

SENATE BILL NO. 259

INTRODUCED BY JACOBSON, MCBRIDE

BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

IN THE SENATE

January 22, 1983	Introduced and referred to Committee on State Administration.
January 27, 1983	Rereferred to Committee on Agriculture, Livestock and Irrigation.
February 10, 1983	Committee recommend bill do pass as amended. Report adopted.
	Statement of Intent attached.
February 11, 1983	Bill printed and placed on members' desks.
February 12, 1983	Second reading, do pass.
February 14, 1983	Correctly engrossed.
February 15, 1983	Third reading, passed. Ayes, 46; Noes, 3. Transmitted to House.

IN THE HOUSE

March 1, 1983	Introduced and referred to Committee on Agriculture, Livestock and Irrigation.
March 17, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 21, 1983	Second reading, concurred in.
March 22, 1983	Third reading, concurred in.

IN THE SENATE

March 23, 1983

Returned to Senate with
amendments.

March 30, 1983

Second reading, amendments
concurred in.

March 31, 1983

Third reading, amendments
concurred in.

Sent to enrolling.

Reported correctly enrolled.

1 *Amended* BILL NO. *259*
 2 INTRODUCED BY *J. Jacobson McBride*
 3 BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT REESTABLISHING THE
 6 BOARD OF LIVESTOCK UNDER EXISTING STATUTORY AUTHORITY AND
 7 RULES; ADDING A PUBLIC MEMBER TO THE BOARD; ESTABLISHING
 8 FEES COMMENSURATE WITH COSTS; CLARIFYING THE TIME FOR
 9 TRANSMITTING LIVESTOCK TAXES; REQUIRING DESIGNATION OF THOSE
 10 INSPECTORS AND DETECTIVES CONSIDERED LAW ENFORCEMENT
 11 OFFICERS; AUTHORIZING THE DEPARTMENT OF LIVESTOCK TO ADOPT
 12 RULES AND ESTABLISH FEES FOR HANDLING ESTRAYS; REVISING
 13 COMPENSATION FOR THE PORK RESEARCH AND MARKETING COMMITTEE;
 14 ELIMINATING REQUIREMENTS CONCERNING NOTIFICATION OF SALE OF
 15 FIVE OR LESS HEAD OF LIVESTOCK AND BONDS FOR OPERATING A
 16 LIVESTOCK MARKET; AMENDING SECTIONS 2-8-103, 2-15-3102,
 17 15-24-925, 81-1-102, 81-1-201, 81-2-502, 81-3-107, 81-3-205,
 18 81-3-210, 81-3-211, 81-3-214, 81-3-216, 81-4-605, 81-5-202,
 19 81-8-256, 81-8-276, 81-8-304, 81-8-603, 81-9-113, 81-9-201,
 20 81-9-301, 81-9-411, 81-20-201, 81-21-102, 81-22-102,
 21 81-22-204, 81-22-205, AND 81-22-208, MCA; REPEALING SECTIONS
 22 81-3-216 AND 81-8-257, MCA; AND PROVIDING AN IMMEDIATE
 23 EFFECTIVE DATE."
 24
 25 WHEREAS, the sunset law, sections 2-8-103 and 2-8-112,

1 MCA, terminates the Board of Livestock and requires a
 2 performance evaluation of the Board by the Legislative Audit
 3 Committee; and
 4 WHEREAS, as a result of the performance evaluation, the
 5 Legislative Audit Committee recommends that the Board of
 6 Livestock be reestablished under existing statutory
 7 authority.
 8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 10 NEW SECTION. Section 1. Reestablishment. The Board of
 11 Livestock created pursuant to 2-15-3102 is reestablished
 12 with its existing statutory authority and rules for 6 years
 13 pursuant to 2-8-122.
 14 Section 2. Section 2-8-103, MCA, is amended to read:
 15 "2-8-103. Agencies to terminate. (1) The following
 16 agencies shall terminate on July 1, 1979:
 17 (a) board of abstracters, department of professional
 18 and occupational licensing, created by 2-15-1643;
 19 (b) board of real estate, department of professional
 20 and occupational licensing, created by 2-15-1642;
 21 (c) state board of warm air heating, ventilation, and
 22 air conditioning, department of professional and
 23 occupational licensing, created by 2-15-1656;
 24 (d) board of institutions, department of Institutions,
 25 created by 2-15-2303.

