportation of any stolen mule, horse, mare, colt, foal, filly, sheep, lamb, cow, calf, heifer, steer, bull, llama, bison, hogs, poultry, or the products of any thereof is unlawful, and such vehicle shall be forfeited to the state. Any vehicle found in such use or upon probable cause believed to be devoted wholly or in part to such use shall be seized and held.

(2) Within 45 days after the seizure, any peace officer or officer of the agency that seizes any property shall file a petition to institute forfeiture proceedings with the clerk of the district court of the county in which the seizure occurs. The clerk shall issue a summons at the request of the petitioning party, who shall cause the same to be served upon all owners or claimants of the property by one of the following methods:

(a) upon an owner or claimant whose address is known,

by personal service of a copy of the petition and summons as provided in the Montana Rules of Civil Procedure;

(b) upon an owner or claimant whose address is unknown but who is believed to have an interest in the property, by publication of the summons in one issue of a newspaper of general circulation in the county where the seizure occurred or, if there is no such newspaper, by publication in one issue of a newspaper of general circulation in an adjoining county, and by mailing a copy of the petition and summons to the most recent address of such owner or claimant, if any, shown in the records of the division of motor vehicles.

(3) A vehicle is not subject to forfeiture under this section if:

(a) it is a stolen vehicle at the time it is used for such unlawful transportation; or

(b) the owner thereof is not in collusion with the party or parties guilty of the theft."

NEW SECTION. Section 21. Repealer. Sections 81-4-607 through 81-4-610 AND 81-8-801 THROUGH 81-8-805, MCA, are repealed.

NEW SECTION. Section 22. Extension of authority. Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

NEW SECTION. SECTION 23. EFFECTIVE DATE. [THIS ACT]

HB 0276/02

1 IS EFFECTIVE ON PASSAGE AND APPROVAL.

-End-

HOUSE BILL NO. 276

INTRODUCED BY PATTERSON, BOYLAN, ZOOK, SWIFT, KASTEN,
GIACOMETTO, HANSON, GLASER, GRINDE, KELLER, KOEHNKE,
ELLISON, GRADY, DEBRUYCKER, IVERSON, DEVLIN, BENGTSON,
GUTHRIE, SEVERSON, DAILY, NATHE
BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
LAWS RELATING TO LIVESTOCK; PROVIDING FOR SEASONAL BRANDS OF
LIMITED DURATION; REVISING BRAND INSPECTION AND
TRANSPORTATION PERMIT PROVISIONS; DELETING PROVISIONS
RELATING TO TRANSPORTATION OF LIVESTOCK BY RAILROAD;
DELETING THE BRAND INSPECTION REQUIREMENT FOR IMPORTED
LIVESTOCK; INCLUDING LLAMAS AND BISON IN LAWS RELATING TO
CONTAINMENT OF LIVESTOCK AND UNAUTHORIZED MOVEMENT OR
TRANSPORTATION OF LIVESTOCK; DELETING GROSS VEHICLE WEIGHT
OFFICERS AS INSPECTORS OF CERTAIN PERMITS; AMENDING SECTIONS
81-2-702, 81-3-103, 81-3-203, 81-3-205, 81-3-211 THROUGH
81-3-214, 81-3-231, 81-4-201, 81-4-214, 81-4-215, 81-4-306,
81-4-401, 81-4-402, 81-4-601, 81-4-603, 81-4-621, 81-5-101,
AND 81-5-104, MCA; AND REPEALING SECTIONS 81-4-607 THROUGH
81-4-610 AND 81-8-801 THROUGH 81-8-805, MCA; AND PROVIDING
AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 81-2-702, MCA, is amended to read:

"81-2-702. Definitions. As used in this part, the
following definitions apply:

(1) "Animals" means livestock, dogs, cats, rabbits,
rodents, game animals, fur-bearing and wild animals, and
poultry and other birds.

(2) "Biologics" means medicinal preparations made from
living organisms and their products. It includes but is not
limited to serums, vaccines, antigens, and antitoxins.

(3) "Department" means the department of livestock.

(4) "Health certificate" means a legible record
written on an official health certificate form of the state
of origin or on an equivalent form of the U.S. department of
agriculture attesting that the animals, animal semen, or
animal biologics described thereon have been visually
inspected by a federally accredited veterinarian and found
to meet the entry requirements of the state of Montana.

(5) "Livestock" means cattle, horses, mules, asses,
sheep, llamas, bison, swine, and goats.

(6) "Permit" means an official document issued by the
department after proper application that allows the movement
of animals, animal semen, or animal biologics into Montana.

(7) "Poultry" means domesticated birds, including but
not limited to chickens, turkeys, ducks, geese, guinea fowl,
pigeons, and pheasants."

1 **Section 2.** Section 81-3-103, MCA, is amended to read:

2 **"81-3-103. Application for recording -- record of**
 3 **brands. (1)** A person, firm, or corporation desiring to have
 4 recorded an artificial mark or brand for use in
 5 distinguishing or identifying the ownership of any domestic
 6 animal or livestock shall make application for the mark or
 7 brand to the department. The application must be in writing
 8 and must contain the name, residence, and post-office
 9 address of the applicant and the species of the animals on
 10 which the mark or brand is to be used. An applicant may
 11 apply for a seasonal mark or brand that is designated for
 12 use only for a specific period of time and that is subject
 13 to renewal upon termination of that period.

14 (2) The department shall designate for the applicant's
 15 use some practical form of mark or brand distinguishable
 16 with reasonable certainty from all other marks and brands
 17 recorded or rerecorded, within the period of 10 years
 18 immediately preceding the time of filing the application, in
 19 the name of some person, firm, or corporation other than the
 20 applicant. The department shall designate the position on
 21 the animals on which the mark or brand shall be placed and
 22 the species of animals on which the mark or brand may be
 23 used.

24 (3) The department shall keep a record in a book kept
 25 by it for that purpose of the particular mark or brand, the

1 position on the animal where the mark or brand is to be
 2 used, the species of animals on which the mark or brand is
 3 to be used, and the date of recording. The record is a
 4 public record and is prima facie evidence of the facts
 5 recorded in it."

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

7 **"81-3-203. Duties of state stock inspectors and deputy**
 8 **stock inspectors. (1)** State stock inspectors and deputy
 9 state stock inspectors, upon the application of the owner or
 10 the duly authorized agent of the owner of livestock, shall
 11 inspect the livestock which is intended for sale, removal,
 12 shipment, or slaughter at a licensed slaughter plant and
 13 issue a certificate of inspection therefor if it appears
 14 with reasonable certainty that the applicant is the owner of
 15 the livestock or has the lawful right to the possession
 16 thereof.

17 (2) The inspection shall include an examination of the
 18 livestock and all marks and brands thereon to identify
 19 ownership of the livestock. The certificate of inspection
 20 shall be made in triplicate and shall specify the date of
 21 inspection, the place of origin and place of destination of
 22 the shipment, the name and address of the owner of the
 23 livestock or of the applicant for inspection and the
 24 purchaser or transferee, if applicable, the class of the
 25 animal, the marks and brands, if any, upon the animal, and

1 any other information upon the form of certificate as the
 2 department may from time to time require. One copy of the
 3 certificate shall be retained by the inspector, one copy
 4 shall be furnished by the inspector to the owner or shipper
 5 of the livestock, and one copy shall be filed by the
 6 inspector with the department within 5 days.

