

1 *House* BILL NO. *189*
 2 INTRODUCED BY *Barnett Hargrove*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE TRAINING, CERTIFICATION, AND
 5 APPOINTMENT OF SPECIALLY QUALIFIED STOCK INSPECTORS; EXTENDING THE APPLICATION OF
 6 CERTAIN TRAVEL PERMITS FOR ADDITIONAL TYPES OF LIVESTOCK; DELINEATING THE AUTHORITY OF
 7 SPECIALLY QUALIFIED STOCK INSPECTORS WITH RESPECT TO A CHANGE IN OWNERSHIP OF THE
 8 LIVESTOCK AND WITH RESPECT TO TRANSPORTING LIVESTOCK; AND AMENDING SECTIONS 81-1-201,
 9 81-3-201, AND 81-3-211, MCA."
 10

11 STATEMENT OF INTENT

12 A statement of intent is required for this bill because 81-1-201 requires the board of livestock to adopt
 13 administrative rules regarding the certification of specially qualified stock inspectors. At a minimum, the
 14 rules should address:

- 15 (1) the components of the examination for the qualification of specially qualified stock inspectors;
- 16 (2) other criteria that may be required for the appointment and employment of individuals as
 17 specially qualified stock inspectors;
- 18 (3) procedures for taking the examination, including defining a passing grade; and
- 19 (4) other rules that may be necessary to effectively administer the examination, certification, and
 20 employment of specially certified stock inspectors.

21
 22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 23

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

25 **"81-1-201. Appointment and powers. (1)** The department may appoint stock inspectors and
 26 detectives necessary for the protection of the livestock interests of this state. The department shall
 27 designate which inspectors and detectives are considered law enforcement officers, and those designated
 28 shall take the official oath required by law and shall have similar powers and authority to those conferred
 29 by law on deputy sheriffs. However, they are not entitled to the fees or emoluments awarded by law to
 30 deputy sheriffs. The board shall devise an examination for the qualification of stock inspectors and

1 detectives designated as law enforcement officers and may appoint and employ only persons who
 2 successfully pass ~~such~~ the examination. The board shall promulgate administrative rules for the taking of
 3 this examination and shall define a passing grade.

4 (2) The board shall devise an examination for the qualification of specially qualified stock inspectors
 5 and may appoint or employ as specially qualified stock inspectors only persons who successfully pass the
 6 examination. The board shall promulgate administrative rules for the taking of this examination and shall
 7 define a passing grade."

8
 9 **Section 2.** Section 81-3-201, MCA, is amended to read:

10 **"81-3-201. Definitions.** Unless the context requires otherwise, in this chapter, the following
 11 definitions apply:

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

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

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

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

21 (5) "Specially qualified stock inspector" means a state stock inspector or a deputy state stock
 22 inspector who has been certified by the department pursuant to 81-1-201 as qualified to conduct an
 23 inspection for a permanent transportation permit for a saddle, work, or show horse or for certain other
 24 transportation permits for other show livestock.

25 ~~(5)(6)~~ (6) "State stock inspector" means an employee of the department of livestock designated by
 26 the department as a state stock inspector."

27
 28 **Section 3.** Section 81-3-211, MCA, is amended to read:

29 **"81-3-211. Inspection of livestock before change of ownership or removal from county --**
 30 **transportation permits.** (1) For the purposes of this section:

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

4 ~~(b)~~ "Family business entity" means:

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

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

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

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

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

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

14 (2) Except as otherwise provided in this part, it is unlawful to remove or cause to be removed from
15 a county in this state any livestock or to transfer ownership by sale or otherwise or for an intended
16 purchaser or a purchaser's agent to take possession of any livestock subject to title passing upon meeting
17 or satisfaction of any conditions, unless the livestock have been inspected for brands by a state stock
18 inspector or deputy state stock inspector and a certificate of the inspection has been issued in connection
19 with and for the purpose of the transportation or removal or of the change of ownership as provided in this
20 part. The inspection must be made in daylight. However, the change of ownership inspection requirements
21 of this subsection do not apply when the change of ownership transaction is accomplished without the
22 livestock changing premises, involves part of a herd to which livestock have not been added other than by
23 natural increase or after brand inspection, and is between:

24 (a) members of the same family;

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

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

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

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

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

8 (5) The person in charge of livestock being removed from a county in this state, ~~where~~ when
9 inspection is required by this section, ~~or where~~ when a change of ownership has occurred, or when moved
10 under a market consignment permit or a market release certificate, must have in the person's possession
11 the certificate of inspection, market consignment permit, transportation permit, or market release certificate
12 and shall exhibit the certificate to any sheriff, deputy sheriff, constable, highway patrol officer, state stock
13 inspector, or deputy state stock inspector upon request. Section 81-3-204 must be extended to livestock
14 transported or sold under the permits.

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

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

25 (b) The owner of a saddle, work, or show horse may apply for a permanent transportation permit
26 valid for both interstate and intrastate transportation of the horse until there is a change of ownership. To
27 obtain a permit, a horse must have either a registered brand that has been legally cleared or a lip tattoo or
28 the owner ~~must~~ is required to present proof of ownership to a ~~state~~ state specially qualified stock inspector. A
29 written application, on forms to be provided by the department, must be completed by the owner and
30 presented to a ~~state~~ state specially qualified stock inspector, together with a permit fee established by the

1 department, for each horse. The application must contain a thorough physical description of the horse and
2 list all brands and tattoos carried by the horse. Upon approval of the application by a ~~state~~ specially
3 qualified stock inspector, a permanent transportation permit must be issued by the department to the owner
4 for each horse, and the permit is valid for the life of the horse. If there is a change of ownership in a horse,
5 the permit automatically is void. The permit must accompany the horse for which it was issued at all times
6 while the horse is in transit. This permit is in lieu of other permits and certificates required under the
7 provisions of this section. The state of Montana shall recognize as valid permanent transportation permits
8 issued in other jurisdictions to the owner of a saddle, work, or show horse subsequently entering the state.
9 A permit is automatically void upon a change of ownership.

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

16 (d) An owner of livestock or the owner's agent may be issued one transportation permit in a
17 12-month period allowing the movement of the livestock into an adjoining county and return when the
18 livestock ~~is~~ are being moved for grazing purposes and when ~~it is~~ they are being moved to and from land
19 owned or controlled by the owner of the livestock or the owner's agent. The permit is valid for a period of
20 8 months from the date of issuance and must be issued by a state stock inspector. The permit may be
21 issued only if the livestock ~~is~~ are branded with the permittee's brand, which must be registered in Montana.
22 The department shall establish a fee for the permit, to be paid to the state stock inspector at the time the
23 permit is issued and remitted by the inspector to the department for deposit in the state treasury to the
24 credit of the state special revenue fund for the use of the department. This permit may be used in lieu of
25 the inspection and certificate required by this section for movement of livestock across a county line.

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

28 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0189, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act authorizing the training, certification, and appointment of specially qualified stock inspectors; extending the application of certain travel permits for additional types of livestock; delineating the authority of specially qualified stock inspectors with respect to a change in ownership of the livestock and with respect to transporting livestock.

ASSUMPTIONS:

1. The Department of Livestock has a stock inspector training program with a corresponding test in place.
2. The training and certification required in this bill can be provided within the recommended Executive Budget.

FISCAL IMPACT:

None

Dave Lewis 1-11-97
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Joe Barnett 1-14-97
JOE BARNETT, PRIMARY SPONSOR DATE
Fiscal Note for HB0189, as introduced

HB 189

HOUSE BILL NO. 189

INTRODUCED BY BARNETT, HARGROVE

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE TRAINING, CERTIFICATION, AND APPOINTMENT OF SPECIALLY QUALIFIED DEPUTY STOCK INSPECTORS; EXTENDING THE APPLICATION OF CERTAIN TRAVEL PERMITS FOR ADDITIONAL TYPES OF LIVESTOCK; DELINEATING THE AUTHORITY OF SPECIALLY QUALIFIED DEPUTY STOCK INSPECTORS WITH RESPECT TO A CHANGE IN OWNERSHIP OF THE LIVESTOCK AND WITH RESPECT TO TRANSPORTING LIVESTOCK; REVISING THE DEFINITION OF "LIVESTOCK" AS THE TERM IS USED WITH RESPECT TO MARKS AND BRANDS; AND AMENDING SECTIONS ~~81-1-201~~, 81-3-201, AND 81-3-211, MCA."

~~STATEMENT OF INTENT~~

~~A statement of intent is required for this bill because 81-1-201 requires the board of livestock to adopt administrative rules regarding the certification of specially qualified stock inspectors. At a minimum, the rules should address:~~

- ~~(1) the components of the examination for the qualification of specially qualified stock inspectors;~~
- ~~(2) other criteria that may be required for the appointment and employment of individuals as specially qualified stock inspectors;~~
- ~~(3) procedures for taking the examination, including defining a passing grade; and~~
- ~~(4) other rules that may be necessary to effectively administer the examination, certification, and employment of specially certified stock inspectors.~~

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

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

~~"81-1-201. Appointment and powers. (1) The department may appoint stock inspectors and detectives necessary for the protection of the livestock interests of this state. The department shall designate which inspectors and detectives are considered law enforcement officers, and those designated shall take the official oath required by law and shall have similar powers and authority to those conferred by law on deputy sheriffs. However, they are not entitled to the fees or emoluments awarded by law to~~

1 ~~deputy sheriffs. The board shall devise an examination for the qualification of stock inspectors and~~
 2 ~~detectives designated as law enforcement officers and may appoint and employ only persons who~~
 3 ~~successfully pass such the examination. The board shall promulgate administrative rules for the taking of~~
 4 ~~this examination and shall define a passing grade.~~

5 ~~(2) The board shall devise an examination for the qualification of specially qualified stock inspectors~~
 6 ~~and may appoint or employ as specially qualified stock inspectors only persons who successfully pass the~~
 7 ~~examination. The board shall promulgate administrative rules for the taking of this examination and shall~~
 8 ~~define a passing grade."~~

9
 10 **Section 1.** Section 81-3-201, MCA, is amended to read:

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

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

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

17 (3) "Livestock" means a bovine animal, horse, mule, or ass, regardless of its age or sex, ~~and~~
 18 ~~includes bison, sheep, elk, and game farm animals, as defined in 87-4-406, exclusive of carnivores and~~
 19 ~~omniveres.~~

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

22 ~~(5) "Specially qualified DEPUTY stock inspector" means a state stock inspector or a deputy state~~
 23 ~~stock inspector who has been certified by the department, UNDER RULES ADOPTED pursuant to 81-1-201~~
 24 ~~81-3-202, as qualified to conduct an inspection for a permanent transportation permit for a saddle, work,~~
 25 ~~or show horse or for certain other transportation permits for other show livestock.~~

26 ~~(5)(6)~~ (6) "State stock inspector" means an employee of the department of livestock designated by
 27 the department as a state stock inspector."

28
 29 **Section 2.** Section 81-3-211, MCA, is amended to read:

30 **"81-3-211. Inspection of livestock before change of ownership or removal from county --**

1 **transportation permits.** (1) For the purposes of this section:

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

5 ~~(b)~~ "Family business entity" means:

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

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

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

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

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

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

15 (2) Except as otherwise provided in this part, it is unlawful to remove or cause to be removed from
 16 a county in this state any livestock or to transfer ownership by sale or otherwise or for an intended
 17 purchaser or a purchaser's agent to take possession of any livestock subject to title passing upon meeting
 18 or satisfaction of any conditions, unless the livestock have been inspected for brands by a state stock
 19 inspector or deputy state stock inspector and a certificate of the inspection has been issued in connection
 20 with and for the purpose of the transportation or removal or of the change of ownership as provided in this
 21 part. The inspection must be made in daylight. However, the change of ownership inspection requirements
 22 of this subsection do not apply when the change of ownership transaction is accomplished without the
 23 livestock changing premises, involves part of a herd to which livestock have not been added other than by
 24 natural increase or after brand inspection, and is between:

25 (a) members of the same family;

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

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

28 (3) (a) It is unlawful to sell or offer for sale at a livestock market any livestock originating within
 29 any county in this state in which a livestock market is maintained or transported under a market
 30 consignment permit until the livestock has been inspected for marks and brands by a state stock inspector,

1 as provided in this part.