(2) The following agencies shall terminate on July 1, 1981:

(a) board of athletics, department of professional and occupational licensing, created by 2-15-1661;

(b) board of massage therapists, department of professional and occupational licensing, created by 2-15-1627;

(c) board of osteopathic physicians, department of professional and occupational licensing, created by 2-15-1607;

(d) board of podiatry examiners, department of professional and occupational licensing, created by 2-15-1608;A

(3) The following units of state government shall terminate on July 1, 1983:

(a) board of aeronautics, department of commerce, created by 2-15-1812;

(b) state board of hail insurance, department of agriculture, created by 2-15-3003;

(c) board of horseracing, department of commerce, created by 2-15-1881;

~~(d) board of livestock, department of livestock, created by 2-15-3102;~~

(e)(d) board of milk control, department of commerce, created by 2-15-1802;

~~(f)(e)~~ board of oil and gas conservation, department of natural resources and conservation, created by 2-15-3303;

~~(g)(f)~~ Montana outfitters' council, department of fish, wildlife, and parks, created by 2-15-3403;

~~(h)(g)~~ public service commission, department of public service regulation, created by 69-1-102;

~~(i)(h)~~ board of water and wastewater operators, department of health and environmental sciences, created by 2-15-2105;

~~(j)(i)~~ board of water well contractors, department of commerce, created by 2-15-1862.

(4) The following agencies terminate on July 1, 1985:

(a) the board of public accountants, department of commerce, created by 2-15-1866;

(b) the board of architects, department of commerce, created by 2-15-1871;

(c) state banking board, department of commerce, created by 2-15-1803;

(d) the state electrical board, department of commerce, created by 2-15-1874;

(e) the board of professional engineers and land surveyors, department of commerce, created by 2-15-1873;

(f) office of commissioner of insurance and the insurance department, state auditor's office, created by 2-15-1902 and 2-15-1903;

1 (g) office of the securities commissioner, state
2 auditor's office, created by 2-15-1901;

3 (h) the board of landscape architects, department of
4 commerce, created by 2-15-1872;

5 (i) the board of county printing, department of
6 commerce, created by 2-15-1811;

7 (j) the board of plumbers, department of commerce,
8 created by 2-15-1875;

9 (k) board of physical therapy examiners, department of
10 commerce, created by 2-15-1858.

11 (5) The following agencies terminate on July 1, 1987:

12 (a) commission for human rights, department of labor
13 and industry, created by 2-15-1706;

14 (b) Montana state board of medical examiners,
15 department of commerce, created by 2-15-1841;

16 (c) board of dentistry, department of commerce,
17 created by 2-15-1842;

18 (d) board of pharmacists, department of commerce,
19 created by 2-15-1843;

20 (e) board of nursing, department of commerce, created
21 by 2-15-1844;

22 (f) board of nursing home administrators, department
23 of commerce, created by 2-15-1845;

24 (g) board of optometrists, department of commerce,
25 created by 2-15-1846;

1 (h) board of chiropractors, department of commerce,
2 created by 2-15-1847;

3 (i) board of radiologic technologists, department of
4 commerce, created by 2-15-1848;

5 (j) board of speech pathologists and audiologists,
6 department of commerce, created by 2-15-1849;

7 (k) board of hearing aid dispensers, department of
8 commerce, created by 2-15-1850;

9 (l) board of psychologists, department of commerce,
10 created by 2-15-1851;

11 (m) board of veterinarians, department of commerce,
12 created by 2-15-1852;

13 (n) board of morticians, department of commerce,
14 created by 2-15-1853;

15 (o) board of barbers, department of commerce, created
16 by 2-15-1856;

17 (p) board of cosmetologists, department of commerce,
18 created by 2-15-1857;

19 (q) board of sanitarians, department of commerce,
20 created by 2-15-1861;

21 (r) board of veterans' affairs, department of social
22 and rehabilitation services, created by 2-15-2202.