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

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

21 (4) Upon application of an owner or his agent, when it
 22 appears with reasonable certainty that the applicant is the
 23 owner of the livestock or has lawful right to the possession
 24 thereof, a state stock inspector shall issue a
 25 transportation permit which will allow the movement of the

1 livestock into an immediately adjoining county to land owned
2 or controlled by the owner or his agent for purposes of
3 grazing. The transportation permit shall state the breed,
4 description, marks and brands, if any, head count, and
5 description of land to and from which the livestock will be
6 moved. The permit ~~will be~~ is valid for 6 months as provided
7 in 81-3-211(6)(d). A state stock inspector may enter the
8 premises where livestock so moved have been transported and
9 inspect any livestock moved under the transportation permit
10 or any livestock commingled therewith.

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

14 **Section 4.** Section 81-3-205, MCA, is amended to read:

15 "81-3-205. Fees for inspection and livestock
16 transportation permits. (1) For the service of inspection of
17 all livestock except horses, mules, or asses before removal
18 from a county or before change of ownership, the inspector
19 making the inspections shall receive a fee established by
20 the department for each head inspected. For the issuance of
21 a market consignment permit or transportation permit (other
22 than a permanent permit) before removal from a county for
23 all livestock, the inspector, ~~sheriff, or deputy sheriff~~
24 issuing the permits shall receive a fee established by the
25 department for each permit issued and shall receive in

1 addition his necessary actual expenses, to be paid by the
2 owner or the person for whom the inspection is made or
3 permit issued. For the issuance of a permanent horse
4 transportation permit, the state stock inspector taking the
5 application for permit shall receive a fee established by
6 the department for each permit issued. All inspection and
7 permit fees and expenses shall be collected by the
8 inspector, ~~sheriff, or deputy sheriff~~ at the time of
9 inspection or issuance of permit, and all the fees and
10 expenses collected by a deputy state stock inspector,
11 ~~sheriff, or deputy sheriff~~ shall be retained by him, and all
12 such fees and expenses collected by a state stock inspector
13 shall be sent by him to the department for deposit in the
14 state treasury to the credit of the state special revenue
15 fund for the use of the department.

16 (2) For the service of inspection before any livestock
17 except a horse, mule, or ass is sold or offered for sale at
18 a licensed livestock market or slaughtered at a licensed
19 slaughterhouse, a state stock inspector or deputy state
20 stock inspector making the inspection shall receive a fee
21 established by the department for each head inspected. All
22 fees shall be paid by the owner or by the person for whom
23 the inspection is made. For releasing an animal so that it
24 may be removed from the premises of a licensed livestock
25 market, the state stock inspector making the release shall

1 receive a fee established by the department for each head
 2 inspected from the owner or the person for whom the release
 3 is made. All fees for inspection and release at the market
 4 shall be collected at the time the inspection or release is
 5 made by the state stock inspector making the inspection or
 6 release and shall be sent by him to the department for
 7 deposit in the state treasury to the credit of the state
 8 special revenue fund for the use of the department. All
 9 fees for preslaughter inspection made at a licensed
 10 slaughterhouse by the state stock inspector shall be paid to
 11 the department for deposit in the state treasury to the
 12 credit of the state special revenue fund for the use of the
 13 department. Preslaughter inspection fees paid to a deputy
 14 state stock inspector shall be retained by him.

15 (3) (a) For the service of inspection of horses,
 16 mules, or asses before removal from a county or before
 17 change of ownership, the inspector making the inspection
 18 shall receive a fee established by the department for each
 19 head inspected and shall receive in addition his necessary
 20 actual expenses, to be paid by the owner or the person for
 21 whom the inspection is made. All fees and expenses collected
 22 by a state stock inspector must be sent by him to the
 23 department for deposit in the state treasury to the credit
 24 of the state special revenue fund for the use of the
 25 department.

1 (b) For the service of inspection before a horse,
 2 mule, or ass is sold or offered for sale at a licensed
 3 livestock market, a state stock inspector making the
 4 inspection shall receive a fee established by the department
 5 for each head inspected. All fees shall be paid by the owner
 6 or the person for whom the inspection is made to the state
 7 stock inspector.

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

15 **Section 5.** Section 81-3-211, MCA, is amended to read:

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

18 (1) For the purposes of this section:

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

23 (b) "Family business entity" means:

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

1 (ii) a partnership in which the partners are all
 2 members of the same family;
 3 (iii) an association whose members all are members of
 4 the same family; or
 5 (iv) any other entity owned solely by members of the
 6 same family.
 7 (c) "Rodeo producer" means a person who produces or
 8 furnishes livestock that is used for rodeo purposes.
 9 (2) Except as otherwise provided in this part, it is
 10 unlawful to remove or cause to be removed from a county in
 11 this state any livestock or to transfer ownership by sale or
 12 otherwise or for an intended purchaser or his agent to take
 13 possession of any such animal subject to title passing upon
 14 meeting or satisfaction of any conditions, unless the
 15 livestock has been inspected for brands by a state stock
 16 inspector or deputy state stock inspector and a certificate
 17 of the inspection has been issued in connection with and for
 18 the purpose of the transportation or removal or of such
 19 change of ownership as provided in this part. The inspection
 20 must be made in daylight. However, the change of ownership
 21 inspection requirements of this subsection do not apply
 22 when the change of ownership transaction is accomplished
 23 without the livestock changing premises, involves part of a
 24 herd to which no livestock have been added other than by
 25 natural increase or after brand inspection, and is between:

1 (a) members of the same family;
 2 (b) a member of one family and the same family's
 3 business entity; or
 4 (c) the same family's business entities.
 5 (3) (a) 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 (b) It is unlawful to slaughter livestock at a
 12 licensed livestock slaughterhouse unless the livestock has
 13 been inspected for marks or brands by a state or deputy
 14 state stock inspector.
 15 (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 (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, gross-vehicle-weight
 8 enforcement---officer, highway patrolman, state stock
 9 inspector, or deputy state stock inspector upon request.
 10 Section 81-3-204 shall be extended to livestock transported
 11 or sold under the above-mentioned permits.

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

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

1 instances an inspection must be secured for removal and the
 2 endorsed certificate surrendered.

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

in other jurisdictions to the owner of a saddle, work, or show horse subsequently entering the state. Such a permit shall be automatically void upon a change of ownership.

(c) When livestock owned by and bearing the registered brand of a bona fide rodeo producer is being transported from county to county in this state by the owner for rodeo 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 the livestock described thereon. The certificate is effective for the calendar year for which it is issued. The certificate shall be issued by a state stock inspector.

(d) An owner of livestock or his agent may be issued a transportation permit allowing the movement of his livestock into an immediately adjoining county and return when the livestock is being moved for grazing purposes and when it is being moved to and from land owned or controlled by the owner of the livestock or his agent. The permit is valid for 6--months the period from March 31 through December 31 NOVEMBER 30 of the calendar year in which it is issued and must be issued by a state stock inspector. The permit may be issued only if the livestock is branded with the permittee's brand, which must be registered in Montana. The department

shall establish a fee for the permit, to be paid to the state stock inspector at the time the permit is issued and remitted by him to the department for deposit in the state treasury to the credit of the state special revenue fund for the use of the department. This permit may be used in lieu of the inspection and certificate required by this section for movement of livestock across a county line.

