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INTRODUCED BY Bliff Triple ^{House} BILL NO. 564

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE TIME PERIODS RELATING TO LIVESTOCK GRAZING TRANSPORTATION PERMITS; PROVIDING THAT TRANSPORTATION PERMITS FOR GRAZING PURPOSES ARE VALID FOR A PERIOD OF 8 MONTHS FROM THE DATE OF ISSUANCE; AND AMENDING SECTION 81-3-211, MCA."

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

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

"81-3-211. Inspection of livestock before change of ownership or removal from county -- transportation permits. (1) For the purposes of this section:

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

(b) "Family business entity" means:

- (i) a corporation whose stock is owned solely by 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~~ a purchaser's agent to take possession of any ~~such animal~~ livestock subject to title passing upon meeting or satisfaction of any conditions, unless the livestock ~~has~~ have 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~~ the change of ownership as provided in this part. The inspection must be made in daylight. However, the change of

1 ownership inspection requirements of this subsection do not apply when the change of ownership
 2 transaction is accomplished without the livestock changing premises, involves part of a herd to which ~~no~~
 3 livestock have not been added other than by natural increase or after brand inspection, and is between:

4 (a) members of the same family;

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

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

7 (3) (a) It is unlawful to sell or offer for sale at a livestock market any livestock originating within
 8 any county in this state in which a livestock market is maintained or transported under a market
 9 consignment permit until the livestock has been inspected for marks and brands by a state stock inspector,
 10 as provided in this part.

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

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

18 (5) The person in charge of livestock being removed from a county in this state, where inspection
 19 ~~thereof~~ is required by this section or where change of ownership has occurred or when moved under a
 20 market consignment permit or a market release certificate, ~~shall~~ must have in ~~his~~ the person's possession
 21 the certificate of inspection, market consignment permit, transportation permit, or market release certificate
 22 ~~issued in connection therewith~~ and shall exhibit the certificate to any sheriff, deputy sheriff, constable,
 23 highway patrol officer, state stock inspector, or deputy state stock inspector upon request. Section
 24 81-3-204 ~~shall~~ must be extended to livestock transported or sold under the ~~above-mentioned~~ permits.

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

26 (a) If a saddle, work, or show horse is being transported from county to county in this state by the
 27 owner for ~~his~~ the owner's personal use or business or where a purebred cow is being transported from
 28 county to county in this state by its owner for show purposes and where there is no change of ownership,
 29 the inspection certificate required by this section may be endorsed, as to the purpose and extent of
 30 transportation, by the inspector issuing the certificate in order to serve as a travel permit in this state for

1 a period not to exceed 1 year for the horse or cow described thereon. The permit becomes void upon any
2 transfer of ownership or if the horse or cow is to be removed from the state. In such instances an
3 inspection must be secured for removal and the endorsed certificate surrendered.

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

19 (c) When livestock owned by and bearing the registered brand of a bona fide rodeo producer is
20 being transported from county to county in this state by the owner for rodeo purposes and where there is
21 no change of ownership, the inspection certificate required by this section may be endorsed, as to the
22 purpose and extent of transportation, by the inspector issuing the certificate in order to serve as a travel
23 permit in this state for the livestock described ~~thereon~~ in the certificate. The certificate is effective for the
24 calendar year for which it is issued. The certificate ~~shall~~ must be issued by a state stock inspector.

25 (d) An owner of livestock or ~~his~~ the owner's agent may be issued a one transportation permit in
26 a 12-month period allowing the movement of ~~his~~ the livestock into an adjoining county and return when
27 the livestock is being moved for grazing purposes and when it is being moved to and from land owned or
28 controlled by the owner of the livestock or ~~his~~ the owner's agent. The permit is valid for ~~the~~ a period of 8
29 months from ~~March 31 through November 30 of the calendar year in which it is issued~~ the date of issuance
30 and must be issued by a state stock inspector. The permit may be issued only if the livestock is branded

1 with the permittee's brand, which must be registered in Montana. The department shall establish a fee for
2 the permit, to be paid to the state stock inspector at the time the permit is issued and remitted by ~~him~~ the
3 inspector to the department for deposit in the state treasury to the credit of the state special revenue fund
4 for the use of the department. This permit may be used in lieu of the inspection and certificate required by
5 this section for movement of livestock across a county line.

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

8 -END-

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INTRODUCED BY Cliff Triple ^{House} BILL NO. 564

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE TIME PERIODS RELATING TO LIVESTOCK GRAZING TRANSPORTATION PERMITS; PROVIDING THAT TRANSPORTATION PERMITS FOR GRAZING PURPOSES ARE VALID FOR A PERIOD OF 8 MONTHS FROM THE DATE OF ISSUANCE; AND AMENDING SECTION 81-3-211, MCA."

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- (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~~ a purchaser's agent to take possession of any ~~such animal~~ livestock subject to title passing upon meeting or satisfaction of any conditions, unless the livestock ~~has~~ have 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~~ the change of ownership as provided in this part. The inspection must be made in daylight. However, the change of

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

7 (3) (a) It is unlawful to sell or offer for sale at a livestock market any livestock originating within
 8 any county in this state in which a livestock market is maintained or transported under a market
 9 consignment permit until the livestock has been inspected for marks and brands by a state stock inspector,
 10 as provided in this part.

