

SENATE BILL NO. 57

INTRODUCED BY SWIFT, KELLER
BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

IN THE SENATE

DECEMBER 23, 1992	INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.
JANUARY 4, 1993	FIRST READING.
JANUARY 6, 1993	ON MOTION, ADDITIONAL SPONSORS ADDED.
JANUARY 15, 1993	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
JANUARY 16, 1993	PRINTING REPORT.
	SECOND READING, DO PASS.
JANUARY 18, 1993	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 48; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

JANUARY 19, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION.
	FIRST READING.
JANUARY 28, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
JANUARY 30, 1993	SECOND READING, CONCURRED IN.
FEBRUARY 3, 1993	THIRD READING, CONCURRED IN. AYES, 97; NOES, 1.
FEBRUARY 4, 1993	RETURNED TO SENATE.

IN THE SENATE

FEBRUARY 4, 1993	RECEIVED FROM HOUSE.
	SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 SENATE BILL NO. 57

2 INTRODUCED BY SWIFT

3 BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING GAME FARM
6 ANIMALS TO BE IDENTIFIED BY A RECORDED MARK; INCLUDING
7 NONCARNIVOROUS GAME FARM ANIMALS IN THE DEFINITION OF
8 LIVESTOCK FOR THE PURPOSE OF BRAND INSPECTION; AND AMENDING
9 SECTIONS 81-3-102, 81-3-104, AND 81-3-201, MCA."

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

12 Section 1. Section 81-3-102, MCA, is amended to read:

13 "81-3-102. Recording of brands required -- game farm
14 animals to be marked -- limit. (1) It is unlawful for a
15 person to artificially brand, mark, or cause to be
16 artificially branded or marked any domestic animal or
17 livestock running at large on the public domain or open
18 range or that may run or stray at large or on the public
19 domain or open range, unless the artificial brand or mark
20 has been recorded or rerecorded with the department in the
21 name of the person within the period of 10 years immediately
22 preceding the branding or marking.

23 (2) Game farm animals, as defined in 87-4-406,
24 exclusive of carnivores and omnivores, must be identified by
25 use of a recorded whole herd mark or brand in compliance

1 with the requirements of Title 87, chapter 4, and this
2 chapter.

3 ~~(2)~~(3) No more than five brands may be recorded or
4 rerecorded by one person."

5 Section 2. Section 81-3-104, MCA, is amended to read:

6 "81-3-104. Designation of years for rerecording brands.

7 (1) Until a system is developed under subsection (2), each
8 10th year after 1921 is the year for rerecording artificial
9 marks and brands used to distinguish and identify the
10 ownership of domestic animals and livestock. Subject to the
11 provisions of ~~81-3-102(2)~~ 81-3-102(3), the department shall,
12 on the application of a person or the transferee of the
13 person made in a year that is a year for rerecording marks
14 and brands, rerecord a mark or brand that at the time of the
15 application stands of record in the department in the name
16 of the person. A mark or brand that was not originally
17 recorded or rerecorded in the name of the person during the
18 rerecording year last preceding the date when the
19 application is filed or originally recorded in the name of
20 the person or his the person's predecessor or predecessors
21 in interest between the time of the application and the
22 rerecording year last preceding the application is not of
23 record in the department.

24 (2) The department shall develop a system for the
25 staggered recording and rerecording of marks and brands."

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

2 **"81-3-201. Definitions.** Unless the context requires
3 otherwise, in this chapter, the following definitions apply:

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

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

11 (3) "Livestock" means any a bovine animal, horse, mule,
12 or ass, regardless of its age or sex, and includes llama,
13 bison, sheep, and elk, and game farm animals, as defined in
14 87-4-406, exclusive of carnivores and omnivores.

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

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

-End-

APPROVED BY COMM.
ON FISH AND GAME

SENATE BILL NO. 57

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BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING GAME FARM ANIMALS TO BE IDENTIFIED BY A RECORDED MARK; INCLUDING NONCARNIVOROUS GAME FARM ANIMALS IN THE DEFINITION OF LIVESTOCK FOR THE PURPOSE OF BRAND INSPECTION; AND AMENDING SECTIONS 81-3-102, 81-3-104, AND 81-3-201, MCA."

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

Section 1. Section 81-3-102, MCA, is amended to read:

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(2) Game farm animals, as defined in 87-4-406, exclusive of carnivores and omnivores, must be identified by use of a recorded whole herd mark or brand in compliance

with the requirements of Title 87, chapter 4, and this chapter.

(2)(3) No more than five brands may be recorded or rerecorded by one person."

Section 2. Section 81-3-104, MCA, is amended to read:

"81-3-104. Designation of years for rerecording brands.

(1) Until a system is developed under subsection (2), each 10th year after 1921 is the year for rerecording artificial marks and brands used to distinguish and identify the ownership of domestic animals and livestock. Subject to the provisions of ~~81-3-102(2)~~ 81-3-102(3), the department shall, on the application of a person or the transferee of the person made in a year that is a year for rerecording marks and brands, rerecord a mark or brand that at the time of the application stands of record in the department in the name of the person. A mark or brand that was not originally recorded or rerecorded in the name of the person during the rerecording year last preceding the date when the application is filed or originally recorded in the name of the person or ~~his~~ the person's predecessor or predecessors in interest between the time of the application and the rerecording year last preceding the application is not of record in the department.

(2) The department shall develop a system for the staggered recording and rerecording of marks and brands."

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

2 **"81-3-201. Definitions.** Unless the context requires
3 otherwise, in this chapter, the following definitions apply:

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

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

11 (3) "Livestock" means any a bovine animal, horse, mule,
12 or ass, regardless of its age or sex, and includes llama,
13 bison, sheep, and elk, and game farm animals, as defined in
14 87-4-406, exclusive of carnivores and omnivores.

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

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

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25 use of a recorded whole herd mark or brand in compliance

1 with the requirements of Title 87, chapter 4, and this
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4 rerecorded by one person."

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

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