

1 HOUSE BILL NO. 56

2 INTRODUCED BY ROSE

3 BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CERTAIN LAWS REGARDING THE RECORDING OF
6 LIVESTOCK BRANDS; DELETING THE REQUIREMENT THAT THE DEPARTMENT OF LIVESTOCK DEVELOP
7 A STAGGERED BRAND RECORDING AND RERECORDING SYSTEM; CLARIFYING THAT MORE THAN 10
8 PERCENT OF THE NET RERECORDING FEES MAY BE EXPENDED IN ANY 1 YEAR IN CASE OF AN
9 EMERGENCY DECLARED BY THE BOARD OF LIVESTOCK; CLARIFYING THE METHOD OF DEPOSIT OF
10 RERECORDING FEES; AND AMENDING SECTIONS 81-3-104 AND 81-3-107, MCA."

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

13
14 **Section 1.** Section 81-3-104, MCA, is amended to read:

15 **"81-3-104. Designation of years for rerecording brands.** ~~(1) Until a system is developed under~~
16 ~~subsection (2), each~~ Each 10th year after 1921 is the year for rerecording artificial marks and brands used
17 to distinguish and identify the ownership of domestic animals and livestock. Subject to the provisions of
18 81-3-102(3), the department shall, on the application of a person or the transferee of the person made in
19 a year that is a year for rerecording marks and brands, rerecord a mark or brand that at the time of the
20 application ~~stands of record in~~ is recorded with the department in the name of the person. A mark or brand
21 that was not originally recorded or rerecorded in the name of the person during the rerecording year last
22 preceding the date when the application is filed or that was not originally recorded in the name of the
23 person or the person's predecessor or predecessors in interest between the time of the application and the
24 rerecording year last preceding the application is not of record in the department.

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

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28 **Section 2.** Section 81-3-107, MCA, is amended to read:

29 **"81-3-107. Fees for department -- deposit requirements.** (1) The department shall establish, charge,
30 and collect a fee for recording a new mark or brand, for recording a mark or brand transfer, or for

1 rerecording a mark or brand. The department shall establish and charge a fee for providing a certified copy
2 of a record and a duplicate certificate. The department may upon request research mark or brand histories
3 and may charge a fee of up to \$50 ~~per~~ for each mark or brand, based on time involved in research. All fees
4 collected ~~shall~~ must be paid into the state special revenue fund for the use of the department. However,
5 not more than 10% of the net rerecording fees after all expenses of rerecording are paid may be expended
6 in any ~~one~~ 1 year except in case of an emergency declared by the governor or the board.

7 (2) Money collected as fees under subsection (1) is not subject to the deposit requirements of
8 17-6-105 but must be deposited by the department within a reasonable time after receipt."

9

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0056, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

This bill eliminates the requirement that the Department of Livestock develop a staggered brand recording and rerecording system, clarifies that more than 10% of the net rerecording fees may be expended in any one year in case of an emergency declared by the Governor or the Board of Livestock, and clarifies the method of depositing the rerecording fees.

ASSUMPTIONS:

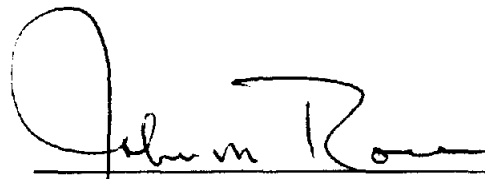
1. The Department of Livestock will continue to use the current process for recording and rerecording of marks or brands, which is each 10th year after 1921.
2. No emergency will occur in the biennium that would require the Governor or the Board of Livestock to authorize the expenditure of more than 10% of the net rerecording fees in any one year.

FISCAL IMPACT: There would be no fiscal impact to the Department of Livestock.



1-4-95

DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning



JOHN "SAM" ROSE, PRIMARY SPONSOR DATE

Fiscal Note for HB0056, as introduced

HB 56

APPROVED BY COMMITTEE
ON AGRICULTURE LIVESTOCK
& IRRIGATION

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