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

Section 6. Section 81-3-212, MCA, is amended to read:

"81-3-212. **Exceptions.** Section 81-3-211 does not apply to livestock:

(1) being transported through the state in interstate commerce without leaving the custody of the carrier;

~~{2}--transported-by-railroad-consigned--to--and--which, without--leaving--the--custody--of--the--carrier,--does--reach--a market-at-which-the-department-regularly-maintains--a--stock inspector--and-a-loading-tally-has-been-filed-by-the-shipper with-the-carrier-as-provided-in-81-4-607;~~

~~{3}~~{2} when driven on the hoof and not moved by means of any motor vehicle, trailer, horse-drawn vehicle, railroad car, or boat by the owner from one county to the next an adjoining county within the state onto land owned or controlled by the owner of livestock so moved for the

purpose of pasturing, feeding, or changing the range thereof;

~~{4}{3}~~ when driven on the hoof or moved by means of a motor vehicle, trailer, horse-drawn vehicle, railroad--car, or boat by the owner from one county to the next an adjoining county within this state onto land owned or controlled by the owner of livestock without leaving land owned or controlled by the owner when moved for the purpose of pasturing, feeding, or changing the range thereof;

~~{5}{4}~~ when driven on the hoof from one county to an adjoining county within this state for the purpose of shipment-by-railroad-or delivery to a licensed public market by a person who has been the owner of that livestock for a period of at least 3 months;

~~{6}{5}~~ from one county to be consigned to, and which actually reaches ~~by--means-other-than-railroad~~, a licensed livestock market located in another county of the state at which the department regularly maintains a stock inspector and for which a market consignment permit has been obtained in a manner provided by law;

~~{7}~~--when-hauled-by-truck-or-trailer-from-one-county-to an--adjoining--county--within--the--state-for-the-purpose-of shipment-by-railroad-at-which-shipping-point-the--department maintains--a--stock--inspector-or-where-a-deputy-state-stock inspector-is-available-and-for-which-a-transportation-permit

~~has-been-obtained-in-the-manner-provided-by-law:~~

(6) being transported to a veterinarian for health treatment and returned to their original premises if certification of treatment by the attending veterinarian accompanies the livestock on their return."

Section 7. Section 81-3-213, MCA, is amended to read:

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

Section 8. Section 81-3-214, MCA, is amended to read:

"81-3-214. Inspection--of--imported--livestock Entry permit. ~~{1}~~--Except-as-provided-in-subsections--~~{2}~~--and--~~{3}~~--of this-section,--any-person-owning-livestock-imported-into-this state--or-his-agent-must-notify-the-department-or-a-salaried employee-of-the-department-of-the-number,--breed,--type,--and age--of--the--livestock,--its--location,--and-the-purpose-for which-it-has-been-brought-into-the-state,--Such--notification

1 shall--be--made--within--48--hours--after--the--arrival--of--the
 2 livestock--in--the--state--Livestock--so--moved--may--not--be
 3 commingled--with--any--livestock--already--in--Montana--until
 4 inspected--for--brands--and--marks--in--daylight--by--a--state--stock
 5 inspector--or--deputy--state--stock--inspector--The--fees--for--this
 6 inspection--shall--be--the--same--as--those--imposed--for
 7 county--line--or--change--of--ownership--inspections--The--fees
 8 paid--to--state--stock--inspectors--shall--be--remitted--to--the
 9 department--for--deposit--in--the--state--special--revenue--fund--for
 10 the--use--of--the--department--

11 {2}--Livestock--consigned--to--a--licensed--livestock--market
 12 or--for--immediate--slaughter--to--a--licensed--slaughter--facility
 13 at--which--preslaughter--inspection--is--maintained--is--exempt
 14 from--the--requirements--of--this--section--

15 {3}--Livestock--moved--between--Montana--and--an--adjacent
 16 state--for--graze--on--a--regular--basis--and--as--part--of--the--usual
 17 operation--of--a--farm--or--ranch--shall--be--exempt--from--the--notice
 18 and--inspection--requirements--of--this--section--provided--a A
 19 transportation permit for the entry of the livestock into
 20 Montana has--been must be obtained by the owner or his agent
 21 from a state stock inspector prior to the entry of the
 22 livestock into Montana. The department shall establish a fee
 23 for the permit, to be remitted by the department to the
 24 state treasury for credit to the state special revenue
 25 account of the department. The department shall provide by

1 rule for the issuance and control of transportation permits
 2 authorized by this subsection section."

3 **Section 9.** Section 81-3-231, MCA, is amended to read:

4 "81-3-231. Penalties. (1) A person is guilty of a
 5 misdemeanor and is punishable as provided in subsection {6}
 6 (5) of this section if he removes livestock or causes
 7 livestock to be removed from a county in this state:

8 (a) without having the livestock inspected before
 9 removal if an inspection is required by law;

10 (b) without obtaining a market consignment permit or
 11 transportation permit if the permits are required by law;

12 (c) and does obtain a market consignment permit for
 13 livestock but does not deliver the livestock transported
 14 thereunder to the livestock market designated in the market
 15 consignment permit;

16 (d) and does obtain a transportation permit for the
 17 livestock but does not deliver the livestock transported
 18 thereunder to the destination as shown on the transportation
 19 permit and fails to have the livestock so transported
 20 inspected at the point of destination or--does--not--file--a
 21 loading--tally--with--the--carrier--as--provided--in--81-4-607.

22 (2) A person who sells livestock or offers livestock
 23 for sale at a livestock market without having the livestock
 24 inspected or removes livestock or causes livestock to be
 25 removed from a livestock market without obtaining a release

1 is guilty of a misdemeanor and is punishable as provided in
2 subsection {6} (5) of this section.

3 {3}--A-person-who-ships-by--railroad--carrier--and--the
4 railroad--carrier--transporting-livestock-for-which-a-loading
5 tally-has-been-fitted-as-provided-by-81-4-607-and--for--which
6 shipment--of-livestock-an-inspection-has-not-been-made-which
7 after-shipment-causes-or-permits-the-livestock-to-leave--the
8 custody--of-the-railroad-carrier-at-a-place-other-than-where
9 this-state-regularly-maintains-a-stock-inspector--is--guilty
10 of-a-misdemeanor-and-is-punishable-as-provided-in-subsection
11 {6}-of-this-section;

12 {4}{3} A person who has in his charge livestock being
13 removed from a county in the state for which an inspection
14 certificate, a market consignment permit, transportation
15 permit, or a market release certificate has been issued and
16 fails to have in his possession accompanying the livestock
17 the inspection certificate, market consignment permit,
18 transportation permit, or a market release certificate as
19 issued for the livestock, or who, having the certificate of
20 inspection, market consignment permit, transportation
21 permit, or market release certificate, fails to exhibit it
22 to a sheriff, deputy sheriff, constable, ~~gross-vehicle~~
23 ~~weight-enforcement-officer~~, highway patrolman, state stock
24 inspector, or deputy state stock inspector at his request is
25 guilty of a misdemeanor and is punishable as provided in

1 subsection {6} (5) of this section.

2 {5}{4} Except as specifically otherwise provided, a
3 person violating any of the provisions of this part is
4 guilty of a misdemeanor and is punishable as provided in
5 subsection {6} (5) of this section.

6 {6}{5} Upon conviction under this section, a person,
7 firm, association, or corporation shall be fined not less
8 than \$50 or more than \$500 or imprisoned in the county jail
9 for a period of not more than 6 months or both fined and
10 imprisoned. Of all fines assessed and collected under this
11 section, except those assessed and collected in a justice's
12 court, 50% shall be paid into the state treasury and
13 credited to the state special revenue fund for the use of
14 the department and 50% shall be paid into the general fund
15 of the county in which the conviction occurred."

16 **Section 10.** Section 81-4-201, MCA, is amended to read:

17 "81-4-201. Swine, sheep, llamas, bison, and goats
18 running at large. It shall-be is unlawful for any owner or
19 person in control of swine, sheep, llamas, bison, or goats
20 to willfully permit the same to run at large."