23 ~~(6) The following agency terminates July 1, 1989:~~
24 ~~board of livestock, department of livestock, created by~~
25 ~~2-15-3102.~~

Section 3. Section 2-15-3102, MCA, is amended to read:

"2-15-3102. Board of livestock -- composition. (1)

There is a board of livestock.

(2) The board consists of seven ~~eight~~ members appointed by the governor with the consent of the senate.

Each member shall be a resident of the state, ~~and an active livestock producer.~~ -- A member

~~(3) Seven members~~ shall be active livestock producers, each appointed upon the recommendation of the ~~related~~ industry in which he is a producer, and shall have the following qualifications:

(a) two are cattle producers, one from each congressional district within the state;

(b) two are cattle producers at large;

(c) one is a dairy producer representing the dairy and poultry industry;

(d) one is a swine producer; and

(e) one is a sheep producer.

~~(4) One member must be appointed who is not involved in cattle, swine, dairy, or sheep production.~~

~~(5)~~ (5) An appointee is vested with all the powers and duties of his office before being confirmed by the senate, as are directors in 2-15-111(2).

~~(6)~~ (6) The governor shall designate the chairman of the board.

~~(5)(7)~~ (7) A member shall serve for a term of 6 years.

~~(5)(8)~~ (8) Members of the board shall be reimbursed and compensated as are members of quasi-judicial boards in 2-15-124(7)."

Section 4. Section 15-24-925, MCA, is amended to read:

"15-24-925. Transmission of taxes from county to state treasurer. The taxes levied and the money collected pursuant to the provisions of 15-24-923 shall be transmitted annually with other taxes for state purposes to the state treasury by the county treasurer of each county as provided in 15-1-504, and such county treasurer shall designate the amount received from the tax levied on sheep and the amount received from the tax levied on all other livestock and shall specify said separate amounts in his report to the state treasurer. Such money, when received by the state treasurer, shall be placed to the credit of the funds as provided in 15-24-924."

Section 5. Section 81-1-102, MCA, is amended to read:

"81-1-102. Duties and powers of department ~~== fees based on costs.~~ (1) The department shall exercise general supervision over and, so far as possible, protect the livestock interests of the state from theft and disease and recommend legislation which, in the judgment of the department, fosters this industry. The department may compel the attendance of witnesses, employ counsel to assist in the

prosecution of violations of laws made for the protection of the livestock interests, and assist in the prosecution of persons charged with illegal branding or theft of livestock or any other crime under the laws of this state for the protection of stock owners. It may adopt rules governing the recording and use of livestock brands.

~~(2) The department shall by rule establish all fees that it is authorized to charge, commensurate with costs as provided in 37-1-134."~~

Section 6. Section 81-1-201, MCA, is amended to read:

"81-1-201. Appointment and powers. The department may appoint stock inspectors and detectives necessary for the protection of the livestock interests of this state. The ~~department shall designate which~~ inspectors and detectives ~~are considered law enforcement officers, and those~~ designated shall take the official oath required by law and shall have similar powers and authority to those conferred by law on deputy sheriffs. However, they are not entitled to the fees or emoluments awarded by law to deputy sheriffs. The board shall devise an examination for the qualification of stock inspectors and detectives ~~designated as law enforcement officers~~ and may appoint and employ only persons who successfully pass such examination. The board shall promulgate administrative rules for the taking of this examination and define a passing grade."

Section 7. Section 81-2-502, MCA, is amended to read:

"81-2-502. Licenses. (1) It is unlawful to handle, prepare, cook, or otherwise treat garbage to feed to swine or other animals or to feed garbage to swine or other animals without first securing a license for that purpose from the department of livestock. One license issued to the entrepreneur, corporation, or individual responsible for a particular garbage feeding enterprise covers all garbage feeders concerned with the enterprise. The license provided for in this section expires on December 31 of the year in which it is issued. ~~A license~~ ~~The department shall establish a fee of \$5 shall be charged for all licenses issued under this part. All license fees collected shall be paid into the general fund of this state.~~

(2) This part does not apply to a person who feeds only his own household garbage to swine or other animals."

