

HOUSE BILL NO. 311

INTRODUCED BY G. HERTZ

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING BRAND INSPECTION REQUIREMENTS FOR HORSES; REMOVING BRAND INSPECTION REQUIREMENTS FOR THE SALE OF HORSES; ELIMINATING COUNTY-TO-COUNTY TRANSPORTATION PERMIT REQUIREMENTS FOR A SADDLE, WORK, OR SHOW HORSE TRANSPORTED BY THE OWNER FOR THE OWNER'S PERSONAL USE OR BUSINESS; AMENDING SECTIONS 81-3-211, 81-3-212, AND 81-3-213, 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) "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 are all members of the same family; or
- (iv) any other entity owned solely by members of the same family.

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

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

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

1 ~~(b) However, the~~ The change of ownership inspection requirements of this subsection (2)(a) do not apply
2 when;

3 (i) the change of ownership involves a horse that will not leave the state as a result of the change of
4 ownership; or

5 (ii) the change of ownership transaction is accomplished without the livestock changing premises,
6 involves part of a herd to which livestock have not been added other than by natural increase or after brand
7 inspection, and is between:

8 ~~(a)~~(A) members of the same family;

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

10 ~~(c)~~(C) the same family's business entities.

11 (c) Except as provided in subsection (6)(c), the provisions of this section do not apply to a saddle, work,
12 or show horse transported from county to county in this state by the owner for the owner's personal use or
13 business.

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

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

19 (4) It is unlawful to remove or cause to be removed any livestock from the premises of a livestock market
20 in this state unless the livestock have been released by a state stock inspector and a certificate of release for the
21 livestock has been issued in connection with and for the purpose of the removal from the premises of the livestock
22 market. The release obtained pursuant to this subsection permits the movement of the released livestock directly
23 to the destination shown on the certificate.

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

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

1 (a) ~~If a saddle, work, or show horse is being transported from county to county in this state by the owner~~
2 ~~for the owner's personal use or business or if cattle are being transported from county to county in this state by~~
3 ~~their owner for show purposes and there is no change of ownership, the inspection certificate required by this~~
4 ~~section may be endorsed, as to the purpose and extent of transportation, by the inspector issuing the certificate~~
5 ~~in order to serve as a travel permit in this state for a period not to exceed 1 year for the horse or cattle described~~
6 ~~in the certificate. The permit becomes void upon any transfer of ownership or if the horse or cattle are to be~~
7 ~~removed from the state. If the permit is void, an inspection must be secured for removal and the endorsed~~
8 ~~certificate must be surrendered.~~

9 (b) (i) The owner of a saddle, work, or show horse may apply for a permanent transportation permit valid
10 for both interstate and intrastate transportation of the horse until there is a change of ownership.

11 (ii) The horse must have either a registered brand that has been legally cleared or a lip tattoo or the
12 owner is required to present proof of ownership to a state stock inspector or a specially qualified deputy stock
13 inspector.

14 (iii) A written application, on forms to be provided by the department, must be completed by the owner
15 and presented to a state stock inspector or a specially qualified deputy stock inspector, together with a permit
16 fee established by the department, for each horse. The application must contain a thorough physical description
17 of the horse and list all brands and tattoos carried by the horse.

18 (iv) Upon approval of the application by a state stock inspector, a permanent transportation permit must
19 be issued by the department to the owner for each horse, and the permit is valid for the life of the horse. ~~If there~~
20 ~~is a change in ownership of a horse, the permit automatically is void.~~ The permit must accompany the horse for
21 which it was issued at all times while the horse is in transit. This permit is in lieu of other permits and certificates
22 required under the provisions of this section. The state of Montana shall recognize as valid permanent
23 transportation permits issued in other jurisdictions to the owner of a saddle, work, or show horse subsequently
24 entering the state.

25 (v) A permit is automatically void upon a change of ownership.

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

1 certificate must be issued by a state stock inspector.

2 (d) The owner of a bull bearing the registered brand of a bona fide rodeo producer may apply for a
3 permanent transportation permit valid for both interstate and intrastate transportation of the bull until there is a
4 change of ownership. The bull must have a registered brand that has been legally cleared and a legible number
5 brand on the shoulder or hip used for individual identification, or the owner is required to present proof of
6 ownership to a state stock inspector or a specially qualified deputy stock inspector. A written application, on forms
7 to be provided by the department, must be completed by the owner and presented to a state stock inspector or
8 a specially qualified deputy stock inspector, together with a permit fee established by the department, for each
9 bull. The application must contain a thorough physical description of the bull and list all brands and tattoos carried
10 by the bull. Upon approval of the application by a state stock inspector, a permanent transportation permit must
11 be issued by the department to the owner for each bull, and the permit is valid for the life of the bull. If there is
12 a change in ownership of a bull, the permit automatically is void. The permit must accompany the bull for which
13 it was issued at all times while the bull is in transit. This permit is in lieu of other permits and certificates required
14 under the provisions of this section. The state of Montana shall recognize as valid permanent transportation
15 permits issued in other jurisdictions to the owner of a rodeo bull subsequently entering the state. A permit is
16 automatically void upon a change of ownership.

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

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

30 **Section 2.** Section 81-3-212, MCA, is amended to read:

