

HOUSE BILL NO. 648

INTRODUCED BY ANDERSON, KELLER, SCHWINDEN,
SPRING, BIRD, BACHINI, DAVIS, BRANDEWIE
BY REQUEST OF THE HOUSE COMMITTEE ON AGRICULTURE

IN THE HOUSE

FEBRUARY 17, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION. FIRST READING.
FEBRUARY 19, 1993	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED. POSTED ON CONSENT CALENDAR.
FEBRUARY 20, 1993	CONSENT CALENDAR, QUESTIONS AND ANSWERS. ENGROSSING REPORT.
FEBRUARY 22, 1993	THIRD READING, PASSED. AYES, 92; NOES, 5.
FEBRUARY 23, 1993	TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 1, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION. FIRST READING.
MARCH 8, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 9, 1993	SECOND READING, CONCURRED IN.
MARCH 10, 1993	THIRD READING, CONCURRED IN. AYES, 44; NOES, 2. RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 31, 1993	SECOND READING, AMENDMENTS CONCURRED IN.
APRIL 2, 1993	THIRD READING, AMENDMENTS

CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *House* BILL NO. *648*
 2 INTRODUCED BY *Anderson Keller Schulz Bird*
 3 *Stachurski* BY REQUEST OF THE HOUSE COMMITTEE ON AGRICULTURE
 4 *David Brinkley*

5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LIVESTOCK
 6 LAWS; INCLUDING ALPACAS IN THE LAWS RELATING TO THE
 7 CONTAINMENT OF LIVESTOCK AND THE UNAUTHORIZED MOVEMENT OR
 8 TRANSPORTATION OF LIVESTOCK; PROVIDING FOR THE TAXATION OF
 9 ALPACAS; EXEMPTING LLAMAS FROM BRAND REQUIREMENTS; AND
 10 AMENDING SECTIONS 15-24-921, 81-2-702, 81-3-201, 81-4-201,
 11 81-4-214, 81-4-215, 81-4-306, 81-4-401, 81-4-402, 81-4-601,
 12 81-5-101, AND 81-5-104, MCA."

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

15 **Section 1.** Section 15-24-921, MCA, is amended to read:

16 "15-24-921. Per capita tax levy to pay expenses of
 17 enforcing livestock laws. (1) In addition to appropriations
 18 made for such purposes, a per capita tax is hereby
 19 authorized and directed to be levied by the county assessor
 20 on all poultry and bees, all swine 3 months of age or older,
 21 and all other livestock 9 months of age or older in each
 22 county of this state for the purpose of aiding in the
 23 payment of the salaries and all expenses connected with the
 24 enforcement of the livestock laws of the state and for the
 25 payment of bounties on wild animals as hereinafter

1 specified.

2 (2) As used in this section, "livestock" means cattle,
 3 sheep, swine, poultry, bees, goats, horses, mules, asses,
 4 llamas, alpacos, domestic bison, and domestic ungulates."

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

6 "81-2-702. Definitions. As used in this part, the
 7 following definitions apply:

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

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

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

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

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

25 (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 3. Section 81-3-201, MCA, is amended to read:

"81-3-201. Definitions. Unless the context requires otherwise, in this chapter, the following definitions apply:

(1) "Deputy state stock inspector" means a person designated by the department as a deputy state stock inspector who does not receive a salary or compensation from the department.

(2) "Feedlot" means a confined livestock feeding operation where the owner or operator of the feedlot feeds livestock belonging to others for a fee.

(3) "Livestock" means any bovine animal, horse, mule, or ass, regardless of its age or sex, and includes ~~llamas~~ bison, sheep, and elk.

(4) "Person" means an individual, partnership, corporation, association, firm, or any entity not enumerated capable of owning or controlling livestock.

(5) "State stock inspector" means an employee of the department of livestock designated by the department as a state stock inspector."

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

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

Section 5. Section 81-4-214, MCA, is amended to read:

"81-4-214. Branding animals running at large -- running irons prohibited. Every person except an owner, and he the owner only when branding on his the owner's 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, alpaca, 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~~ must be of the same design as the brand or mark owned by the party using it, or who ~~shall-so-mark~~ marks or brand brands or cause causes to be marked or branded any of the animals ~~aforsaid~~ listed in this section 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 6. 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, alpacas, bison, or other domestic animals break into any enclosure, and the fence being of the enclosure is legal, as provided in 81-4-101, the owner of such the animals is liable for all damages to the owner or occupant of the enclosure ~~which may be sustained thereby~~. This section ~~must~~ may 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 7. 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, alpacas, bison, asses, hogs, or goats, who willfully permits such the animals to run at large within any herd district, 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, alpacas, bison, asses, hogs, or goats are willfully permitted to run at large 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 willfully permits such the animal to run at large within any herd district 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 a bull is permitted to run at large constitutes a separate offense."

