

## 1 SENATE BILL NO. 80

2 INTRODUCED BY J. KASSMIER

3 BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

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5 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THAT A PERSON MAY EXHIBIT A DIGITAL COPY  
6 OF REQUIRED DOCUMENTATION FOR TRANSPORTATION OF LIVESTOCK; AMENDING SECTION 81-3-  
7 211, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

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

14 (a) "Family business entity" means:

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

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

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

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

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

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

24 (2) Except as otherwise provided in this part, it is unlawful to remove or cause to be removed from  
25 a county in this state any livestock or to transfer ownership by sale or otherwise or for an intended purchaser or  
26 a purchaser's agent to take possession of any livestock subject to title passing upon meeting or satisfaction of  
27 any conditions, unless the livestock have been inspected for brands by a state stock inspector or deputy state  
28 stock inspector and a certificate of the inspection has been issued in connection with and for the purpose of the

1 transportation or removal or of the change of ownership as provided in this part. The inspection must be made  
2 in daylight. However, the change of ownership inspection requirements of this subsection do not apply when  
3 the change of ownership transaction is accomplished without the livestock changing premises, involves part of  
4 a herd to which livestock have not been added other than by natural increase or after brand inspection, and is  
5 between:

6 (a) members of the same family;

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

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

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

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

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

19 (5) The person in charge of livestock being removed from a county in this state, when inspection is  
20 required by this section, when a change of ownership has occurred, or when moved under a market  
21 consignment permit or a market release certificate, must have in the person's possession the certificate of  
22 inspection, market consignment permit, transportation permit, or market release certificate and shall exhibit the  
23 certificate to any sheriff, deputy sheriff, constable, highway patrol officer, state stock inspector, or deputy state  
24 stock inspector ~~upon request~~. For travel and transportation purposes only, a person may satisfy the  
25 requirements of this section by possessing and exhibiting a digital copy of the required documentation. Section  
26 81-3-204 must be extended to livestock transported or sold under the permits.

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

28 (a) If a saddle, work, or show horse is being transported from county to county in this state by the

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

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

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

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

(e) (i) An owner of livestock or the owner's agent may be issued one transportation permit in a 12-month period allowing the movement of the livestock and return when the livestock are being moved for grazing purposes and when they are being moved to and from land owned or controlled by the owner of the livestock or the owner's agent:

(A) into an adjoining county; or

(B) across multiple county lines if the entire grazing range is the privately deeded property of the livestock owner.

(ii) The permit is valid for a period of 8 months from the date of issuance and must be issued by a state stock inspector.

(iii) The permit may be issued only if the livestock are branded with the permittee's brand, which must be registered in Montana, unless the animal is classified as a virgin breeding female or a nursing calf.

(iv) The department shall establish a fee for the permit, to be paid to the state stock inspector at the time the permit is issued and remitted by the inspector to the department for deposit in the state treasury to the

1 credit of the state special revenue fund for the use of the department. This permit may be used in lieu of the  
2 inspection and certificate required by this section for movement of livestock across a county line.  
3 (7) Before any removal or change of ownership may take place, the seller of livestock shall request  
4 all required inspections and shall pay the required fees."

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6 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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