21 **Section 11.** Section 81-4-214, MCA, is amended to read:

22 "81-4-214. Branding cattle animals running at large --
23 running irons prohibited. Every person ~~save-only~~ except an
24 owner, and he only when branding on his own premises and in
25 the presence of two responsible citizens, who marks or

1 brands any calf or cattle that are running at large between
 2 December 1 and May 10 of the next ensuing year, and every
 3 person who shall at any time brand or cause to be branded or
 4 marked, any horse, mule, cattle or head of cattle, sheep,
 5 llama, bison, swine, or other animal, 1 year old or older,
 6 with any piece of metal or implement, other than a branding
 7 iron, which branding iron shall be of the same design as the
 8 brand or mark owned by the party using it, or who shall so
 9 mark or brand, or cause to be marked or branded any of the
 10 animals aforesaid with any piece or pieces of iron called
 11 "running irons", such as bars, rings, half or quarter
 12 circles is punishable by imprisonment in the county jail for
 13 not exceeding 6 months, or by a fine of not less than \$25 or
 14 more than \$500, or both."

15 **Section 12.** Section 81-4-215, MCA, is amended to read:

16 "81-4-215. Liability of owners of stock for trespass.
 17 If any cattle, horses, mules, asses, hogs, sheep, llamas,
 18 bison, or other domestic animals break into any enclosure,
 19 the fence being legal as provided in 81-4-101, the owner of
 20 such animals is liable for all damages to the owner or
 21 occupant of the enclosure which may be sustained thereby.
 22 This section must not be construed so as to require a legal
 23 fence in order to maintain an action for injury done by
 24 animals running at large contrary to law."

25 **Section 13.** Section 81-4-306, MCA, is amended to read:

1 "81-4-306. Penalty for permitting animals to run at
 2 large in herd districts. (1) Any person who is the owner or
 3 entitled to the possession of any horses, mules, cattle,
 4 sheep, llamas, bison, asses, hogs, or goats, who shall
 5 willfully permit--~~same~~ permits such animals to run at large
 6 within any herd district, shall--~~be~~ is guilty of a
 7 misdemeanor and upon conviction thereof shall be punished by
 8 a fine of not less than \$50 or more than \$250 for each
 9 offense. Each day that each five head or less of such
 10 horses, mules, cattle, sheep, llamas, bison, asses, hogs, or
 11 goats are willfully permitted to run at large shall
 12 constitute constitutes a separate offense.

13 (2) Any person who is the owner or entitled to the
 14 possession of any bull, stallion, or jackass over 1 year of
 15 age who shall willfully permit--~~same~~ permits such animal to
 16 run at large within any herd district shall--~~be~~ is guilty of
 17 a misdemeanor and upon conviction thereof shall be punished
 18 by a fine of not less than \$50 or more than \$250 for each
 19 offense. Each day that such a bull be is permitted to run at
 20 large shall--~~constitute~~ constitutes a separate offense."

21 **Section 14.** Section 81-4-401, MCA, is amended to read:

22 "81-4-401. Certain livestock not to run at large in
 23 municipalities. ~~It---is---hereby---provided---that---livestock~~
 24 ~~consisting-of~~ No horses, cattle, mules, sheep, llamas,
 25 bison, goats, and or swine or ~~any such animals shall not may~~

be allowed to run at large in any incorporated city or in any-incorporated town."

Section 15. Section 81-4-402, MCA, is amended to read:

"81-4-402. Punishment for permitting trespass of livestock. Any person owning livestock or having in charge any horses, mules, cattle, sheep, llamas, bison, goats, or swine or--any--such--animals, who willfully and unlawfully permits any such livestock to trespass in violation of any of the provisions of 81-4-401,--shall-be-deemed-to-be is guilty of a misdemeanor and upon conviction thereof shall be punished as-such as provided by law."

Section 16. Section 81-4-601, MCA, is amended to read:

"81-4-601. Estray defined. In this part, "estrays" means a horse, mule, mare, gelding, colt, llama, bison, cow, ox, bull, stag, steer, heifer, calf, sheep, or lamb:

(1) not bearing a brand and the ownership of which cannot be determined by the stock inspector of the district in which the animal is found by inquiry among reputable resident stock owners or freeholders;

(2) bearing a recorded brand, the owner of which brand cannot be located at or through the post office designated on the records of the department or which owner cannot be located by the stock inspector of the district where the estray is found by inquiry among reputable resident stock owners or freeholders; or

(3) which bears an unrecorded brand, the owner of which unrecorded brand cannot be ascertained by the stock inspector of the district in which the animal is found by inquiry among reputable resident stock owners or freeholders."

Section 17. Section 81-4-603, MCA, is amended to read:

"81-4-603. Taking up and disposition of estrays -- advertisement. (1) A stock inspector authorized by the department shall take into his possession an estray found in his district and shall either ship or arrange for the shipment of the estray to a licensed livestock market for sale, or he may hold the estray in his possession and care for the estray in the cheapest and most practicable manner for a period of not less than 30 days or more than 60 days, during which time he shall advertise that he holds the estray and that, unless claimed by the owner, he will on a date to be specified in the notice sell the estray at a public auction to the highest bidder for cash.

(2) The notice shall be published in the newspaper doing the county printing of the county in which the estray is found and in addition to that paper in a paper published in the town or city nearest the place in which the estray is held. This notice shall be published at least once a week for 4 consecutive weeks and shall contain a statement of the date of the sale, the place where the sale is to be held,

1 and a general description of the estray, including the sex
2 and the approximate age, together with an illustration of
3 the brand and the position of the brand on the estray and a
4 description of the place or locality where the estray was
5 found or taken.

6 (3) The proceeds from the sale shall be disposed of
7 under 81-4-605 and 81-4-606.

8 (4) The owner of the estray may appear and claim it at
9 any time before the sale or shipment, as provided in this
10 part, without cost or expense to the owner upon payment to
11 the department of the cost of caring for the estray as
12 determined by the department."

13 **Section 18.** Section 81-4-621, MCA, is amended to read:

14 "81-4-621. Penalties. (1) Any person who shall, for
15 his own use or benefit and without the owner's consent, take
16 into his possession any estray shall be guilty of a
17 misdemeanor and shall be punishable by a fine of not less
18 than \$25 or more than \$100 or by imprisonment in the county
19 jail not exceeding 60 days or by both such fine and
20 imprisonment.

21 (2) ~~Every person, agent, firm, or corporation~~
22 ~~violating the provisions of 81-4-607 shall be deemed guilty~~
23 ~~of a misdemeanor and upon conviction thereof shall be fined~~
24 ~~in any sum not exceeding \$300 or imprisoned in the county~~
25 ~~jail not to exceed 6 months or both fined and imprisoned.~~

1 (3) ~~Any person, agent, firm, corporation, pool, or~~
2 ~~roundup association who shall ship cattle from this state~~
3 ~~and shall fail to make such inspection or tally at point of~~
4 ~~loading or who shall fail to file a true and correct tally,~~
5 ~~to the best of his knowledge and belief, of all the brands~~
6 ~~of cattle in such shipment with the railroad agent at the~~
7 ~~point of shipment or who shall fail to forward a true and~~
8 ~~correct copy, duly signed by him as party making the~~
9 ~~shipment, to the stock inspector at point of destination or~~
10 ~~any person who shall accompany a shipment of cattle as the~~
11 ~~shipper in charge from this state and shall fail to take a~~
12 ~~description of any and every animal taken out in transit and~~
13 ~~hand such description to the stock inspector at point of~~
14 ~~destination or any stock inspector at market points who~~
15 ~~shall fail to make inspection as provided in 81-4-609 shall~~
16 ~~be deemed guilty of a misdemeanor and shall be subject to a~~
17 ~~fine of not less than \$50 or more than \$500 for each and~~
18 ~~every offense. The fines so collected, except those~~
19 ~~collected in a justice's court, shall be turned into the~~
20 ~~general fund of the county where conviction is had, and any~~
21 ~~stock inspector, sheriff, or other police officer shall have~~
22 ~~power to make arrests to enforce the provisions of this~~
23 ~~part.~~"

24 **Section 19.** Section 81-5-101, MCA, is amended to read:

25 "81-5-101. Moving cattle livestock from customary

range forbidden. Every person who willfully moves or causes to be moved any cattle, horses, mules, swine, llamas, bison, or sheep from their customary range without the permission of the owner thereof is punishable by imprisonment in the county jail not exceeding 90 days or by fine not exceeding \$100, or both."