Section 8. Section 81-4-401, MCA, is amended to read:

"81-4-401. Certain livestock not to run at large in municipalities. ~~No--horses~~ Horses, cattle, mules, sheep, llamas, alpacas, bison, goats, or swine may not be allowed to run at large in any incorporated city or town."

Section 9. 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, alpacas, bison, goats, or swine who willfully and unlawfully permits such the livestock to trespass in violation of any of the provisions of 81-4-401 is guilty of a misdemeanor and upon conviction thereof shall be punished as provided by law."

Section 10. 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, alpaca, 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

1 in which the animal is found by inquiry among reputable
2 resident stock owners or freeholders;

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

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

14 **Section 11.** Section 81-5-101, MCA, is amended to read:

15 "81-5-101. Moving livestock from customary range
16 forbidden. Every person who willfully moves or causes to be
17 moved any cattle, horses, mules, swine, llamas, alpacas,
18 bison, or sheep from their customary range without the
19 permission of the owner thereof is punishable by
20 imprisonment in the county jail not exceeding 90 days or by
21 fine not exceeding \$100, or both."

22 **Section 12.** Section 81-5-104, MCA, is amended to read:

23 "81-5-104. Stolen livestock -- seizure and forfeiture
24 of vehicle used to transport. (1) The use of any vehicle for
25 the transportation of any stolen mule, horse, mare, colt,

1 foal, filly, sheep, lamb, cow, calf, heifer, steer, bull,
2 llama, alpaca, bison, hogs, poultry, or the products of any
3 thereof listed animals is unlawful, and such the vehicle
4 shall must be forfeited to the state. Any vehicle found in
5 such use or upon probable cause believed to be devoted
6 wholly or in part to such the use shall must be seized and
7 held.

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

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

19 (b) upon an owner or claimant whose address is unknown
20 but who is believed to have an interest in the property, by
21 publication of the summons in one issue of a newspaper of
22 general circulation in the county where the seizure occurred
23 or, if there is no such newspaper, by publication in one
24 issue of a newspaper of general circulation in an adjoining
25 county, and by mailing a copy of the petition and summons to

LC 1546/01

1 the most recent address of such the owner or claimant, if
2 any, shown in the records of the division of motor vehicles.

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

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

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

-End-

APPROVED BY COMMITTEE
ON AGRICULTURE LIVESTOCK
AND IRRIGATION

INTRODUCED BY *House* BILL NO. *648*
Anderson Keller Schulz Bird
BY REQUEST OF THE HOUSE COMMITTEE ON AGRICULTURE
Robert Brinkley

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LIVESTOCK LAWS; INCLUDING ALPACAS IN THE LAWS RELATING TO THE CONTAINMENT OF LIVESTOCK AND THE UNAUTHORIZED MOVEMENT OR TRANSPORTATION OF LIVESTOCK; PROVIDING FOR THE TAXATION OF ALPACAS; EXEMPTING LLAMAS FROM BRAND REQUIREMENTS; AND AMENDING SECTIONS 15-24-921, 81-2-702, 81-3-201, 81-4-201, 81-4-214, 81-4-215, 81-4-306, 81-4-401, 81-4-402, 81-4-601, 81-5-101, AND 81-5-104, MCA."

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

Section 1. Section 15-24-921, MCA, is amended to read:

"15-24-921. Per capita tax levy to pay expenses of enforcing livestock laws. (1) In addition to appropriations made for such purposes, a per capita tax is hereby authorized and directed to be levied by the county assessor on all poultry and bees, all swine 3 months of age or older, and all other livestock 9 months of age or older in each county of this state for the purpose of aiding in the payment of the salaries and all expenses connected with the enforcement of the livestock laws of the state and for the payment of bounties on wild animals as hereinafter

specified.

(2) As used in this section, "livestock" means cattle, sheep, swine, poultry, bees, goats, horses, mules, asses, llamas, alpacos, domestic bison, and domestic ungulates."

Section 2. 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, game farm 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 on the certificate 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, alpacos, 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 3. Section 81-3-201, MCA, is amended to read:

"81-3-201. Definitions. Unless the context requires otherwise, in this chapter, the following definitions apply:

(1) "Deputy state stock inspector" means a person designated by the department as a deputy state stock inspector who does not receive a salary or compensation from the department.

(2) "Feedlot" means a confined livestock feeding operation where the owner or operator of the feedlot feeds livestock belonging to others for a fee.

(3) "Livestock" means any bovine animal, horse, mule, or ass, regardless of its age or sex, and includes ~~llamas~~, bison, sheep, and elk.

