

HOUSE BILL NO. 767

INTRODUCED BY J. KASSMIER

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING BOARD OF LIVESTOCK REVIEW OF PROPOSED BRANDS; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTION 81-3-103, MCA."

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

Section 1. Section 81-3-103, MCA, is amended to read:

"81-3-103. Application for recording -- record of brands. (1) A person desiring to have recorded an artificial mark or brand for use in distinguishing or identifying the ownership of any domestic animal or livestock shall make application for the mark or brand to the department. The application must be in writing and must contain the name, residence, and post-office address of the applicant and the species of the animals on which the mark or brand is to be used. An applicant may apply for a seasonal mark or brand that is designated for use only for a specific period of time and that is subject to renewal upon termination of that period.

(2) The department shall designate for the applicant's use some practical form of mark or brand distinguishable with reasonable certainty from all other marks and brands recorded or rerecorded, within the period of 10 years immediately preceding the time of filing the application, in the name of some person other than the applicant. The department shall designate the position on the animals where the mark or brand must be placed and the species of animals on which the mark or brand may be used.

(3) The board may review applications that contain characters or images within a proposed mark or brand that is not currently recorded with the department.

~~(3)(4)~~ The department shall ~~keep a record in a book kept by it for that purpose of the record each~~ particular mark or brand, the position on the animals where the mark or brand is to be used, the species of animals on which the mark or brand is to be used, and the date of recording. The record is a public record and is prima facie evidence of the facts recorded in it."

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