Section 20. Section 81-5-104, MCA, is amended to read:

"81-5-104. Stolen livestock -- seizure and forfeiture of vehicle used to transport. (1) The use of any vehicle for the transportation of any stolen mule, horse, mare, colt, foal, filly, sheep, lamb, cow, calf, heifer, steer, bull, llama, bison, hogs, poultry, or the products of any thereof is unlawful, and such vehicle shall be forfeited to the state. Any vehicle found in such use or upon probable cause believed to be devoted wholly or in part to such use shall be seized and held.

(2) Within 45 days after the seizure, any peace officer or officer of the agency that seizes any property shall file a petition to institute forfeiture proceedings with the clerk of the district court of the county in which the seizure occurs. The clerk shall issue a summons at the request of the petitioning party, who shall cause the same to be served upon all owners or claimants of the property by one of the following methods:

(a) upon an owner or claimant whose address is known,

by personal service of a copy of the petition and summons as provided in the Montana Rules of Civil Procedure;

(b) upon an owner or claimant whose address is unknown but who is believed to have an interest in the property, by publication of the summons in one issue of a newspaper of general circulation in the county where the seizure occurred or, if there is no such newspaper, by publication in one issue of a newspaper of general circulation in an adjoining county, and by mailing a copy of the petition and summons to the most recent address of such owner or claimant, if any, shown in the records of the division of motor vehicles.

(3) A vehicle is not subject to forfeiture under this section if:

(a) it is a stolen vehicle at the time it is used for such unlawful transportation; or

(b) the owner thereof is not in collusion with the party or parties guilty of the theft."

NEW SECTION. Section 21. Repealer. Sections 81-4-607 through 81-4-610 AND 81-8-801 THROUGH 81-8-805, MCA, are repealed.

NEW SECTION. Section 22. Extension of authority. Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

NEW SECTION. SECTION 23. EFFECTIVE DATE. [THIS ACT]

HB 0276/02

1 IS EFFECTIVE ON PASSAGE AND APPROVAL.

-End-

HOUSE BILL NO. 276

INTRODUCED BY PATTERSON, BOYLAN, ZOOK, SWIFT, KASTEN,
GIACOMETTO, HANSON, GLASER, GRINDE, KELLER, KOEHNKE,
ELLISON, GRADY, DEBRUYCKER, IVERSON, DEVLIN, BENGTSON,
GUTHRIE, SEVERSON, DAILY, NATHE
BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
LAWS RELATING TO LIVESTOCK; PROVIDING FOR SEASONAL BRANDS OF
LIMITED DURATION; REVISING BRAND INSPECTION AND
TRANSPORTATION PERMIT PROVISIONS; DELETING PROVISIONS
RELATING TO TRANSPORTATION OF LIVESTOCK BY RAILROAD;
DELETING THE BRAND INSPECTION REQUIREMENT FOR IMPORTED
LIVESTOCK; INCLUDING LLAMAS AND BISON IN LAWS RELATING TO
CONTAINMENT OF LIVESTOCK AND UNAUTHORIZED MOVEMENT OR
TRANSPORTATION OF LIVESTOCK; DELETING GROSS VEHICLE WEIGHT
OFFICERS AS INSPECTORS OF CERTAIN PERMITS; AMENDING SECTIONS
81-2-702, 81-3-103, 81-3-203, 81-3-205, 81-3-211 THROUGH
81-3-214, 81-3-231, 81-4-201, 81-4-214, 81-4-215, 81-4-306,
81-4-401, 81-4-402, 81-4-601, 81-4-603, 81-4-621, 81-5-101,
AND 81-5-104, MCA; AND REPEALING SECTIONS 81-4-607 THROUGH
81-4-610 AND 81-8-801 THROUGH 81-8-805, MCA; AND PROVIDING
AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 81-2-702, MCA, is amended to read:

"81-2-702. Definitions. As used in this part, the
following definitions apply:

(1) "Animals" means livestock, dogs, cats, rabbits,
rodents, game animals, fur-bearing and wild animals, and
poultry and other birds.

(2) "Biologics" means medicinal preparations made from
living organisms and their products. It includes but is not
limited to serums, vaccines, antigens, and antitoxins.

(3) "Department" means the department of livestock.

(4) "Health certificate" means a legible record
written on an official health certificate form of the state
of origin or on an equivalent form of the U.S. department of
agriculture attesting that the animals, animal semen, or
animal biologics described thereon have been visually
inspected by a federally accredited veterinarian and found
to meet the entry requirements of the state of Montana.

(5) "Livestock" means cattle, horses, mules, asses,
sheep, llamas, bison, swine, and goats.

(6) "Permit" means an official document issued by the
department after proper application that allows the movement
of animals, animal semen, or animal biologics into Montana.

(7) "Poultry" means domesticated birds, including but
not limited to chickens, turkeys, ducks, geese, guinea fowl,
pigeons, and pheasants."

Section 2. Section 81-3-103, MCA, is amended to read:

"81-3-103. Application for recording -- record of brands. (1) A person, firm, or corporation desiring to have recorded an artificial mark or brand for use in distinguishing or identifying the ownership of any domestic animal or livestock shall make application for the mark or brand to the department. The application must be in writing and must contain the name, residence, and post-office address of the applicant and the species of the animals on which the mark or brand is to be used. An applicant may apply for a seasonal mark or brand that is designated for use only for a specific period of time and that is subject to renewal upon termination of that period.

(2) The department shall designate for the applicant's use some practical form of mark or brand distinguishable with reasonable certainty from all other marks and brands recorded or rerecorded, within the period of 10 years immediately preceding the time of filing the application, in the name of some person, firm, or corporation other than the applicant. The department shall designate the position on the animals on which the mark or brand shall be placed and the species of animals on which the mark or brand may be used.

(3) The department shall keep a record in a book kept by it for that purpose of the particular mark or brand, the

position on the animal where the mark or brand is to be used, the species of animals on which the mark or brand is to be used, and the date of recording. The record is a public record and is prima facie evidence of the facts recorded in it."

Section 3. 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, 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

1 any other information upon the form of certificate as the
 2 department may from time to time require. One copy of the
 3 certificate shall be retained by the inspector, one copy
 4 shall be furnished by the inspector to the owner or shipper
 5 of the livestock, and one copy shall be filed by the
 6 inspector with the department within 5 days.