(4) "Person" means an individual, partnership, corporation, association, firm, or any entity not enumerated capable of owning or controlling livestock.

(5) "State stock inspector" means an employee of the department of livestock designated by the department as a state stock inspector."

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

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

Section 5. Section 81-4-214, MCA, is amended to read:

"81-4-214. Branding animals running at large -- running irons prohibited. Every person except an owner, and he the owner only when branding on his the owner's 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, alpaca, 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 must be of the same design as the brand or mark owned by the party using it, or who shall ~~so-mark~~ marks or brand brands or cause causes to be marked or branded any of the animals aforesaid listed in this section 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 6. 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, alpacas, bison, or other domestic animals break into any enclosure, and the fence being of the enclosure is legal, as provided in 81-4-101, the owner of such the animals is liable for all damages to the owner or occupant of the enclosure ~~which may be sustained thereby~~. This section ~~must~~ may 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 7. 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, alpacas, bison, asses, hogs, or goats, who willfully permits such the animals to run at large within any herd district, 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, alpacas, bison, asses, hogs, or goats are willfully permitted to run at large 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 willfully permits such the animal to run at large within any herd district 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 a bull is permitted to run at large constitutes a separate offense."

Section 8. Section 81-4-401, MCA, is amended to read:

"81-4-401. Certain livestock not to run at large in municipalities. ~~No--horses~~ Horses, cattle, mules, sheep, llamas, alpacas, bison, goats, or swine may not be allowed to run at large in any incorporated city or town."

Section 9. 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, alpacas, bison, goats, or swine who willfully and unlawfully permits such the livestock to trespass in violation of any of the provisions of 81-4-401 is guilty of a misdemeanor and upon conviction thereof shall be punished as provided by law."

Section 10. 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, alpaca, 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

1 in which the animal is found by inquiry among reputable
2 resident stock owners or freeholders;

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

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

14 **Section 11.** Section 81-5-101, MCA, is amended to read:

15 "81-5-101. Moving livestock from customary range
16 forbidden. Every person who willfully moves or causes to be
17 moved any cattle, horses, mules, swine, llamas, alpacas,
18 bison, or sheep from their customary range without the
19 permission of the owner thereof is punishable by
20 imprisonment in the county jail not exceeding 90 days or by
21 fine not exceeding \$100, or both."

22 **Section 12.** Section 81-5-104, MCA, is amended to read:

23 "81-5-104. Stolen livestock -- seizure and forfeiture
24 of vehicle used to transport. (1) The use of any vehicle for
25 the transportation of any stolen mule, horse, mare, colt,

1 foal, filly, sheep, lamb, cow, calf, heifer, steer, bull,
2 llama, alpaca, bison, hogs, poultry, or the products of any
3 thereof listed animals is unlawful, and such the vehicle
4 shall must be forfeited to the state. Any vehicle found in
5 such use or upon probable cause believed to be devoted
6 wholly or in part to such the use shall must be seized and
7 held.

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

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

19 (b) upon an owner or claimant whose address is unknown
20 but who is believed to have an interest in the property, by
21 publication of the summons in one issue of a newspaper of
22 general circulation in the county where the seizure occurred
23 or, if there is no such newspaper, by publication in one
24 issue of a newspaper of general circulation in an adjoining
25 county, and by mailing a copy of the petition and summons to

LC 1546/01

1 the most recent address of such the owner or claimant, if
2 any, shown in the records of the division of motor vehicles.

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

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

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

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 5
March 8, 1993

Page 2 of 5
March 8, 1993

MR. PRESIDENT:

We, your committee on Agriculture, Livestock, and Irrigation having had under consideration House Bill No. 648 (first reading copy -- blue), respectfully report that House Bill No. 648 be amended as follows and as so amended be concurred in.

Signed: Jack "Doc" Rea
Senator Jack "Doc" Rea, Chair

That such amendments read:

1. Title, line 10.
Following: "SECTIONS"
Insert: "15-1-101,"

2. Page 1, line 15.
Following: line 14
Insert: "Section 1. Section 15-1-101, MCA, is amended to read:
"15-1-101. (Temporary) Definitions. (1) Except as otherwise specifically provided, when terms mentioned in this section are used in connection with taxation, they are defined in the following manner:

- (a) The term "agricultural" refers to:
 - (i) the production of food, feed, and fiber commodities, livestock and poultry, bees, fruits and vegetables, and sod, ornamental, nursery, and horticultural crops that are raised, grown, or produced for commercial purposes; and
 - (ii) the raising of domestic animals and wildlife in domestication or a captive environment.
- (b) The term "assessed value" means the value of property as defined in 15-8-111.
- (c) The term "average wholesale value" means the value to a dealer prior to reconditioning and profit margin shown in national appraisal guides and manuals or the valuation schedules of the department of revenue.
- (d) (i) The term "commercial", when used to describe property, means any property used or owned by a business, a trade, or a corporation as defined in 35-2-114 or used for the production of income, except that property described in subsection (ii).
- (ii) The following types of property are not commercial:
 - (A) agricultural lands;
 - (B) timberlands and, beginning January 1, 1994, forest lands;
 - (C) single-family residences and ancillary improvements and improvements necessary to the function of a bona fide farm, ranch, or stock operation;

(D) mobile homes used exclusively as a residence except when held by a distributor or dealer of trailers or mobile homes as his stock in trade;

(E) all property described in 15-6-135; and

(F) all property described in 15-6-136.

(e) The term "comparable property" means property that has similar use, function, and utility; that is influenced by the same set of economic trends and physical, governmental, and social factors; and that has the potential of a similar highest and best use.

(f) The term "credit" means solvent debts, secured or unsecured, owing to a person.

(g) The term "improvements" includes all buildings, structures, fences, and improvements situated upon, erected upon, or affixed to land. When the department of revenue or its agent determines that the permanency of location of a mobile home or housetrailer has been established, the mobile home or housetrailer is presumed to be an improvement to real property. A mobile home or housetrailer may be determined to be permanently located only when it is attached to a foundation which cannot feasibly be relocated and only when the wheels are removed.

(h) The term "leasehold improvements" means improvements to mobile homes and mobile homes located on land owned by another person. This property is assessed under the appropriate classification and the taxes are due and payable in two payments as provided in 15-24-202. Delinquent taxes on such leasehold improvements are a lien only on such leasehold improvements.

(i) The term "livestock" means cattle, sheep, swine, goats, horses, mules, and asses, llamas, alpacas, bison, and domestic ungulates.

(j) The term "mobile home" means forms of housing known as "trailers", "housetrailer", or "trailer coaches" exceeding 8 feet in width or 45 feet in length, designed to be moved from one place to another by an independent power connected to them, or any "trailer", "housetrailer", or "trailer coach" up to 8 feet in width or 45 feet in length used as a principal residence.

(k) The term "personal property" includes everything that is the subject of ownership but that is not included within the meaning of the terms "real estate" and "improvements".

(l) The term "poultry" includes all chickens, turkeys, geese, ducks, and other birds raised in domestication to produce food or feathers.

(m) The term "property" includes moneys, credits, bonds, stocks, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership. This definition must not be construed to authorize the taxation of the stocks of any company or corporation when the property of such company or corporation represented by the stocks is within the

AM Amd. Coord. Beck
DR Sec. of Senate Senator Carrying Bill

521008SC.San

SENATE
HB 648
521008SC.San

state and has been taxed.

(n) The term "real estate" includes:

- (i) the possession of, claim to, ownership of, or right to the possession of land;
- (ii) all mines, minerals, and quarries in and under the land subject to the provisions of 15-23-501 and Title 15, chapter 23, part 8; all timber belonging to individuals or corporations growing or being on the lands of the United States; and all rights and privileges appertaining thereto.

(o) "Research and development firm" means an entity incorporated under the laws of this state or a foreign corporation authorized to do business in this state whose principal purpose is to engage in theoretical analysis, exploration, and experimentation and the extension of investigative findings and theories of a scientific and technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes.

(p) The term "taxable value" means the percentage of market or assessed value as provided for in Title 15, chapter 6, part 1.

(q) The term "weighted mean assessment ratio" means the total of the assessed values divided by the total of the selling prices of all area sales in the stratum.

(2) The phrase "municipal corporation" or "municipality" or "taxing unit" shall be deemed to include a county, city, incorporated town, township, school district, irrigation district, drainage district, or any person, persons, or organized body authorized by law to establish tax levies for the purpose of raising public revenue.

(3) The term "state board" or "board" when used without other qualification shall mean the state tax appeal board.

15-1-101. (Effective July 1, 1993) Definitions. (1) Except as otherwise specifically provided, when terms mentioned in this section are used in connection with taxation, they are defined in the following manner:

(a) The term "agricultural" refers to:

- (i) the production of food, feed, and fiber commodities, livestock and poultry, bees, fruits and vegetables, and sod, ornamental, nursery, and horticultural crops that are raised, grown, or produced for commercial purposes; and
- (ii) the raising of domestic animals and wildlife in domestication or a captive environment.

(b) The term "assessed value" means the value of property as defined in 15-8-111.

(c) The term "average wholesale value" means the value to a dealer prior to reconditioning and profit margin shown in national appraisal guides and manuals or the valuation schedules of the department of revenue.

