

SENATE BILL NO. 158

INTRODUCED BY GRAHAM

BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

IN THE SENATE

January 16, 1981	Introduced and referred to Committee on Agriculture, Livestock and Irrigation.
January 29, 1981	Committee recommend bill do pass as amended. Report adopted. Statement of Intent attached.
January 30, 1981	Bill printed and placed on members' desks.
January 31, 1981	Second reading, do pass.
February 2, 1981	Correctly engrossed.
February 3, 1981	Third reading, passed. Transmitted to House.

IN THE HOUSE

February 4, 1981	Introduced and referred to Committee on Agriculture.
March 5, 1981	Committee recommend bill be concurred in. Report adopted.
March 6, 1981	Motion pass consideration to 51st legislative day.
March 7, 1981	Second reading, concurred in.
March 10, 1981	Third reading, concurred in. Ayes, 96; Noes, 1.

IN THE SENATE

March 11, 1981

Returned from House. Concurred
in. Sent to enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. 158
 2 INTRODUCED BY *L. Johnson*
 3 BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE
 6 APPLICATION FOR AND THE POSSESSION OF A PERMIT AND A HEALTH
 7 CERTIFICATE, UNLESS THE CERTIFICATE IS WAIVED, BEFORE
 8 CERTAIN ANIMALS, ANIMAL SEMEN, OR ANIMAL BIOLOGICS MAY BE
 9 IMPORTED INTO MONTANA; AND PROVIDING FOR AN IMMEDIATE
 10 EFFECTIVE DATE."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Short title. This part may be cited as the
 14 "Animal Importation Permit and Health Certificate Act of
 15 1981".

16 Section 2. Definitions. As used in this part, the
 17 following definitions apply:

18 (1) "Animals" means livestock, dogs, cats, rabbits,
 19 rodents, game animals, fur-bearing and wild animals, and
 20 poultry and other birds.

21 (2) "Biologics" means medicinal preparations made from
 22 living organisms and their products. It includes but is not
 23 limited to serums, vaccines, antigens, and antitoxins.

24 (3) "Department" means the department of livestock.

25 (4) "Health certificate" means a legible record

1 written on an official health certificate form of the state
 2 of origin or on an equivalent form of the U.S. department of
 3 agriculture attesting that the animals, animal semen, or
 4 animal biologics described thereon have been visually
 5 inspected by a federally accredited veterinarian and found
 6 to meet the entry requirements of the state of Montana.

7 (5) "Livestock" means cattle, horses, mules, asses,
 8 sheep, swine, and goats.

9 (6) "Permit" means an official document issued by the
 10 department after proper application that allows the movement
 11 of animals, animal semen, or animal biologics into Montana.

12 (7) "Poultry" means domesticated birds, including but
 13 not limited to chickens, turkeys, ducks, geese, quinea fowl,
 14 pigeons, and pheasants.

15 Section 3. Documents required for importation --
 16 exemption. (1) Except as provided in subsection (4), in all
 17 cases, no animal, animal semen, or animal biologic may be
 18 brought into the state without a permit and also a health
 19 certificate. The health certificate, but not the permit, may
 20 be waived by the department as provided in subsection (5).

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

24 (3) All required documents must be attached to the
 25 waybill or be in possession of the driver of the

1 transporting vehicle or of the person in charge of the
2 animals. When a single permit or health certificate is
3 issued for animals being moved in more than one vehicle, the
4 driver of each vehicle shall have in his possession a copy
5 of the permit and, where applicable, a health certificate.

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

12 (5) A waiver of the requirement for a health
13 certificate shall be based upon evidence that there will be
14 no significant danger to the public health if the exemption
15 is granted.

16 Section 4. Quarantine for illegal entry -- liability
17 for expenses. (1) Animals, animal semen, or animal biologics
18 which enter the state of Montana without the required
19 importation papers or in violation of any rules of the
20 department shall be held in quarantine at the risk of the
21 owner.

22 (2) The quarantine may be released only after the
23 department has been satisfied, by appropriate means, that
24 the animals, animal semen, or animal biologics under
25 quarantine meet the requirements of law and the rules of the

1 department.

2 (3) The owner of animals, animal semen, or animal
3 biologics quarantined under this part is liable for all
4 department expenses resulting from that quarantine except
5 the expense of the salary of the supervising officer
6 representing the department. Expenses include, but are not
7 limited to, the expense of inspecting, testing, supervision
8 of quarantine, supervision of dipping, supervision of
9 disinfection, supervision of treatment, and laboratory
10 testing.

