



Legislative Background Brief

for the
Economic Affairs Interim Committee

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Horse Inspections and Cross-Border Transfers

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Cross-border transfers of horses are not necessarily simple. The term cross-border includes across county borders and not just state borders or international borders. The latter involves questions of whether the horse is to be sold or just entered into competition. Papers are required for almost all cross-border transfers, with exceptions for some cross-county border transfers.

A question raised at the first meeting in June 2013 of the Economic Affairs Interim Committee was whether the process for cross-border transportation of horses could be streamlined. Current statutes require a transportation permit and a brand if a horse is to be transported across county or state lines, except in certain circumstances.

For out of state or out of country transfers, a horse must have a health certificate and evidence of a negative equine infectious anemia test (called a Coggins test) within the past 180 days. U.S. Department of Agriculture rules apply, as do the rules of the country from which or into which the horse is being transported. For in-state transfers or out-of-state transfers involving a horse transported by vehicle, there also needs to be a transportation certificate to make certain that the horse is not being stolen and that the brand and ownership have been checked.

The purpose of the Economic Affairs Committee in reviewing the topic of horse inspections and cross-border transfers is to determine ways that might make cross-border transfers of horses (in particular) less burdensome than they are now. Options may range from a simple requirement of no brand inspections for transfers in state across county lines to an easier process for getting lifetime brand inspections, with recommendations for more department personnel who can issue lifetime brand certificates.

One question is whether the cost to consumers to obtain the brand inspections is worth the cost of preventing horse theft, which apparently is the main reason for brand inspections related to transfers across county lines. In 2013 the Department of Livestock reported five horse thefts: 4 in Yellowstone County and 1 in Teton County. Under the Loss-Stray-Stolen category, there were reports of 13 horses

missing but these were not investigated.

The following statutes apply:

For importing an animal into Montana:

81-2-703. Documents required for importation --

exemptions. (1) Except as provided in subsection (6), an animal, animal semen, or animal biologic may not be brought into the state without a permit and a health certificate.

(2) The department shall issue a permit if no significant danger to the public health will ensue upon importation of the animal, animal semen, or animal biologic into the state. A permit may not be issued for livestock infected with or exposed to brucellosis, tuberculosis, or any other infectious, contagious, or communicable animal disease, except that cattle with a positive reaction to a recognized test for brucellosis may be permitted entry when destined directly for slaughter at a slaughterhouse under the supervision of the United States department of agriculture.

(3) The department may waive the requirement for a health certificate or a permit as provided in subsection (7).

(4) The requirements of subsection (1) apply regardless of species, breed, sex, class, age, point of origin, place of destination, or purpose of movement.

(5) All required documents must be attached to the waybill or be in possession of the driver of the transporting vehicle or of the person in charge of the animals. When a single permit or health certificate is issued for animals being moved in more than one vehicle, the driver of each vehicle must have in the driver's possession a copy of the permit and, when applicable, a health certificate.

(6) Animals, animal semen, or animal biologics being moved through the state with no intent to unload or deliver in the state are exempted from this part. In an emergency situation, transitory cargo may be unloaded in compliance with the quarantine rules promulgated by the department.

(7) A waiver of the requirement for a health certificate or a permit must be based upon evidence that there will be no significant danger to the public health if the exemption is granted.

Regarding the definition of an inspector who can issue a permanent transportation permit:

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

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

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

(3) "Livestock" means a bovine animal, domestic bison,

horse, mule, or ass, regardless of its age or sex.

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

(5) "Specially qualified deputy stock inspector" means a deputy state stock inspector who has been certified by the department, under rules adopted pursuant to 81-3-202, as qualified to conduct an inspection for a permanent transportation permit for a saddle, work, or show horse.

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

Regarding transportation to either market, slaughter, or across county lines (bolded language in the text below is to highlight time limits):

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

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

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

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

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

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

Charges for a transportation permit:

81-3-205. Fees for inspection and livestock transportation permits. (1) For the service of inspection of all livestock except horses, mules, or asses before removal from a county or before change of ownership, the inspector making the inspections must receive a fee established by the department for each head inspected. For the issuance of a market consignment permit or transportation permit, other than a permanent permit, before removal from a county for all livestock, the inspector issuing the permits must receive a fee established by the department for each permit issued and must receive in addition the inspector's necessary actual expenses, to be paid by the owner or the person for whom the inspection is made or permit issued. **For the issuance of a permanent horse transportation permit, the state stock inspector taking the application for permit shall receive a fee**

established by the department for each permit issued. All inspection and permit fees and expenses must be collected by the inspector at the time of inspection or issuance of permit, all the fees and expenses collected by a deputy state stock inspector must be retained by the deputy, and all fees and expenses collected by a state stock inspector must be sent by the inspector to the department for deposit in the state treasury to the credit of the state special revenue fund for the use of the department.

(2) For the service of inspection before any livestock except a horse, mule, or ass is sold or offered for sale at a licensed livestock market or slaughtered at a licensed slaughterhouse, a state stock inspector or deputy state stock inspector making the inspection must receive a fee established by the department for each head inspected. All fees must be paid by the owner or by the person for whom the inspection is made. For releasing an animal so that it may be removed from the premises of a licensed livestock market, the state stock inspector making the release must receive a fee established by the department for each head inspected from the owner or the person for whom the release is made. All fees for inspection and release at the market must be collected at the time the inspection or release is made by the state stock inspector making the inspection or release and must be sent by the inspector to the department for deposit in the state treasury to the credit of the state special revenue fund for the use of the department. All fees for preslaughter inspection made at a licensed slaughterhouse by the state stock inspector must be paid to the department for deposit in the state treasury to the credit of the state special revenue fund for the use of the department. Preslaughter inspection fees paid to a deputy state stock inspector must be retained by the deputy.

(3) (a) For the service of inspection of horses, mules, or asses before removal from a county or before change of ownership, the inspector making the inspection must receive a fee established by the department for each head inspected and must receive in addition the inspector's necessary actual expenses, to be paid by the owner or the person for whom the inspection is made. All fees and expenses collected by a state stock inspector must be sent by the inspector to the department for deposit in the state treasury to the credit of the state special revenue fund for the use of the department.

(b) For the service of inspection before a horse, mule, or ass is sold or offered for sale at a licensed livestock market, a state stock inspector making the inspection must receive a fee established by the department for each head inspected. All fees must be paid by the owner or the person for whom the inspection is made to the state stock inspector.

(4) All inspection and release fees and expenses must be paid to the department for deposit in the state treasury to the credit of the state special revenue fund for the use of the department unless paid to a deputy state stock inspector. State stock inspectors must be paid for their services and receive

their expenses as fixed by the department.