(d) (i) The term "commercial", when used to describe property, means any property used or owned by a business, a trade, or a corporation as defined in 35-2-114 or used for the production of income, except that property described in subsection (ii).

(ii) The following types of property are not commercial:

- (A) agricultural lands;
- (B) timberlands and, beginning January 1, 1994, forest lands;
- (C) single-family residences and ancillary improvements and improvements necessary to the function of a bona fide farm, ranch, or stock operation;
- (D) mobile homes used exclusively as a residence except when held by a distributor or dealer of trailers or mobile homes as his stock in trade;

(E) all property described in 15-6-135; and

(F) all property described in 15-6-136.

(e) The term "comparable property" means property that has similar use, function, and utility; that is influenced by the same set of economic trends and physical, governmental, and social factors; and that has the potential of a similar highest and best use.

(f) The term "credit" means solvent debts, secured or unsecured, owing to a person.

(g) The term "improvements" includes all buildings, structures, fences, and improvements situated upon, erected upon, or affixed to land. When the department of revenue or its agent determines that the permanency of location of a mobile home or housetrailer has been established, the mobile home or housetrailer is presumed to be an improvement to real property. A mobile home or housetrailer may be determined to be permanently located only when it is attached to a foundation which cannot feasibly be relocated and only when the wheels are removed.

(h) The term "leasehold improvements" means improvements to mobile homes and mobile homes located on land owned by another person. This property is assessed under the appropriate classification and the taxes are due and payable in two payments as provided in 15-24-202. Delinquent taxes on such leasehold improvements are a lien only on such leasehold improvements.

(i) The term "livestock" means cattle, sheep, swine, goats, horses, mules, and asses, llamas, alpacas, bison, and domestic ungulates.

(j) The term "mobile home" means forms of housing known as "trailers", "housetrailer", or "trailer coaches" exceeding 8 feet in width or 45 feet in length, designed to be moved from one place to another by an independent power connected to them, or any "trailer", "housetrailer", or "trailer coach" up to 8 feet in width or 45 feet in length used as a principal residence.

(k) The term "personal property" includes everything that is the subject of ownership but that is not included within the meaning of the terms "real estate" and "improvements".

(l) The term "poultry" includes all chickens, turkeys, geese, ducks, and other birds raised in domestication to produce food or feathers.

(m) The term "property" includes moneys, credits, bonds, stocks, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership. This definition must not be construed to authorize the taxation of the stocks of any company or corporation when the property of such company or corporation represented by the stocks is within the state and has been taxed.

(n) The term "real estate" includes:

(i) the possession of, claim to, ownership of, or right to the possession of land;

(ii) all mines, minerals, and quarries in and under the land subject to the provisions of 15-23-501 and Title 15, chapter 23, part 8; all timber belonging to individuals or corporations growing or being on the lands of the United States; and all rights and privileges appertaining thereto.

(o) "Research and development firm" means an entity incorporated under the laws of this state or a foreign corporation authorized to do business in this state whose principal purpose is to engage in theoretical analysis, exploration, and experimentation and the extension of investigative findings and theories of a scientific and technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes.

(p) The term "taxable value" means the percentage of market or assessed value as provided for in Title 15, chapter 6, part 1.

(2) The phrase "municipal corporation" or "municipality" or "taxing unit" shall be deemed to include a county, city, incorporated town, township, school district, irrigation district, drainage district, or any person, persons, or organized body authorized by law to establish tax levies for the purpose of raising public revenue.

(3) The term "state board" or "board" when used without other qualification shall mean the state tax appeal board."

Renumber: subsequent sections

-END-

1 HOUSE BILL NO. 648

2 INTRODUCED BY ANDERSON, KELLER, SCHWINDEN,

3 SPRING, BIRD, BACHINI, DAVIS, BRANDEWIE

4 BY REQUEST OF THE HOUSE COMMITTEE ON AGRICULTURE

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LIVESTOCK
7 LAWS; INCLUDING ALPACAS IN THE LAWS RELATING TO THE
8 CONTAINMENT OF LIVESTOCK AND THE UNAUTHORIZED MOVEMENT OR
9 TRANSPORTATION OF LIVESTOCK; PROVIDING FOR THE TAXATION OF
10 ALPACAS; EXEMPTING LLAMAS FROM BRAND REQUIREMENTS; AND
11 AMENDING SECTIONS 15-1-101, 15-24-921, 81-2-702, 81-3-201,
12 81-4-201, 81-4-214, 81-4-215, 81-4-306, 81-4-401, 81-4-402,
13 81-4-601, 81-5-101, AND 81-5-104, MCA."