11 Section 5. Lien resulting from quarantine --
12 foreclosure of lien. (1) In accordance with the provisions
13 of 81-2-109, the expenses of quarantine detailed in [section
14 4] are a lien on the animals, semen, or biologics and the
15 department may retain possession of them until the charges
16 and expenses are paid. The lien is dependent on possession
17 and may be foreclosed in the name of the agent of the
18 department by sale at public auction of the animals, semen,
19 or biologics or as much of them as may be necessary to pay
20 the expenses.

21 (2) Posting notice for 10 days at three public places
22 in the county is required prior to auction. The lien may
23 also be foreclosed by filing an action against the owner of
24 the property to recover the amount of charges and expenses
25 in a court of competent jurisdiction.

1 Section 6. Consignment requirements. (1) All animals,
2 animal semen, or animal biologics brought into Montana,
3 other than transitory cargo, must be consigned to or in the
4 care of a person, entity, or authorized agent of either
5 located in Montana.

6 (2) The person, entity, or authorized agent must
7 notify the department of its intent to receive any animals,
8 animal semen, or animal biologics and is responsible for
9 acquiring all required permits and ensuring that they are
10 accompanied by all required health certificates.

11 (3) No person consigning, transporting, or receiving
12 animals, animal semen, or animal biologics into Montana may
13 authorize, order, or carry out any diversion of them or any
14 portion thereof to a destination or consignee other than as
15 set forth on the permit or health certificate without first
16 obtaining written permission from the department.

17 Section 7. Department rulemaking power. The department
18 may promulgate, administer, and enforce rules necessary to
19 implement this part.

20 Section 8. Penalty. A person convicted of violating
21 [this act] shall be fined not more than \$500, be imprisoned
22 in the county jail for a term not to exceed 6 months, or
23 both.

24 Section 9. Codification instruction. This act is
25 intended to be codified as a new part in Title 81, chapter

1 2, and the provisions of Title 81, chapter 2, part 1, apply
2 to this act.

3 Section 10. Effective date. This act is effective on
4 passage and approval.

-End-

SB 158

1 STATEMENT OF INTENT

2 SENATE BILL 158

3 Senate Agriculture, Livestock and Irrigation Committee

4
5 A Statement of Intent is required for this bill because
6 it delegates rulemaking authority to the Department of
7 Livestock in Section 8.

8 It is the intent of this bill that the Department
9 maintain its present rules, and update them when necessary,
10 regarding the importation of animals, animal semen, and
11 animal biologics. However, these rules should be reviewed to
12 ensure that they are in compliance with this bill and to
13 eliminate any redundancy created by passage of this bill.

14 First adopted by the Senate Agriculture, Livestock and
15 Irrigation Committee on the 28th day of January 1981.

Approved by Committee
on Agriculture Livestock
& Irrigation

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7 CERTIFICATE, UNLESS THE PERMIT OR CERTIFICATE IS WAIVED,
8 BEFORE CERTAIN ANIMALS, ANIMAL SEMEN, OR ANIMAL BIOLOGICS
9 MAY BE IMPORTED INTO MONTANA; AND PROVIDING FOR AN IMMEDIATE
10 EFFECTIVE DATE."

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

13 Section 1. Short title. This part may be cited as the
14 "Animal Importation Permit and Health Certificate Act of
15 1981".

16 Section 2. Definitions. As used in this part, the
17 following definitions apply:

18 (1) "Animals" means livestock, dogs, cats, rabbits,
19 rodents, game animals, fur-bearing and wild animals, and
20 poultry and other birds.

21 (2) "Biologics" means medicinal preparations made from
22 living organisms and their products. It includes but is not
23 limited to serums, vaccines, antigens, and antitoxins.

24 (3) "Department" means the department of livestock.

25 (4) "Health certificate" means a legible record

1 written on an official health certificate form of the state
2 of origin or on an equivalent form of the U.S. department of
3 agriculture attesting that the animals, animal semen, or
4 animal biologics described thereon have been visually
5 inspected by a federally accredited veterinarian and found
6 to meet the entry requirements of the state of Montana.

7 (5) "Livestock" means cattle, horses, mules, asses,
8 sheep, swine, and goats.

9 (6) "Permit" means an official document issued by the
10 department after proper application that allows the movement
11 of animals, animal semen, or animal biologics into Montana.

12 (7) "Poultry" means domesticated birds, including but
13 not limited to chickens, turkeys, ducks, geese, guinea fowl,
14 pigeons, and pheasants.