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

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

9 (5) The person in charge of livestock being removed from a county in this state, ~~where~~ when
10 inspection is required by this section, ~~or where~~ when a change of ownership has occurred, or when moved
11 under a market consignment permit or a market release certificate, must have in the person's possession
12 the certificate of inspection, market consignment permit, transportation permit, or market release certificate
13 and shall exhibit the certificate to any sheriff, deputy sheriff, constable, highway patrol officer, state stock
14 inspector, or deputy state stock inspector upon request. Section 81-3-204 must be extended to livestock
15 transported or sold under the permits.

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

17 (a) If a saddle, work, or show horse is being transported from county to county in this state by the
18 owner for the owner's personal use or business or ~~where a purebred cow is~~ if other livestock CATTLE are
19 being transported from county to county in this state by ~~its~~ their owner for show purposes and ~~where~~
20 is no change of ownership, the inspection certificate required by this section may be endorsed, as to the
21 purpose and extent of transportation, by the inspector issuing the certificate in order to serve as a travel
22 permit in this state for a period not to exceed 1 year for the ~~horse or cow~~ horse or other livestock CATTLE
23 described ~~therein~~ in the certificate. The permit becomes void upon any transfer of ownership or if the ~~horse~~
24 ~~or cow is~~ horse or other livestock CATTLE are to be removed from the state. ~~In such instances~~ If the permit
25 is void, an inspection must be secured for removal and the endorsed certificate must be surrendered.

26 (b) The owner of a saddle, work, or show horse may apply for a permanent transportation permit
27 valid for both interstate and intrastate transportation of the horse until there is a change of ownership. To
28 obtain a permit, a horse must have either a registered brand that has been legally cleared or a lip tattoo or
29 the owner ~~must~~ is required to present proof of ownership to a ~~state~~ STATE STOCK INSPECTOR OR A
30 specially qualified DEPUTY stock inspector. A written application, on forms to be provided by the

1 department, must be completed by the owner and presented to a ~~state~~ STATE STOCK INSPECTOR OR A
2 specially qualified DEPUTY stock inspector, together with a permit fee established by the department, for
3 each horse. The application must contain a thorough physical description of the horse and list all brands
4 and tattoos carried by the horse. Upon approval of the application by a ~~state~~ specially qualified STATE
5 stock inspector, a permanent transportation permit must be issued by the department to the owner for each
6 horse, and the permit is valid for the life of the horse. If there is a change of ownership in a horse, the
7 permit automatically is void. The permit must accompany the horse for which it was issued at all times
8 while the horse is in transit. This permit is in lieu of other permits and certificates required under the
9 provisions of this section. The state of Montana shall recognize as valid permanent transportation permits
10 issued in other jurisdictions to the owner of a saddle, work, or show horse subsequently entering the state.
11 A permit is automatically void upon a change of ownership.

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

18 (d) An owner of livestock or the owner's agent may be issued one transportation permit in a
19 12-month period allowing the movement of the livestock into an adjoining county and return when the
20 livestock ~~is~~ are being moved for grazing purposes and when ~~it is~~ they are being moved to and from land
21 owned or controlled by the owner of the livestock or the owner's agent. The permit is valid for a period of
22 8 months from the date of issuance and must be issued by a state stock inspector. The permit may be
23 issued only if the livestock ~~is~~ are branded with the permittee's brand, which must be registered in Montana.
24 The department shall establish a fee for the permit, to be paid to the state stock inspector at the time the
25 permit is issued and remitted by the inspector to the department for deposit in the state treasury to the
26 credit of the state special revenue fund for the use of the department. This permit may be used in lieu of
27 the inspection and certificate required by this section for movement of livestock across a county line.