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

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

21 (4) Upon application of an owner or his agent, when it
 22 appears with reasonable certainty that the applicant is the
 23 owner of the livestock or has lawful right to the possession
 24 thereof, a state stock inspector shall issue a
 25 transportation permit which will allow the movement of the

1 livestock into an ~~immediately~~ adjoining county to land owned
 2 or controlled by the owner or his agent for purposes of
 3 grazing. The transportation permit shall state the breed,
 4 description, marks and brands, if any, head count, and
 5 description of land to and from which the livestock will be
 6 moved. The permit ~~will be~~ is valid for 6 months as provided
 7 in 81-3-211(6)(d). A state stock inspector may enter the
 8 premises where livestock so moved have been transported and
 9 inspect any livestock moved under the transportation permit
 10 or any livestock commingled therewith.

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

14 **Section 4.** Section 81-3-205, MCA, is amended to read:

15 **"81-3-205. Fees for inspection and livestock**
 16 **transportation permits.** (1) For the service of inspection of
 17 all livestock except horses, mules, or asses before removal
 18 from a county or before change of ownership, the inspector
 19 making the inspections shall receive a fee established by
 20 the department for each head inspected. For the issuance of
 21 a market consignment permit or transportation permit (other
 22 than a permanent permit) before removal from a county for
 23 all livestock, the ~~inspector,--sheriff,--or--deputy--sheriff~~
 24 issuing the permits shall receive a fee established by the
 25 department for each permit issued and shall receive in

1 addition his necessary actual expenses, to be paid by the
 2 owner or the person for whom the inspection is made or
 3 permit issued. For the issuance of a permanent horse
 4 transportation permit, the state stock inspector taking the
 5 application for permit shall receive a fee established by
 6 the department for each permit issued. All inspection and
 7 permit fees and expenses shall be collected by the
 8 ~~inspector,--sheriff,--or--deputy--sheriff~~ at the time of
 9 inspection or issuance of permit, and all the fees and
 10 expenses collected by a deputy state stock inspector,
 11 ~~sheriff,--or--deputy--sheriff~~ shall be retained by him, and all
 12 such fees and expenses collected by a state stock inspector
 13 shall be sent by him to the department for deposit in the
 14 state treasury to the credit of the state special revenue
 15 fund for the use of the department.

16 (2) For the service of inspection before any livestock
 17 except a horse, mule, or ass is sold or offered for sale at
 18 a licensed livestock market or slaughtered at a licensed
 19 slaughterhouse, a state stock inspector or deputy state
 20 stock inspector making the inspection shall receive a fee
 21 established by the department for each head inspected. All
 22 fees shall be paid by the owner or by the person for whom
 23 the inspection is made. For releasing an animal so that it
 24 may be removed from the premises of a licensed livestock
 25 market, the state stock inspector making the release shall

1 receive a fee established by the department for each head
 2 inspected from the owner or the person for whom the release
 3 is made. All fees for inspection and release at the market
 4 shall be collected at the time the inspection or release is
 5 made by the state stock inspector making the inspection or
 6 release and shall be sent by him to the department for
 7 deposit in the state treasury to the credit of the state
 8 special revenue fund for the use of the department. All
 9 fees for preslaughter inspection made at a licensed
 10 slaughterhouse by the state stock inspector shall be paid to
 11 the department for deposit in the state treasury to the
 12 credit of the state special revenue fund for the use of the
 13 department. Preslaughter inspection fees paid to a deputy
 14 state stock inspector shall be retained by him.

15 (3) (a) For the service of inspection of horses,
 16 mules, or asses before removal from a county or before
 17 change of ownership, the inspector making the inspection
 18 shall receive a fee established by the department for each
 19 head inspected and shall receive in addition his necessary
 20 actual expenses, to be paid by the owner or the person for
 21 whom the inspection is made. All fees and expenses collected
 22 by a state stock inspector must be sent by him to the
 23 department for deposit in the state treasury to the credit
 24 of the state special revenue fund for the use of the
 25 department.

1 (b) For the service of inspection before a horse,
 2 mule, or ass is sold or offered for sale at a licensed
 3 livestock market, a state stock inspector making the
 4 inspection shall receive a fee established by the department
 5 for each head inspected. All fees shall be paid by the owner
 6 or the person for whom the inspection is made to the state
 7 stock inspector.

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

15 **Section 5.** Section 81-3-211, MCA, is amended to read:
 16 **"81-3-211. Inspection of livestock before change of**
 17 **ownership or removal from county -- transportation permits.**

18 (1) For the purposes of this section:

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

23 (b) "Family business entity" means:

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

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

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

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

7 (c) "Rodeo producer" means a person who produces or
8 furnishes livestock that is used for rodeo purposes.

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

1 (a) members of the same family;

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

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

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

15 (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 (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, ~~gross-vehicle-weight~~
 8 ~~enforcement---officer,~~ highway patrolman, state stock
 9 inspector, or deputy state stock inspector upon request.
 10 Section 81-3-204 shall be extended to livestock transported
 11 or sold under the above-mentioned permits.

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

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

1 instances an inspection must be secured for removal and the
 2 endorsed certificate surrendered.

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

1 in other jurisdictions to the owner of a saddle, work, or
2 show horse subsequently entering the state. Such a permit
3 shall be automatically void upon a change of ownership.

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

15 (d) An owner of livestock or his agent may be issued a
16 transportation permit allowing the movement of his livestock
17 into an immediately adjoining county and return when the
18 livestock is being moved for grazing purposes and when it is
19 being moved to and from land owned or controlled by the
20 owner of the livestock or his agent. The permit is valid for
21 6--months the period from March 31 through December 31
22 NOVEMBER 30 of the calendar year in which it is issued and
23 must be issued by a state stock inspector. The permit may be
24 issued only if the livestock is branded with the permittee's
25 brand, which must be registered in Montana. The department

1 shall establish a fee for the permit, to be paid to the
2 state 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 state special revenue fund for
5 the use of the department. This permit may be used in lieu
6 of the inspection and certificate required by this section
7 for movement of livestock across a county line.

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

11 **Section 6.** Section 81-3-212, MCA, is amended to read:

12 **"81-3-212. Exceptions.** Section 81-3-211 does not apply
13 to livestock:

14 (1) being transported through the state in interstate
15 commerce without leaving the custody of the carrier;

16 ~~{2}--transported-by-railroad-consigned--to--and--which--~~
17 ~~without--leaving--the--custody--of--the--carrier--does--reach--a~~
18 ~~market-at-which-the-department-regularly-maintains--a--stock~~
19 ~~inspector--and-a-loading-tally-has-been-fitted-by-the-shipper~~
20 ~~with-the-carrier-as-provided-in-81-4-607;~~

21 ~~{3}~~(2) when driven on the hoof and not moved by means
22 of any motor vehicle, trailer, horse-drawn vehicle, railroad
23 car, or boat by the owner from one county to the next an
24 adjoining county within the state onto land owned or
25 controlled by the owner of livestock so moved for the

1 purpose of pasturing, feeding, or changing the range
2 thereof;

3 ~~†4†(3)~~ when driven on the hoof or moved by means of a
4 motor vehicle, trailer, horse-drawn vehicle, ~~railroad--car,~~
5 or boat by the owner from one county to ~~the-next~~ an
6 adjoining county within this state onto land owned or
7 controlled by the owner of livestock without leaving land
8 owned or controlled by the owner when moved for the purpose
9 of pasturing, feeding, or changing the range thereof;

10 ~~†5†(4)~~ when driven on the hoof from one county to an
11 adjoining county within this state for the purpose of
12 ~~shipment-by-railroad-or~~ delivery to a licensed public market
13 by a person who has been the owner of that livestock for a
14 period of at least 3 months;

15 ~~†6†(5)~~ from one county to be consigned to, and which
16 actually reaches ~~by--means-other-than-railroad,~~ a licensed
17 livestock market located in another county of the state at
18 which the department regularly maintains a stock inspector
19 and for which a market consignment permit has been obtained
20 in a manner provided by law;

21 ~~†7†--when-hauled-by-truck-or-trailer-from-one-county-to~~
22 ~~an--adjoining--county--within--the--state-for-the-purpose-of~~
23 ~~shipment-by-railroad-at-which-shipping-point-the--department~~
24 ~~maintains--a--stock--inspector-or-where-a-deputy-state-stock~~
25 ~~inspector-is-available-and-for-which-a-transportation-permit~~

1 ~~has-been-obtained-in-the-manner-provided-by-law.~~

2 (6) being transported to a veterinarian for health
3 treatment and returned to their original premises if
4 certification of treatment by the attending veterinarian
5 accompanies the livestock on their return."