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17 cases, SUBSECTION (6) no animal, animal semen, or animal
18 biologic may be brought into the state without a permit and
19 also a health certificate. ~~The health certificate, but not~~
20 ~~the permit, may be waived by the department as provided in~~
21 ~~subsection (5).~~

22 (2) THE DEPARTMENT SHALL ISSUE A PERMIT IF NO
23 SIGNIFICANT DANGER TO THE PUBLIC HEALTH WILL ENSUE UPON
24 IMPORTATION OF THE ANIMAL INTO THE STATE.

25 (3) THE DEPARTMENT MAY WAIVE THE REQUIREMENT FOR A

1 HEALTH CERTIFICATE OR A PERMIT AS PROVIDED IN SUBSECTION
 2 (7).

3 ~~(2)~~(4) The requirements of subsection (1) apply
 4 regardless of species, breed, sex, class, age, point of
 5 origin, place of destination, or purpose of movement.

6 ~~(3)~~(5) All required documents must be attached to the
 7 waybill or be in possession of the driver of the
 8 transporting vehicle or of the person in charge of the
 9 animals. When a single permit or health certificate is
 10 issued for animals being moved in more than one vehicle, the
 11 driver of each vehicle shall have in his possession a copy
 12 of the permit and, where applicable, a health certificate.

13 ~~(4)~~(6) Animals, animal semen, or animal biologics
 14 being moved through the state with no intent to unload or
 15 deliver in the state are exempted from this part. In an
 16 emergency situation, such transitory cargo may be unloaded
 17 in compliance with the quarantine rules promulgated by the
 18 department.

19 ~~(5)~~(7) A waiver of the requirement for a health
 20 certificate OR A PERMIT shall be based upon evidence that
 21 there will be no significant danger to the public health if
 22 the exemption is granted.

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 24 for expenses. (1) Animals, animal semen, or animal biologics
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 19 foreclosure of lien. (1) In accordance with the provisions
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 22 department may retain possession of them until the charges
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 25 department by sale at public auction of the animals, semen,

1 or biologics or as much of them as may be necessary to pay
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3 (2) Posting notice for 10 days at three public places
4 in the county is required prior to auction. The lien may
5 also be foreclosed by filing an action against the owner of
6 the property to recover the amount of charges and expenses
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8 Section 6. Consignment requirements. (1) All animals,
9 animal semen, or animal biologics brought into Montana,
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18 (3) No person consigning, transporting, or receiving
19 animals, animal semen, or animal biologics into Montana may
20 authorize, order, or carry out any diversion of them or any
21 portion thereof to a destination or consignee other than as
22 set forth on the permit or health certificate without first
23 obtaining written permission from the department.

24 Section 7. Department rulemaking power. The department
25 may promulgate, administer, and enforce rules necessary to

1 implement this part.

2 Section 8. Penalty. A person convicted of violating
3 [this act] shall be fined not more than \$500, be imprisoned
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7 intended to be codified as a new part in Title 81, chapter
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10 Section 10. Effective date. This act is effective on
11 passage and approval.

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15 of quarantine, supervision of dipping, supervision of
16 disinfection, supervision of treatment, and laboratory
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18 Section 5. Lien resulting from quarantine --
19 foreclosure of lien. (1) In accordance with the provisions
20 of 81-2-109, the expenses of quarantine detailed in [section
21 4] are a lien on the animals, semen, or biologics and the
22 department may retain possession of them until the charges
23 and expenses are paid. The lien is dependent on possession
24 and may be foreclosed in the name of the agent of the
25 department by sale at public auction of the animals, semen,

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2 the expenses.

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9 animal semen, or animal biologics brought into Montana,
10 other than transitory cargo, must be consigned to or in the
11 care of a person, entity, or authorized agent of either
12 located in Montana.

13 (2) The person, entity, or authorized agent must
14 notify the department of its intent to receive any animals,
15 animal semen, or animal biologics and is responsible for
16 acquiring all required permits and ensuring that they are
17 accompanied by all required health certificates.

18 (3) No person consigning, transporting, or receiving
19 animals, animal semen, or animal biologics into Montana may
20 authorize, order, or carry out any diversion of them or any
21 portion thereof to a destination or consignee other than as
22 set forth on the permit or health certificate without first
23 obtaining written permission from the department.

24 Section 7. Department rulemaking power. The department
25 may promulgate, administer, and enforce rules necessary to

1 implement this part.

2 Section 8. Penalty. A person convicted of violating
3 [this act] shall be fined not more than \$500, be imprisoned
4 in the county jail for a term not to exceed 6 months, or
5 both.

6 Section 9. Codification instruction. This act is
7 intended to be codified as a new part in Title 81, chapter
8 2, and the provisions of Title 81, chapter 2, part 1, apply
9 to this act.

10 Section 10. Effective date. This act is effective on
11 passage and approval.

-End-