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

30 -END-

1 HOUSE BILL NO. 189

2 INTRODUCED BY BARNETT, HARGROVE

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4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE TRAINING, CERTIFICATION, AND
5 APPOINTMENT OF SPECIALLY QUALIFIED DEPUTY STOCK INSPECTORS; EXTENDING THE APPLICATION
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9 OF "LIVESTOCK" AS THE TERM IS USED WITH RESPECT TO MARKS AND BRANDS; AND AMENDING
10 SECTIONS ~~81-1-201~~, 81-3-201, AND 81-3-211, MCA."

**THERE ARE NO CHANGES IN THIS BILL AND IT WILL NOT BE
REPRINTED. PLEASE REFER TO SECOND READING COPY
(YELLOW) FOR COMPLETE TEXT.**

APPROVED BY COM ON AGRICULTURE,
LIVESTOCK & IRRIGATION

HOUSE BILL NO. 189

INTRODUCED BY BARNETT, HARGROVE

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE TRAINING, CERTIFICATION, AND APPOINTMENT OF SPECIALLY QUALIFIED DEPUTY STOCK INSPECTORS; EXTENDING THE APPLICATION OF CERTAIN TRAVEL PERMITS FOR ADDITIONAL TYPES OF LIVESTOCK; DELINEATING THE AUTHORITY OF SPECIALLY QUALIFIED DEPUTY STOCK INSPECTORS WITH RESPECT TO A CHANGE IN OWNERSHIP OF THE LIVESTOCK AND WITH RESPECT TO TRANSPORTING LIVESTOCK; REVISING THE DEFINITION OF "LIVESTOCK" AS THE TERM IS USED WITH RESPECT TO MARKS AND BRANDS; ~~AND~~ AMENDING SECTIONS ~~81-1-201~~, 81-3-201, AND 81-3-211, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

STATEMENT OF INTENT

~~A statement of intent is required for this bill because 81-1-201 requires the board of livestock to adopt administrative rules regarding the certification of specially qualified stock inspectors. At a minimum, the rules should address:~~

- ~~(1) the components of the examination for the qualification of specially qualified stock inspectors;~~
- ~~(2) other criteria that may be required for the appointment and employment of individuals as specially qualified stock inspectors;~~
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12 **"81-3-201. Definitions.** Unless the context requires otherwise, in this chapter, the following
 13 definitions apply:

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

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

18 (3) "Livestock" means a bovine animal, horse, mule, or ass, regardless of its age or sex, and
 19 ~~includes bison, sheep, elk, and game farm animals, as defined in 87-4-406, exclusive of carnivores and~~
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21 (4) "Person" means an individual, partnership, corporation, association, firm, or entity not
 22 enumerated that is capable of owning or controlling livestock.

23 ~~(5) "Specially qualified DEPUTY stock inspector" means a state stock inspector or a deputy state~~
 24 ~~stock inspector who has been certified by the department, UNDER RULES ADOPTED pursuant to 81-1-201~~
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27 ~~(5)(6)~~ (6) "State stock inspector" means an employee of the department of livestock designated by
 28 the department as a state stock inspector."

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 30 **Section 2.** Section 81-3-211, MCA, is amended to read:

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

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

6 **(b) "Family business entity" means:**

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

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

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

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

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

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

16 (2) Except as otherwise provided in this part, it is unlawful to remove or cause to be removed from
17 a county in this state any livestock or to transfer ownership by sale or otherwise or for an intended
18 purchaser or a purchaser's agent to take possession of any livestock subject to title passing upon meeting
19 or satisfaction of any conditions, unless the livestock have been inspected for brands by a state stock
20 inspector or deputy state stock inspector and a certificate of the inspection has been issued in connection
21 with and for the purpose of the transportation or removal or of the change of ownership as provided in this
22 part. The inspection must be made in daylight. However, the change of ownership inspection requirements
23 of this subsection do not apply when the change of ownership transaction is accomplished without the
24 livestock changing premises, involves part of a herd to which livestock have not been added other than by
25 natural increase or after brand inspection, and is between:

26 (a) members of the same family;

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

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

29 (3) (a) It is unlawful to sell or offer for sale at a livestock market any livestock originating within
30 any county in this state in which a livestock market is maintained or transported under a market

1 consignment permit until the livestock has been inspected for marks and brands by a state stock inspector,
2 as provided in this part.