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:16 **SECTION 1. SECTION 15-1-101, MCA, IS AMENDED TO READ:**

17 "15-1-101. (Temporary) Definitions. (1) Except as
18 otherwise specifically provided, when terms mentioned in
19 this section are used in connection with taxation, they are
20 defined in the following manner:

21 (a) The term "agricultural" refers to:

22 (i) the production of food, feed, and fiber
23 commodities, livestock and poultry, bees, fruits and
24 vegetables, and sod, ornamental, nursery, and horticultural
25 crops that are raised, grown, or produced for commercial

1 purposes; and

2 (ii) the raising of domestic animals and wildlife in
3 domestication or a captive environment.

4 (b) The term "assessed value" means the value of
5 property as defined in 15-8-111.

6 (c) The term "average wholesale value" means the value
7 to a dealer prior to reconditioning and profit margin shown
8 in national appraisal guides and manuals or the valuation
9 schedules of the department of revenue.

10 (d) (i) The term "commercial", when used to describe
11 property, means any property used or owned by a business, a
12 trade, or a corporation as defined in 35-2-114 or used for
13 the production of income, except that property described in
14 subsection (ii).

15 (ii) The following types of property are not commercial:

16 (A) agricultural lands;

17 (B) timberlands and, beginning January 1, 1994, forest
18 lands;

19 (C) single-family residences and ancillary improvements
20 and improvements necessary to the function of a bona fide
21 farm, ranch, or stock operation;

22 (D) mobile homes used exclusively as a residence except
23 when held by a distributor or dealer of trailers or mobile
24 homes as his stock in trade;

25 (E) all property described in 15-6-135; and

1 (F) all property described in 15-6-136.

2 (e) The term "comparable property" means property that
3 has similar use, function, and utility; that is influenced
4 by the same set of economic trends and physical,
5 governmental, and social factors; and that has the potential
6 of a similar highest and best use.

7 (f) The term "credit" means solvent debts, secured or
8 unsecured, owing to a person.

9 (g) The term "improvements" includes all buildings,
10 structures, fences, and improvements situated upon, erected
11 upon, or affixed to land. When the department of revenue or
12 its agent determines that the permanency of location of a
13 mobile home or housetrailer has been established, the mobile
14 home or housetrailer is presumed to be an improvement to
15 real property. A mobile home or housetrailer may be
16 determined to be permanently located only when it is
17 attached to a foundation which cannot feasibly be relocated
18 and only when the wheels are removed.

19 (h) The term "leasehold improvements" means
20 improvements to mobile homes and mobile homes located on
21 land owned by another person. This property is assessed
22 under the appropriate classification and the taxes are due
23 and payable in two payments as provided in 15-24-202.
24 Delinquent taxes on such leasehold improvements are a lien
25 only on such leasehold improvements.

1 (i) The term "livestock" means cattle, sheep, swine,
2 goats, horses, mules, and asses, llamas, alpacas, bison, and
3 domestic ungulates.

4 (j) The term "mobile home" means forms of housing known
5 as "trailers", "housetrainers", or "trailer coaches"
6 exceeding 8 feet in width or 45 feet in length, designed to
7 be moved from one place to another by an independent power
8 connected to them, or any "trailer", "housetrailer", or
9 "trailer coach" up to 8 feet in width or 45 feet in length
10 used as a principal residence.

11 (k) The term "personal property" includes everything
12 that is the subject of ownership but that is not included
13 within the meaning of the terms "real estate" and
14 "improvements".

15 (l) The term "poultry" includes all chickens, turkeys,
16 geese, ducks, and other birds raised in domestication to
17 produce food or feathers.

18 (m) The term "property" includes moneys, credits,
19 bonds, stocks, franchises, and all other matters and things,
20 real, personal, and mixed, capable of private ownership.
21 This definition must not be construed to authorize the
22 taxation of the stocks of any company or corporation when
23 the property of such company or corporation represented by
24 the stocks is within the state and has been taxed.

25 (n) The term "real estate" includes:

(i) the possession of, claim to, ownership of, or right to the possession of land;

(ii) all mines, minerals, and quarries in and under the land subject to the provisions of 15-23-501 and Title 15, chapter 23, part 8; all timber belonging to individuals or corporations growing or being on the lands of the United States; and all rights and privileges appertaining thereto.

(o) "Research and development firm" means an entity incorporated under the laws of this state or a foreign corporation authorized to do business in this state whose principal purpose is to engage in theoretical analysis, exploration, and experimentation and the extension of investigative findings and theories of a scientific and technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes.

(p) The term "taxable value" means the percentage of market or assessed value as provided for in Title 15, chapter 6, part 1.

(q) The term "weighted mean assessment ratio" means the total of the assessed values divided by the total of the selling prices of all area sales in the stratum.