6 **Section 7.** Section 81-3-213, MCA, is amended to read:

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

18 **Section 8.** Section 81-3-214, MCA, is amended to read:

19 "81-3-214. ~~Inspection--of--imported--livestock~~ Entry
20 permit. ~~(1)--Except-as-provided-in-subsections-(2)-and-(3)-of~~
21 ~~this-section, any person owning livestock imported into this~~
22 ~~state--or-his-agent-must-notify-the-department-or-a-salaried~~
23 ~~employee-of-the-department-of-the-number, breed, type, and~~
24 ~~age--of--the--livestock, its location, and the purpose for~~
25 ~~which-it-has-been-brought-into-the-state. Such--notification~~

1 shall--be--made--within--48--hours--after-the-arrival-of-the
 2 livestock-in-the--state--livestock--so--moved--may--not--be
 3 commingled--with--any--livestock--already--in--Montana-until
 4 inspected-for-brands-and-marks-in-daylight-by-a-state--stock
 5 inspector-or-deputy-state-stock-inspector--The-fees-for-this
 6 inspection---shall---be---the--same--as--those--imposed--for
 7 county-line-or--change-of-ownership--inspections--The--fees
 8 paid--to--state--stock--inspectors--shall-be-remitted-to-the
 9 department-for-deposit-in-the-state-special-revenue-fund-for
 10 the-use-of-the-department;

11 (2)--Livestock-consigned-to-a-licensed-livestock-market
 12 or-for-immediate-slaughter-to-a-licensed-slaughter--facility
 13 at--which--preslaughter--inspection--is-maintained-is-exempt
 14 from-the-requirements-of-this-section;

15 (3)--Livestock-moved-between-Montana--and--an--adjacent
 16 state--for-graze-on-a-regular-basis-and-as-part-of-the-usual
 17 operation-of-a-farm-or-ranch-shall-be-exempt-from-the-notice
 18 and-inspection-requirements-of-this-section--provided--a A
 19 transportation permit for the entry of the livestock into
 20 Montana has-been must be obtained by the owner or his agent
 21 from a state stock inspector prior to the entry of the
 22 livestock into Montana. The department shall establish a fee
 23 for the permit, to be remitted by the department to the
 24 state treasury for credit to the state special revenue
 25 account of the department. The department shall provide by

1 rule for the issuance and control of transportation permits
 2 authorized by this subsection section."

3 **Section 9.** Section 81-3-231, MCA, is amended to read:

4 "81-3-231. Penalties. (1) A person is guilty of a
 5 misdemeanor and is punishable as provided in subsection (6)
 6 (5) of this section if he removes livestock or causes
 7 livestock to be removed from a county in this state:

8 (a) without having the livestock inspected before
 9 removal if an inspection is required by law;

10 (b) without obtaining a market consignment permit or
 11 transportation permit if the permits are required by law;

12 (c) and does obtain a market consignment permit for
 13 livestock but does not deliver the livestock transported
 14 thereunder to the livestock market designated in the market
 15 consignment permit;

16 (d) and does obtain a transportation permit for the
 17 livestock but does not deliver the livestock transported
 18 thereunder to the destination as shown on the transportation
 19 permit and fails to have the livestock so transported
 20 inspected at the point of destination or--does--not--file--a
 21 loading-tally-with-the-carrier-as-provided-in-81-4-607.

22 (2) A person who sells livestock or offers livestock
 23 for sale at a livestock market without having the livestock
 24 inspected or removes livestock or causes livestock to be
 25 removed from a livestock market without obtaining a release

is guilty of a misdemeanor and is punishable as provided in subsection ~~(6)~~ (5) of this section.

~~(3)--A person who ships by railroad carrier and the railroad carrier transporting livestock for which a loading tally has been filed as provided by 81-4-607 and for which shipment of livestock an inspection has not been made which after shipment causes or permits the livestock to leave the custody of the railroad carrier at a place other than where this state regularly maintains a stock inspector is guilty of a misdemeanor and is punishable as provided in subsection (6) of this section.~~

~~(4)(3)~~ A person who has in his charge livestock being removed from a county in the state for which an inspection certificate, a market consignment permit, transportation permit, or a market release certificate has been issued and fails to have in his possession accompanying the livestock the inspection certificate, market consignment permit, transportation permit, or a market release certificate as issued for the livestock, or who, having the certificate of inspection, market consignment permit, transportation permit, or market release certificate, fails to exhibit it to a sheriff, deputy sheriff, constable, ~~gross vehicle weight enforcement officer~~, highway patrolman, state stock inspector, or deputy state stock inspector at his request is guilty of a misdemeanor and is punishable as provided in

subsection ~~(6)~~ (5) of this section.

~~(5)(4)~~ Except as specifically otherwise provided, a person violating any of the provisions of this part is guilty of a misdemeanor and is punishable as provided in subsection ~~(6)~~ (5) of this section.

~~(6)(5)~~ Upon conviction under this section, a person, firm, association, or corporation shall be fined not less than \$50 or more than \$500 or imprisoned in the county jail for a period of not more than 6 months or both fined and imprisoned. Of all fines assessed and collected under this section, except those assessed and collected in a justice's court, 50% shall be paid into the state treasury and credited to the state special revenue fund for the use of the department and 50% shall be paid into the general fund of the county in which the conviction occurred."

Section 10. Section 81-4-201, MCA, is amended to read:

"81-4-201. Swine, sheep, llamas, bison, and goats running at large. It ~~shall be~~ is unlawful for any owner or person in control of swine, sheep, llamas, bison, or goats to willfully permit the same to run at large."

Section 11. Section 81-4-214, MCA, is amended to read:

"81-4-214. Branding cattle animals running at large -- running irons prohibited. Every person ~~save only~~ except an owner, and he only when branding on his own premises and in the presence of two responsible citizens, who marks or

brands any calf or cattle that are running at large between December 1 and May 10 of the next ensuing year, and every person who shall at any time brand or cause to be branded or marked, any horse, mule, cattle or head of cattle, sheep, llama, bison, swine, or other animal, 1 year old or older, with any piece of metal or implement, other than a branding iron, which branding iron shall be of the same design as the brand or mark owned by the party using it, or who shall so mark or brand, or cause to be marked or branded any of the animals aforesaid with any piece or pieces of iron called "running irons", such as bars, rings, half or quarter circles is punishable by imprisonment in the county jail for not exceeding 6 months, or by a fine of not less than \$25 or more than \$500, or both."

Section 12. Section 81-4-215, MCA, is amended to read:

"81-4-215. Liability of owners of stock for trespass.

If any cattle, horses, mules, asses, hogs, sheep, llamas, bison, or other domestic animals break into any enclosure, the fence being legal as provided in 81-4-101, the owner of such animals is liable for all damages to the owner or occupant of the enclosure which may be sustained thereby. This section must not be construed so as to require a legal fence in order to maintain an action for injury done by animals running at large contrary to law."