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

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

10 (5) The person in charge of livestock being removed from a county in this state, ~~where~~ when
11 inspection is required by this section, ~~or where~~ when a change of ownership has occurred, or when moved
12 under a market consignment permit or a market release certificate, must have in the person's possession
13 the certificate of inspection, market consignment permit, transportation permit, or market release certificate
14 and shall exhibit the certificate to any sheriff, deputy sheriff, constable, highway patrol officer, state stock
15 inspector, or deputy state stock inspector upon request. Section 81-3-204 must be extended to livestock
16 transported or sold under the permits.

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

18 (a) If a saddle, work, or show horse is being transported from county to county in this state by the
19 owner for the owner's personal use or business or ~~where a purebred cow is~~ if other livestock CATTLE are
20 being transported from county to county in this state by ~~its~~ their owner for show purposes and ~~where~~ there
21 is 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 a period not to exceed 1 year for the ~~horse or cow~~ horse or other livestock CATTLE
24 described ~~thereon~~ in the certificate. The permit becomes void upon any transfer of ownership or if the ~~horse~~
25 ~~or cow is~~ horse or other livestock CATTLE are to be removed from the state. ~~In such instances~~ If the permit
26 is void, an inspection must be secured for removal and the endorsed certificate must be surrendered.

27 (b) The owner of a saddle, work, or show horse may apply for a permanent transportation permit
28 valid for both interstate and intrastate transportation of the horse until there is a change of ownership. To
29 obtain a permit, a horse must have either a registered brand that has been legally cleared or a lip tattoo or
30 the owner ~~must~~ is required to present proof of ownership to a ~~state~~ STATE STOCK INSPECTOR OR A

1 specially qualified DEPUTY stock inspector. A written application, on forms to be provided by the
2 department, must be completed by the owner and presented to a ~~state~~ STATE STOCK INSPECTOR OR A
3 specially qualified DEPUTY stock inspector, together with a permit fee established by the department, for
4 each horse. The application must contain a thorough physical description of the horse and list all brands
5 and tattoos carried by the horse. Upon approval of the application by a ~~state specially qualified~~ STATE
6 stock inspector, a permanent transportation permit must be issued by the department to the owner for each
7 horse, and the permit is valid for the life of the horse. If there is a change of ownership in a horse, the
8 permit automatically is void. The permit must accompany the horse for which it was issued at all times
9 while the horse is in transit. This permit is in lieu of other permits and certificates required under the
10 provisions of this section. The state of Montana shall recognize as valid permanent transportation permits
11 issued in other jurisdictions to the owner of a saddle, work, or show horse subsequently entering the state.
12 A permit is automatically void upon a change of ownership.

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

19 (d) An owner of livestock or the owner's agent may be issued one transportation permit in a
20 12-month period allowing the movement of the livestock into an adjoining county and return when the
21 livestock ~~is~~ are being moved for grazing purposes and when ~~it is~~ they are being moved to and from land
22 owned or controlled by the owner of the livestock or the owner's agent. The permit is valid for a period of
23 8 months from the date of issuance and must be issued by a state stock inspector. The permit may be
24 issued only if the livestock ~~is~~ are branded with the permittee's brand, which must be registered in Montana.
25 The department shall establish a fee for the permit, to be paid to the state stock inspector at the time the
26 permit is issued and remitted by the inspector to the department for deposit in the state treasury to the
27 credit of the state special revenue fund for the use of the department. This permit may be used in lieu of
28 the inspection and certificate required by this section for movement of livestock across a county line.