(2) The phrase "municipal corporation" or "municipality" or "taxing unit" shall be deemed to include a

county, city, incorporated town, township, school district, irrigation district, drainage district, or any person, persons, or organized body authorized by law to establish tax levies for the purpose of raising public revenue.

(3) The term "state board" or "board" when used without other qualification shall mean the state tax appeal board.

15-1-101. (Effective July 1, 1993) Definitions. (1) Except as otherwise specifically provided, when terms mentioned in this section are used in connection with taxation, they are defined in the following manner:

(a) The term "agricultural" refers to:

(i) the production of food, feed, and fiber commodities, livestock and poultry, bees, fruits and vegetables, and sod, ornamental, nursery, and horticultural crops that are raised, grown, or produced for commercial purposes; and

(ii) the raising of domestic animals and wildlife in domestication or a captive environment.

(b) The term "assessed value" means the value of property as defined in 15-8-111.

(c) The term "average wholesale value" means the value to a dealer prior to reconditioning and profit margin shown in national appraisal guides and manuals or the valuation schedules of the department of revenue.

(d) (i) The term "commercial", when used to describe

property, means any property used or owned by a business, a trade, or a corporation as defined in 35-2-114 or used for the production of income, except that property described in subsection (ii).

(ii) The following types of property are not commercial:

(A) agricultural lands;

(B) timberlands and, beginning January 1, 1994, forest lands;

(C) single-family residences and ancillary improvements and improvements necessary to the function of a bona fide farm, ranch, or stock operation;

(D) mobile homes used exclusively as a residence except when held by a distributor or dealer of trailers or mobile homes as his stock in trade;

(E) all property described in 15-6-135; and

(F) all property described in 15-6-136.

(e) The term "comparable property" means property that has similar use, function, and utility; that is influenced by the same set of economic trends and physical, governmental, and social factors; and that has the potential of a similar highest and best use.

(f) The term "credit" means solvent debts, secured or unsecured, owing to a person.

(g) The term "improvements" includes all buildings, structures, fences, and improvements situated upon, erected

upon, or affixed to land. When the department of revenue or its agent determines that the permanency of location of a mobile home or housetrailer has been established, the mobile home or housetrailer is presumed to be an improvement to real property. A mobile home or housetrailer may be determined to be permanently located only when it is attached to a foundation which cannot feasibly be relocated and only when the wheels are removed.

(h) The term "leasehold improvements" means improvements to mobile homes and mobile homes located on land owned by another person. This property is assessed under the appropriate classification and the taxes are due and payable in two payments as provided in 15-24-202. Delinquent taxes on such leasehold improvements are a lien only on such leasehold improvements.

(i) The term "livestock" means cattle, sheep, swine, goats, horses, mules, and asses, llamas, alpacas, bison, and domestic ungulates.

(j) The term "mobile home" means forms of housing known as "trailers", "housetrailer", or "trailer coaches" exceeding 8 feet in width or 45 feet in length, designed to be moved from one place to another by an independent power connected to them, or any "trailer", "housetrailer", or "trailer coach" up to 8 feet in width or 45 feet in length used as a principal residence.

1 (k) The term "personal property" includes everything
2 that is the subject of ownership but that is not included
3 within the meaning of the terms "real estate" and
4 "improvements".

5 (l) The term "poultry" includes all chickens, turkeys,
6 geese, ducks, and other birds raised in domestication to
7 produce food or feathers.

8 (m) The term "property" includes moneys, credits,
9 bonds, stocks, franchises, and all other matters and things,
10 real, personal, and mixed, capable of private ownership.
11 This definition must not be construed to authorize the
12 taxation of the stocks of any company or corporation when
13 the property of such company or corporation represented by
14 the stocks is within the state and has been taxed.

15 (n) The term "real estate" includes:

16 (i) the possession of, claim to, ownership of, or right
17 to the possession of land;

18 (ii) all mines, minerals, and quarries in and under the
19 land subject to the provisions of 15-23-501 and Title 15,
20 chapter 23, part 8; all timber belonging to individuals or
21 corporations growing or being on the lands of the United
22 States; and all rights and privileges appertaining thereto.

23 (o) "Research and development firm" means an entity
24 incorporated under the laws of this state or a foreign
25 corporation authorized to do business in this state whose

1 principal purpose is to engage in theoretical analysis,
2 exploration, and experimentation and the extension of
3 investigative findings and theories of a scientific and
4 technical nature into practical application for experimental
5 and demonstration purposes, including the experimental
6 production and testing of models, devices, equipment,
7 materials, and processes.

8 (p) The term "taxable value" means the percentage of
9 market or assessed value as provided for in Title 15,
10 chapter 6, part 1.

