

1 HOUSE BILL NO. 338

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

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

9
10 **Section 1.** Section 81-3-203, MCA, is amended to read:

11 **"81-3-203. Duties of state stock inspectors and deputy stock inspectors.** (1) State stock inspectors
12 and deputy state stock inspectors, upon the application of the owner or the authorized agent of the owner of
13 livestock, shall inspect livestock that are intended for sale, removal, shipment, or slaughter at a licensed slaughter
14 plant and issue a certificate of inspection for the livestock if it appears with reasonable certainty that the applicant
15 is the owner of the livestock or has the lawful right to possess the livestock.

16 (2) The inspection must include an examination of the livestock and all marks and brands on the livestock
17 to identify ownership of the livestock. The certificate of inspection must be made in triplicate and must specify the
18 date of inspection, the place of origin and place of destination of the shipment, the name and address of the
19 owner of the livestock or of the applicant for inspection and the purchaser or transferee, if applicable, the class
20 of the animal, the marks and brands, if any, on the animal, and any other information on the certificate that the
21 department may require. One copy of the certificate must be retained by the inspector, one copy must be
22 furnished by the inspector to the owner or shipper of the livestock, and one copy must be filed by the inspector
23 with the department within 5 days.

24 (3) If it appears with reasonable certainty that the applicant is the owner of the livestock or has the lawful
25 right to possess the livestock, the state stock inspectors or deputy state stock inspectors, upon application of an
26 owner or the owner's agent of the livestock to be consigned and delivered directly to a licensed livestock market
27 or licensed livestock slaughterhouse located in another county of the state or delivered directly to a shipping point
28 approved by the department where a livestock inspector is available for inspection in an adjoining county, shall
29 issue to the person a separate market consignment permit or transportation permit for each owner when the
30 owner or owners or their authorized agents sign the permit certifying the brands, description, and destination of

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

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

22 (5) A person transporting strays or livestock not lawfully under that person's control is guilty of a
 23 misdemeanor and is punishable as provided in 81-3-231."
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25 **Section 2.** Section 81-3-211, MCA, is amended to read:

26 **"81-3-211. Inspection of livestock before change of ownership or removal from county --**
 27 **transportation permits.** (1) For the purposes of this section:

28 (a) "Family business entity" means:

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

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

- 1 (iii) an association whose members are all members of the same family; or
2 (iv) any other entity owned solely by members of the same family.
- 3 (b) "Members of the same family" means a group whose membership is determined by including an
4 individual, the individual's spouse, and the individual's parents, children, and grandchildren, and the spouses of
5 each.
- 6 (c) "Rodeo producer" means a person who produces or furnishes livestock that are used for rodeo
7 purposes.
- 8 (2) Except as otherwise provided in this part, it is unlawful to remove or cause to be removed from a
9 county in this state any livestock or to transfer ownership by sale or otherwise or for an intended purchaser or
10 a purchaser's agent to take possession of any livestock subject to title passing upon meeting or satisfaction of
11 any conditions, unless the livestock have been inspected for brands by a state stock inspector or deputy state
12 stock inspector and a certificate of the inspection has been issued in connection with and for the purpose of the
13 transportation or removal or of the change of ownership as provided in this part. The inspection must be made
14 in daylight. However, the change of ownership inspection requirements of this subsection do not apply when the
15 change of ownership transaction is accomplished without the livestock changing premises, involves part of a herd
16 to which livestock have not been added other than by natural increase or after brand inspection, and is between:
- 17 (a) members of the same family;
18 (b) a member of one family and the same family's business entity; or
19 (c) the same family's business entities.
- 20 (3) (a) It is unlawful to sell or offer for sale at a livestock market any livestock originating within any
21 county in this state in which a livestock market is maintained or transported under a market consignment permit
22 until the livestock have been inspected for marks and brands by a state stock inspector, as provided in this part.
- 23 (b) It is unlawful to slaughter livestock at a licensed livestock slaughterhouse unless the livestock have
24 been inspected for marks or brands by a state or deputy state stock inspector.
- 25 (4) It is unlawful to remove or cause to be removed any livestock from the premises of a livestock market
26 in this state unless the livestock have been released by a state stock inspector and a certificate of release for the
27 livestock has been issued in connection with and for the purpose of the removal from the premises of the livestock
28 market. The release obtained pursuant to this subsection permits the movement of the released livestock directly
29 to the destination shown on the certificate.
- 30 (5) The person in charge of livestock being removed from a county in this state, when inspection is

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

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

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

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

29 (c) When livestock owned by and bearing the registered brand of a bona fide rodeo producer are being
30 transported from county to county in this state by the owner for rodeo purposes and there is no change of

1 ownership, the inspection certificate required by this section may be endorsed, as to the purpose and extent of
 2 transportation, by the inspector issuing the certificate in order to serve as a travel permit in this state for the
 3 livestock described in the certificate. The certificate is effective for the calendar year for which it is issued. The
 4 certificate must be issued by a state stock inspector.

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

20 (e) (i) An owner of livestock or the owner's agent may be issued one transportation permit in a 12-month
 21 period allowing the movement of the livestock ~~into an adjoining county to privately deeded land~~ and return when
 22 the livestock are being moved for grazing purposes ~~and when they are being moved to and from land owned or~~
 23 ~~controlled by the owner of the livestock or the owner's agent.~~ AND WHEN THEY ARE BEING MOVED TO AND FROM LAND
 24 OWNED OR CONTROLLED BY THE OWNER OF THE LIVESTOCK OR THE OWNER'S AGENT;

25 (A) INTO AN ADJOINING COUNTY; OR

26 (B) ACROSS MULTIPLE COUNTY LINES IF THE ENTIRE GRAZING RANGE IS THE PRIVATELY DEEDED PROPERTY OF
 27 THE LIVESTOCK OWNER.

28 (ii) The permit is valid for a period of 8 months from the date of issuance and must be issued by a state
 29 stock inspector. ~~The permit may be issued only if the livestock are branded with the permittee's brand, which must~~
 30 ~~be registered in Montana.~~