Section 13. Section 81-4-306, MCA, is amended to read:

"81-4-306. Penalty for permitting animals to run at large in herd districts. (1) Any person who is the owner or entitled to the possession of any horses, mules, cattle, sheep, llamas, bison, asses, hogs, or goats, who shall willfully permit--same permits such animals to run at large within any herd district, shall--be is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$50 or more than \$250 for each offense. Each day that each five head or less of such horses, mules, cattle, sheep, llamas, bison, asses, hogs, or goats are willfully permitted to run at large shall constitute constitutes a separate offense.

(2) Any person who is the owner or entitled to the possession of any bull, stallion, or jackass over 1 year of age who shall willfully permit--same permits such animal to run at large within any herd district shall--be is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$50 or more than \$250 for each offense. Each day that such a bull be is permitted to run at large shall--constitute constitutes a separate offense."

Section 14. Section 81-4-401, MCA, is amended to read:

"81-4-401. Certain livestock not to run at large in municipalities. It--is--hereby--provided--that--livestock consisting of No horses, cattle, mules, sheep, llamas, bison, goats, and or swine or any such animals shall not may

be allowed to run at large in any incorporated city or in any-incorporated town."

Section 15. Section 81-4-402, MCA, is amended to read:

"81-4-402. Punishment for permitting trespass of livestock. Any person owning livestock or having in charge any horses, mules, cattle, sheep, llamas, bison, goats, or swine or--any--such--animals, who willfully and unlawfully permits any such livestock to trespass in violation of any of the provisions of 81-4-401,--shall-be-deemed-to-be is guilty of a misdemeanor and upon conviction thereof shall be punished as-such as provided by law."

Section 16. Section 81-4-601, MCA, is amended to read:

"81-4-601. Estray defined. In this part, "estray" means a horse, mule, mare, gelding, colt, llama, bison, cow, ox, bull, stag, steer, heifer, calf, sheep, or lamb:

(1) not bearing a brand and the ownership of which cannot be determined by the stock inspector of the district in which the animal is found by inquiry among reputable resident stock owners or freeholders;

(2) bearing a recorded brand, the owner of which brand cannot be located at or through the post office designated on the records of the department or which owner cannot be located by the stock inspector of the district where the estray is found by inquiry among reputable resident stock owners or freeholders; or

(3) which bears an unrecorded brand, the owner of which unrecorded brand cannot be ascertained by the stock inspector of the district in which the animal is found by inquiry among reputable resident stock owners or freeholders."

Section 17. Section 81-4-603, MCA, is amended to read:

"81-4-603. Taking up and disposition of estrays -- advertisement. (1) A stock inspector authorized by the department shall take into his possession an estray found in his district and shall either ship or arrange for the shipment of the estray to a licensed livestock market for sale, or he may hold the estray in his possession and care for the estray in the cheapest and most practicable manner for a period of not less than 30 days or more than 60 days, during which time he shall advertise that he holds the estray and that, unless claimed by the owner, he will on a date to be specified in the notice sell the estray at a public auction to the highest bidder for cash.

(2) The notice shall be published in the newspaper doing the county printing of the county in which the estray is found and in addition to that paper in a paper published in the town or city nearest the place in which the estray is held. This notice shall be published at least once a week for 4 consecutive weeks and shall contain a statement of the date of the sale, the place where the sale is to be held,

and a general description of the estray, including the sex and the approximate age, together with an illustration of the brand and the position of the brand on the estray and a description of the place or locality where the estray was found or taken.

(3) The proceeds from the sale shall be disposed of under 81-4-605 and 81-4-606.

(4) The owner of the estray may appear and claim it at any time before the sale or shipment, as provided in this part, without cost or expense to the owner upon payment to the department of the cost of caring for the estray as determined by the department."

Section 18. Section 81-4-621, MCA, is amended to read:

"81-4-621. Penalties. (1) Any person who shall, for his own use or benefit and without the owner's consent, take into his possession any estray shall be guilty of a misdemeanor and shall be punishable by a fine of not less than \$25 or more than \$100 or by imprisonment in the county jail not exceeding 60 days or by both such fine and imprisonment.

(2) Every person, agent, firm, or corporation violating the provisions of 81-4-607 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$300 or imprisoned in the county jail not to exceed 6 months or both fined and imprisoned.

(3) Any person, agent, firm, corporation, pool, or roundup association who shall ship cattle from this state and shall fail to make such inspection or tally at point of loading or who shall fail to file a true and correct tally, to the best of his knowledge and belief, of all the brands of cattle in such shipment with the railroad agent at the point of shipment or who shall fail to forward a true and correct copy, duly signed by him as party making the shipment, to the stock inspector at point of destination or any person who shall accompany a shipment of cattle as the shipper in charge from this state and shall fail to take a description of any and every animal taken out in transit and hand such description to the stock inspector at point of destination or any stock inspector at market points who shall fail to make inspection as provided in 81-4-609 shall be deemed guilty of a misdemeanor and shall be subject to a fine of not less than \$50 or more than \$500 for each and every offense. The fines so collected, except those collected in a justice's court, shall be turned into the general fund of the county where conviction is had, and any stock inspector, sheriff, or other police officer shall have power to make arrests to enforce the provisions of this part."

Section 19. Section 81-5-101, MCA, is amended to read:

"81-5-101. Moving cattle livestock from customary

range forbidden. Every person who willfully moves or causes to be moved any cattle, horses, mules, swine, llamas, bison, or sheep from their customary range without the permission of the owner thereof is punishable by imprisonment in the county jail not exceeding 90 days or by fine not exceeding \$100, or both."

Section 20. Section 81-5-104, MCA, is amended to read:

"81-5-104. Stolen livestock -- seizure and forfeiture of vehicle used to transport. (1) The use of any vehicle for the transportation of any stolen mule, horse, mare, colt, foal, filly, sheep, lamb, cow, calf, heifer, steer, bull, llama, bison, hogs, poultry, or the products of any thereof is unlawful, and such vehicle shall be forfeited to the state. Any vehicle found in such use or upon probable cause believed to be devoted wholly or in part to such use shall be seized and held.

(2) Within 45 days after the seizure, any peace officer or officer of the agency that seizes any property shall file a petition to institute forfeiture proceedings with the clerk of the district court of the county in which the seizure occurs. The clerk shall issue a summons at the request of the petitioning party, who shall cause the same to be served upon all owners or claimants of the property by one of the following methods:

(a) upon an owner or claimant whose address is known,

by personal service of a copy of the petition and summons as provided in the Montana Rules of Civil Procedure;

(b) upon an owner or claimant whose address is unknown but who is believed to have an interest in the property, by publication of the summons in one issue of a newspaper of general circulation in the county where the seizure occurred or, if there is no such newspaper, by publication in one issue of a newspaper of general circulation in an adjoining county, and by mailing a copy of the petition and summons to the most recent address of such owner or claimant, if any, shown in the records of the division of motor vehicles.

(3) A vehicle is not subject to forfeiture under this section if:

(a) it is a stolen vehicle at the time it is used for such unlawful transportation; or

(b) the owner thereof is not in collusion with the party or parties guilty of the theft."

NEW SECTION. Section 21. Repealer. Sections 81-4-607 through 81-4-610 AND 81-8-801 THROUGH 81-8-805, MCA, are repealed.

NEW SECTION. Section 22. Extension of authority. Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

NEW SECTION. SECTION 23. EFFECTIVE DATE. [THIS ACT]

HB 0276/02

1 IS EFFECTIVE ON PASSAGE AND APPROVAL.

-End-