11 (2) The phrase "municipal corporation" or
12 "municipality" or "taxing unit" shall be deemed to include a
13 county, city, incorporated town, township, school district,
14 irrigation district, drainage district, or any person,
15 persons, or organized body authorized by law to establish
16 tax levies for the purpose of raising public revenue.

17 (3) The term "state board" or "board" when used without
18 other qualification shall mean the state tax appeal board."

19 **Section 2.** Section 15-24-921, MCA, is amended to read:

20 "15-24-921. Per capita tax levy to pay expenses of
21 enforcing livestock laws. (1) In addition to appropriations
22 made for such purposes, a per capita tax is hereby
23 authorized and directed to be levied by the county assessor
24 on all poultry and bees, all swine 3 months of age or older,
25 and all other livestock 9 months of age or older in each

1 county of this state for the purpose of aiding in the
2 payment of the salaries and all expenses connected with the
3 enforcement of the livestock laws of the state and for the
4 payment of bounties on wild animals as hereinafter
5 specified.

6 (2) As used in this section, "livestock" means cattle,
7 sheep, swine, poultry, bees, goats, horses, mules, asses,
8 llamas, alpacas, domestic bison, and domestic ungulates."

9 **Section 3.** Section 81-2-702, MCA, is amended to read:

10 "81-2-702. Definitions. As used in this part, the
11 following definitions apply:

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

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

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

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

1 state of Montana.

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

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

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

10 **Section 4.** Section 81-3-201, MCA, is amended to read:

11 "81-3-201. Definitions. Unless the context requires
12 otherwise, in this chapter, the following definitions apply:

13 (1) "Deputy state stock inspector" means a person
14 designated by the department as a deputy state stock
15 inspector who does not receive a salary or compensation from
16 the department.

17 (2) "Feedlot" means a confined livestock feeding
18 operation where the owner or operator of the feedlot feeds
19 livestock belonging to others for a fee.

20 (3) "Livestock" means any bovine animal, horse, mule,
21 or ass, regardless of its age or sex, and includes llama,
22 bison, sheep, and elk.

23 (4) "Person" means an individual, partnership,
24 corporation, association, firm, or any entity not enumerated
25 capable of owning or controlling livestock.

(5) "State stock inspector" means an employee of the department of livestock designated by the department as a state stock inspector."

Section 5. Section 81-4-201, MCA, is amended to read:

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

Section 6. Section 81-4-214, MCA, is amended to read:

"81-4-214. Branding animals running at large -- running irons prohibited. Every person except an owner, and he the owner only when branding on his the owner's 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, alpaca, 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~~ must be of the same design as the brand or mark owned by the party using it, or who ~~shall--so-mark~~ marks or brand brands or cause causes to be marked or branded any of the animals aforesaid listed in this section 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 7. 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, alpacas, bison, or other domestic animals break into any enclosure, and the fence being of the enclosure is legal, as provided in 81-4-101, the owner of such the animals is liable for all damages to the owner or occupant of the enclosure ~~which may be sustained thereby~~. This section must ~~may~~ 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 8. 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, alpacas, bison, asses, hogs, or goats, who willfully permits such the animals to run at large within any herd district, 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, alpacas, bison, asses, hogs, or goats are willfully permitted to run at large 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 willfully permits such the animal to run at large within any herd district 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 a bull is permitted to run at large constitutes a separate offense."

Section 9. Section 81-4-401, MCA, is amended to read:

"81-4-401. Certain livestock not to run at large in municipalities. ~~No--horses~~ Horses, cattle, mules, sheep, llamas, alpacas, bison, goats, or swine may not be allowed to run at large in any incorporated city or town."

Section 10. 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, alpacas, bison, goats, or swine who willfully and unlawfully permits such the livestock to trespass in violation of any of the provisions of 81-4-401 is guilty of a misdemeanor and upon conviction thereof shall be punished as provided by law."

Section 11. 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, alpaca, 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 12. Section 81-5-101, MCA, is amended to read:

"81-5-101. Moving livestock from customary range forbidden. Every person who willfully moves or causes to be moved any cattle, horses, mules, swine, llamas, alpacas, 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."

1 **Section 13.** Section 81-5-104, MCA, is amended to read:

2 "81-5-104. Stolen livestock -- seizure and forfeiture
3 of vehicle used to transport. (1) The use of any vehicle for
4 the transportation of any stolen mule, horse, mare, colt,
5 foal, filly, sheep, lamb, cow, calf, heifer, steer, bull,
6 llama, alpaca, bison, hogs, poultry, or the products of any
7 thereof listed animals is unlawful, and such the vehicle
8 ~~shall~~ must be forfeited to the state. Any vehicle found in
9 such use or upon probable cause believed to be devoted
10 wholly or in part to such the use ~~shall~~ must be seized and
11 held.

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

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

-End-