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

13 (4) It is unlawful to remove or cause to be removed any livestock from the premises of a livestock
 14 market in this state unless the livestock has been released by a state stock inspector and a certificate of
 15 release for the livestock has been issued in connection with and for the purpose of the removal from the
 16 premises of the livestock market. The release obtained pursuant to this subsection will permit the
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 29 the inspection certificate required by this section may be endorsed, as to the purpose and extent of
 30 transportation, by the inspector issuing the certificate in order to serve as a travel permit in this state for

1 a period not to exceed 1 year for the horse or cow described thereon. The permit becomes void upon any
2 transfer of ownership or if the horse or cow is to be removed from the state. In such instances an
3 inspection must be secured for removal and the endorsed certificate surrendered.

4 (b) The owner of a saddle, work, or show horse may apply for a permanent transportation permit
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19 (c) When livestock owned by and bearing the registered brand of a bona fide rodeo producer is
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1 with the permittee's brand, which must be registered in Montana. The department shall establish a fee for
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3 inspector to the department for deposit in the state treasury to the credit of the state special revenue fund
4 for the use of the department. This permit may be used in lieu of the inspection and certificate required by
5 this section for movement of livestock across a county line.

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

8 -END-

1
2 INTRODUCED BY Bliff Treppe ^{House} BILL NO. 564
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE TIME PERIODS RELATING TO LIVESTOCK
5 GRAZING TRANSPORTATION PERMITS; PROVIDING THAT TRANSPORTATION PERMITS FOR GRAZING
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8

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

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

12 **"81-3-211. Inspection of livestock before change of ownership or removal from county --**
13 **transportation permits.** (1) For the purposes of this section:

14 (a) "Members of the same family" means a group whose membership is determined by including
15 an individual, ~~his~~ the individual's spouse, and ~~his~~ the individual's parents, children, grandchildren, and the
16 spouses of each.

17 (b) "Family business entity" means:

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

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22 (c) "Rodeo producer" means a person who produces or furnishes livestock that is used for rodeo
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8 -END-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 4, 1995

MR. PRESIDENT:

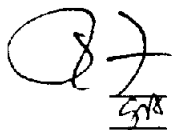
We, your committee on Agriculture, Livestock, and Irrigation having had under consideration HB 564 (third reading copy -- blue), respectfully report that HB 564 be amended as follows and as so amended be concurred in.

Signed: 
Senator Chuck Swysgood, Chair

That such amendments read:

1. Title, line 6.
Strike: "AND"
2. Title, line 7.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"
3. Page 4, line 8.
Insert: "NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval."

-END-



Amd. Coord.
Sec. of Senate

SEN. HOLDEN
Senator Carrying Bill

HB 564

SENATE

1 HOUSE BILL NO. 564

2 INTRODUCED BY TREXLER

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE TIME PERIODS RELATING TO LIVESTOCK
 5 GRAZING TRANSPORTATION PERMITS; PROVIDING THAT TRANSPORTATION PERMITS FOR GRAZING
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 11 approval of the application by a state stock inspector, a permanent transportation permit ~~shall~~ must be
 12 issued by the department to the owner for each horse, and ~~such~~ the permit ~~shall be~~ is valid for the life of
 13 the horse. If there is a change of ownership in a horse, the permit ~~shall~~ automatically ~~become~~ is void. The
 14 permit must accompany the horse for which it was issued at all times while the horse is in transit. This
 15 permit ~~shall be~~ is in lieu of other permits and certificates required under the provisions of this section. The
 16 state of Montana shall recognize as valid permanent transportation permits issued in other jurisdictions to
 17 the owner of a saddle, work, or show horse subsequently entering the state. ~~Such a~~ A permit ~~shall be~~ is
 18 automatically void upon a change of ownership.

19 (c) When livestock owned by and bearing the registered brand of a bona fide rodeo producer is
 20 being transported from county to county in this state by the owner for rodeo purposes and where there is
 21 no change of ownership, the inspection certificate required by this section may be endorsed, as to the
 22 purpose and extent of transportation, by the inspector issuing the certificate in order to serve as a travel
 23 permit in this state for the livestock described ~~thereon~~ in the certificate. The certificate is effective for the
 24 calendar year for which it is issued. The certificate ~~shall~~ must be issued by a state stock inspector.

25 (d) An owner of livestock or ~~his~~ the owner's agent may be issued a one transportation permit in
 26 a 12-month period allowing the movement of ~~his~~ the livestock into an adjoining county and return when
 27 the livestock is being moved for grazing purposes and when it is being moved to and from land owned or
 28 controlled by the owner of the livestock or ~~his~~ the owner's agent. The permit is valid for ~~the~~ a period of 8
 29 months from ~~March 31 through November 30 of the calendar year in which it is issued~~ the date of issuance
 30 and must be issued by a state stock inspector. The permit may be issued only if the livestock is branded

1 with the permittee's brand, which must be registered in Montana. The department shall establish a fee for
2 the permit, to be paid to the state stock inspector at the time the permit is issued and remitted by ~~him~~ the
3 inspector to the department for deposit in the state treasury to the credit of the state special revenue fund
4 for the use of the department. This permit may be used in lieu of the inspection and certificate required by
5 this section for movement of livestock across a county line.

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

8

9 NEW SECTION. SECTION 2. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND
10 APPROVAL.

11

-END-