

## 1 HOUSE BILL NO. 338

2 INTRODUCED BY C. KNUDSEN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING BRANDING AND LAND OWNERSHIP REQUIREMENTS  
5 FOR LIVESTOCK TRANSPORTATION PERMITS; AND AMENDING SECTIONS 81-3-203 AND 81-3-211, MCA."

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

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9 **Section 1.** Section 81-3-203, MCA, is amended to read:10 **"81-3-203. Duties of state stock inspectors and deputy stock inspectors.** (1) State stock inspectors  
11 and deputy state stock inspectors, upon the application of the owner or the authorized agent of the owner of  
12 livestock, shall inspect livestock that are intended for sale, removal, shipment, or slaughter at a licensed slaughter  
13 plant and issue a certificate of inspection for the livestock if it appears with reasonable certainty that the applicant  
14 is the owner of the livestock or has the lawful right to possess the livestock.15 (2) The inspection must include an examination of the livestock and all marks and brands on the livestock  
16 to identify ownership of the livestock. The certificate of inspection must be made in triplicate and must specify the  
17 date of inspection, the place of origin and place of destination of the shipment, the name and address of the  
18 owner of the livestock or of the applicant for inspection and the purchaser or transferee, if applicable, the class  
19 of the animal, the marks and brands, if any, on the animal, and any other information on the certificate that the  
20 department may require. One copy of the certificate must be retained by the inspector, one copy must be  
21 furnished by the inspector to the owner or shipper of the livestock, and one copy must be filed by the inspector  
22 with the department within 5 days.23 (3) If it appears with reasonable certainty that the applicant is the owner of the livestock or has the lawful  
24 right to possess the livestock, the state stock inspectors or deputy state stock inspectors, upon application of an  
25 owner or the owner's agent of the livestock to be consigned and delivered directly to a licensed livestock market  
26 or licensed livestock slaughterhouse located in another county of the state or delivered directly to a shipping point  
27 approved by the department where a livestock inspector is available for inspection in an adjoining county, shall  
28 issue to the person a separate market consignment permit or transportation permit for each owner when the  
29 owner or owners or their authorized agents sign the permit certifying the brands, description, and destination of  
30 the livestock. The market consignment permit or transportation permit must be made in triplicate and must specify

1 the date and time issued, the place of origin and place of destination of the shipment, the name and address of  
 2 the owner of the livestock and the name and address of the person actually transporting the livestock if different  
 3 from the owner, the kind of livestock, the marks and brands, if any, on the livestock, a description of the vehicle  
 4 or vehicles to be used to transport the livestock, including the license number of the vehicles, and any other  
 5 information on the permit that the department may require. A permit issued is good for shipment within 36 hours  
 6 from the date and time of issue. However, permits not used within this time limitation must be returned to the  
 7 issuing officer to be canceled and to release the permittee from performance. One copy of the permit must be  
 8 retained by the inspector, one copy must be filed by the inspector with the department within 5 days of the date  
 9 of issue, and one copy must be furnished by the inspector to the owner or shipper of the livestock. The owner's  
 10 or shipper's copy of the permit must accompany the shipment and be delivered to the state stock inspector at the  
 11 livestock market or shipping point where the livestock are delivered.

12 (4) Upon application of an owner or the owner's agent, when it appears with reasonable certainty that  
 13 the applicant is the owner of the livestock or has lawful right to possess the livestock, a state stock inspector shall  
 14 issue a transportation permit that will allow the movement of the livestock ~~into an adjoining county to land owned~~  
 15 ~~or controlled by the owner or the owner's agent~~ to privately deeded land for purposes of grazing. The  
 16 transportation permit must state the breed, description, marks and brands, if any, head count, and description  
 17 of land to and from which the livestock will be moved. The permit is valid as provided in and subject to  
 18 81-3-211(6)(e). A state stock inspector may enter the premises where livestock have been transported and  
 19 inspect any livestock moved under the transportation permit or any livestock commingled with the transported  
 20 livestock.

21 (5) A person transporting strays or livestock not lawfully under that person's control is guilty of a  
 22 misdemeanor and is punishable as provided in 81-3-231."

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

25 **"81-3-211. Inspection of livestock before change of ownership or removal from county --**

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

27 (a) "Family business entity" means:

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

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

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

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

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

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

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

16 (a) members of the same family;

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

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

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

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

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

29 (5) The person in charge of livestock being removed from a county in this state, when inspection is  
30 required by this section, when a change of ownership has occurred, or when moved under a market consignment

1 permit or a market release certificate, must have in the person's possession the certificate of inspection, market  
2 consignment permit, transportation permit, or market release certificate and shall exhibit the certificate to any  
3 sheriff, deputy sheriff, constable, highway patrol officer, state stock inspector, or deputy state stock inspector  
4 upon request. Section 81-3-204 must be extended to livestock transported or sold under the permits.

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

6 (a) If a saddle, work, or show horse is being transported from county to county in this state by the owner  
7 for the owner's personal use or business or if cattle are being transported from county to county in this state by  
8 their owner for show purposes and there is no change of ownership, the inspection certificate required by this  
9 section may be endorsed, as to the purpose and extent of transportation, by the inspector issuing the certificate  
10 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  
11 in the certificate. The permit becomes void upon any transfer of ownership or if the horse or cattle are to be  
12 removed from the state. If the permit is void, an inspection must be secured for removal and the endorsed  
13 certificate must be surrendered.

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

28 (c) When livestock owned by and bearing the registered brand of a bona fide rodeo producer are being  
29 transported from county to county in this state by the owner for rodeo purposes and there is no change of  
30 ownership, the inspection certificate required by this section may be endorsed, as to the purpose and extent of

1 transportation, by the inspector issuing the certificate in order to serve as a travel permit in this state for the  
2 livestock described in the certificate. The certificate is effective for the calendar year for which it is issued. The  
3 certificate must be issued by a state stock inspector.

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

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

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