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

1 HOUSE BILL NO. 189

2 INTRODUCED BY BARNETT, HARGROVE

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE TRAINING, CERTIFICATION, AND
 5 APPOINTMENT OF SPECIALLY QUALIFIED DEPUTY STOCK INSPECTORS; EXTENDING THE APPLICATION
 6 OF CERTAIN TRAVEL PERMITS FOR ADDITIONAL TYPES OF LIVESTOCK; DELINEATING THE AUTHORITY
 7 OF SPECIALLY QUALIFIED DEPUTY STOCK INSPECTORS WITH RESPECT TO A CHANGE IN OWNERSHIP
 8 OF THE LIVESTOCK AND WITH RESPECT TO TRANSPORTING LIVESTOCK; REVISING THE DEFINITION
 9 OF "LIVESTOCK" AS THE TERM IS USED WITH RESPECT TO MARKS AND BRANDS; AND AMENDING
 10 SECTIONS 81-1-201, 81-3-201, AND 81-3-211, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
 11 DATE."

12
13 ~~STATEMENT OF INTENT~~

14 ~~A statement of intent is required for this bill because 81-1-201 requires the board of livestock to adopt~~
 15 ~~administrative rules regarding the certification of specially qualified stock inspectors. At a minimum, the~~
 16 ~~rules should address:~~

- 17 ~~(1) the components of the examination for the qualification of specially qualified stock inspectors;~~
 18 ~~(2) other criteria that may be required for the appointment and employment of individuals as~~
 19 ~~specially qualified stock inspectors;~~
 20 ~~(3) procedures for taking the examination, including defining a passing grade; and~~
 21 ~~(4) other rules that may be necessary to effectively administer the examination, certification, and~~
 22 ~~employment of specially certified stock inspectors.~~

23
 24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

25
 26 ~~Section 1. Section 81-1-201, MCA, is amended to read:~~

27 ~~"81-1-201. Appointment and powers. (1) The department may appoint stock inspectors and~~
 28 ~~detectives necessary for the protection of the livestock interests of this state. The department shall~~
 29 ~~designate which inspectors and detectives are considered law enforcement officers, and those designated~~
 30 ~~shall take the official oath required by law and shall have similar powers and authority to those conferred~~

REFERENCE BILL

1 by law on deputy sheriffs. However, they are not entitled to the fees or emoluments awarded by law to
 2 deputy sheriffs. The board shall devise an examination for the qualification of stock inspectors and
 3 detectives designated as law enforcement officers and may appoint and employ only persons who
 4 successfully pass such the examination. The board shall promulgate administrative rules for the taking of
 5 this examination and shall define a passing grade.

6 ~~(2) The board shall devise an examination for the qualification of specially qualified stock inspectors
 7 and may appoint or employ as specially qualified stock inspectors only persons who successfully pass the
 8 examination. The board shall promulgate administrative rules for the taking of this examination and shall
 9 define a passing grade."~~

10
 11 **Section 1.** Section 81-3-201, MCA, is amended to read:

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

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

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

18 (3) "Livestock" means a bovine animal, horse, mule, or ass, regardless of its age or sex, ~~and
 19 includes bison, sheep, elk, and game farm animals, as defined in 87-4-406, exclusive of carnivores and
 20 omnivores.~~

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

23 ~~(5) "Specially qualified DEPUTY stock inspector" means a state stock inspector or a deputy state
 24 stock inspector who has been certified by the department, UNDER RULES ADOPTED pursuant to 81-1-201
 25 81-3-202, as qualified to conduct an inspection for a permanent transportation permit for a saddle, work,
 26 or show horse or for certain other transportation permits for other show livestock.~~

27 ~~(5)(6)~~ (6) "State stock inspector" means an employee of the department of livestock designated by
 28 the department as a state stock inspector."

29
 30 **Section 2.** Section 81-3-211, MCA, is amended to read:

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

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

6 ~~(b)~~ "Family business entity" means:

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

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

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

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

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

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

16 (2) Except as otherwise provided in this part, it is unlawful to remove or cause to be removed from
 17 a county in this state any livestock or to transfer ownership by sale or otherwise or for an intended
 18 purchaser or a purchaser's agent to take possession of any livestock subject to title passing upon meeting
 19 or satisfaction of any conditions, unless the livestock have been inspected for brands by a state stock
 20 inspector or deputy state stock inspector and a certificate of the inspection has been issued in connection
 21 with and for the purpose of the transportation or removal or of the change of ownership as provided in this
 22 part. The inspection must be made in daylight. However, the change of ownership inspection requirements
 23 of this subsection do not apply when the change of ownership transaction is accomplished without the
 24 livestock changing premises, involves part of a herd to which livestock have not been added other than by
 25 natural increase or after brand inspection, and is between:

26 (a) members of the same family;

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

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

29 (3) (a) It is unlawful to sell or offer for sale at a livestock market any livestock originating within
 30 any county in this state in which a livestock market is maintained or transported under a market

1 consignment permit until the livestock has been inspected for marks and brands by a state stock inspector,
2 as provided in this part.

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

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

10 (5) The person in charge of livestock being removed from a county in this state, ~~where~~ when
11 inspection is required by this section, ~~or where~~ when a change of ownership has occurred, or when moved
12 under a market consignment permit or a market release certificate, must have in the person's possession
13 the certificate of inspection, market consignment permit, transportation permit, or market release certificate
14 and shall exhibit the certificate to any sheriff, deputy sheriff, constable, highway patrol officer, state stock
15 inspector, or deputy state stock inspector upon request. Section 81-3-204 must be extended to livestock
16 transported or sold under the permits.

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

18 (a) If a saddle, work, or show horse is being transported from county to county in this state by the
19 owner for the owner's personal use or business or ~~where a purebred cow is~~ if other livestock CATTLE are
20 being transported from county to county in this state by ~~its~~ their owner for show purposes and ~~where~~ there
21 is 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 a period not to exceed 1 year for the ~~horse or cow~~ horse or other livestock CATTLE
24 described ~~thereon~~ in the certificate. The permit becomes void upon any transfer of ownership or if the ~~horse~~
25 ~~or cow is~~ horse or other livestock CATTLE are to be removed from the state. ~~In such instances~~ If the permit
26 is void, an inspection must be secured for removal and the endorsed certificate must be surrendered.

27 (b) The owner of a saddle, work, or show horse may apply for a permanent transportation permit
28 valid for both interstate and intrastate transportation of the horse until there is a change of ownership. To
29 obtain a permit, a horse must have either a registered brand that has been legally cleared or a lip tattoo or
30 the owner ~~must~~ is required to present proof of ownership to a ~~state~~ STATE STOCK INSPECTOR OR A

1 specially qualified DEPUTY stock inspector. A written application, on forms to be provided by the
2 department, must be completed by the owner and presented to a ~~state~~ STATE STOCK INSPECTOR OR A
3 specially qualified DEPUTY stock inspector, together with a permit fee established by the department, for
4 each horse. The application must contain a thorough physical description of the horse and list all brands
5 and tattoos carried by the horse. Upon approval of the application by a ~~state~~ specially qualified STATE
6 stock inspector, a permanent transportation permit must be issued by the department to the owner for each
7 horse, and the permit is valid for the life of the horse. If there is a change of ownership in a horse, the
8 permit automatically is void. The permit must accompany the horse for which it was issued at all times
9 while the horse is in transit. This permit is in lieu of other permits and certificates required under the
10 provisions of this section. The state of Montana shall recognize as valid permanent transportation permits
11 issued in other jurisdictions to the owner of a saddle, work, or show horse subsequently entering the state.
12 A permit is automatically void upon a change of ownership.

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

19 (d) An owner of livestock or the owner's agent may be issued one transportation permit in a
20 12-month period allowing the movement of the livestock into an adjoining county and return when the
21 livestock ~~is~~ are being moved for grazing purposes and when ~~it is~~ they are being moved to and from land
22 owned or controlled by the owner of the livestock or the owner's agent. The permit is valid for a period of
23 8 months from the date of issuance and must be issued by a state stock inspector. The permit may be
24 issued only if the livestock ~~is~~ are branded with the permittee's brand, which must be registered in Montana.
25 The department shall establish a fee for the permit, to be paid to the state stock inspector at the time the
26 permit is issued and remitted by the inspector to the department for deposit in the state treasury to the
27 credit of the state special revenue fund for the use of the department. This permit may be used in lieu of
28 the inspection and certificate required by this section for movement of livestock across a county line.

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

