

1 *Senate* BILL NO. *49*  
 2 INTRODUCED BY *Jergeson*  
 3 BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PERMIT THE  
 6 DEPARTMENT OF LIVESTOCK TO SEEK PROHIBITORY OR MANDATORY  
 7 INJUNCTIVE RELIEF WHEN NECESSARY TO FULFILL ITS DUTIES UNDER  
 8 ANIMAL HEALTH AND LIVESTOCK MARKETING LAWS."

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

11 Section 1. There is a new R.C.M. section numbered  
 12 46-210.1 that reads as follows:

13 46-210.1. Injunctive remedies. The department may  
 14 apply for and the court may grant a temporary or permanent  
 15 injunction restraining any person from violating the  
 16 provisions of this chapter except sections 46-239.1 through  
 17 46-239.3 or rules adopted under this chapter with the above  
 18 exception, notwithstanding the existence of other remedies  
 19 at law. When the application of other remedies has been  
 20 insufficient to compel action to control, extirpate, or  
 21 prevent the spread of disease or upon a showing that an  
 22 animal disease emergency exists and that other remedies  
 23 probably would be insufficient to compel action to control  
 24 the emergency, the department may apply for and the court  
 25 may grant mandatory injunctive relief.

1 Section 2. There is a new R.C.M. section numbered  
 2 46-2906.1 that reads as follows:

3 46-2906.1. Injunctive remedy. The buying of livestock  
 4 by a person not licensed and bonded as required by this  
 5 chapter may be enjoined by the district court on petition  
 6 from the department. Upon a showing that a person is  
 7 engaging in the business of a livestock dealer as defined in  
 8 46-2901 without the license and bond required by this  
 9 chapter, the court shall enjoin the person from further  
 10 activities as a livestock dealer until the license and bond  
 11 have been properly obtained. It is not necessary to show  
 12 that any individual has been injured by the actions  
 13 complained of in order to issue the injunction. The  
 14 injunction provided by this section is an additional remedy  
 15 to the criminal penalties provided in 46-2906.

-End-

Approved by Committee  
on Agriculture Livestock  
& Irrigation

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