Section 8. Section 81-3-107, MCA, is amended to read:

"81-3-107. Fees for department. The department shall ~~establish~~ charges and collect \$25 ~~a fee~~ for recording a new mark or brand, for recording a mark or brand transfer, or for rerecording a mark or brand. The department shall ~~establish and charge \$25~~ ~~a fee~~ for providing a certified copy of a record and a duplicate certificate. All fees collected shall be paid into the earmarked revenue fund for the use of the department. However, not more than 10% of the

1 net rerecording fees after all expenses of rerecording are
2 paid may be expended in any one year except in case of an
3 emergency declared by the governor."

4 Section 9. Section 81-3-205, MCA, is amended to read:
5 "81-3-205. Fees for inspection and livestock
6 transportation permits. (1) For the service of inspection of
7 all livestock except horses, mules, or asses before removal
8 from a county or before change of ownership, the inspector
9 making the inspections shall receive ~~25-cents-per-head--for~~
10 ~~12--head--or-less--or--\$3--for--12-head--to--20-head--and--20-cents~~
11 ~~per-head-for-each-head-over-20-head~~ a fee established by the
12 department for each head inspected. For the issuance of a
13 market consignment permit or transportation permit (other
14 than a permanent permit) before removal from a county for
15 all livestock, the inspector, sheriff, or deputy sheriff
16 issuing the permits shall receive ~~25-cents-for--each--permit~~
17 ~~issued--for--12-head--or--less--50-cents-for-each-permit-for--12~~
18 ~~to--30-head--and--\$1-for-each-permit-issued-for-over-30-head~~ a
19 fee established by the department for each permit issued and
20 shall receive in addition his necessary actual expenses, to
21 be paid by the owner or the person for whom the inspection
22 is made or permit issued. For the issuance of a permanent
23 horse transportation permit, the state stock inspector
24 taking the application for permit shall receive ~~\$5-per--head~~
25 a fee established by the department for each permit issued.

1 All inspection and permit fees and expenses shall be
2 collected by the inspector, sheriff, or deputy sheriff at
3 the time of inspection or issuance of permit, and all the
4 fees and expenses collected by a deputy state stock
5 inspector, sheriff, or deputy sheriff shall be retained by
6 him, and all such fees and expenses collected by a state
7 stock inspector shall be sent by him to the department for
8 deposit in the state treasury to the credit of the earmarked
9 revenue fund for the use of the department.

10 (2) For the service of inspection before any livestock
11 except a horse, mule, or ass is sold or offered for sale at
12 a licensed livestock market or slaughtered at a licensed
13 slaughterhouse, a state stock inspector or deputy state
14 stock inspector making the inspection shall receive ~~20-cents~~
15 ~~per-head-for-an-animal-originating-within-the-county-in--the~~
16 ~~state-in-which-the-market-or-slaughterhouse-is-maintained-or~~
17 ~~transported---under---a---market---consignment---permit---or~~
18 ~~transportation-permit-and-10-cents-per-head--for--an--animal~~
19 ~~previously--inspected-before-removal--from-a-county-as-herein~~
20 provided a fee established by the department for each head
21 inspected. All fees shall be paid by the owner or by the
22 person for whom the inspection is made. For releasing an
23 animal so that it may be removed from the premises of a
24 licensed livestock market, the state stock inspector making
25 the release shall receive ~~20--cents--per--head~~ a fee

1 ~~established by the department for each head inspected~~ from
 2 the owner or the person for whom the release is made. All
 3 fees for inspection and release at the market shall be
 4 collected at the time the inspection or release is made by
 5 the state stock inspector making the inspection or release
 6 and shall be sent by him to the department for deposit in
 7 the state treasury to the credit of the earmarked revenue
 8 fund for the use of the department. All fees for
 9 preslaughter inspection made at a licensed slaughterhouse by
 10 the state stock inspector shall be paid to the department
 11 for deposit in the state treasury to the credit of the
 12 earmarked revenue fund for the use of the department.
 13 Preslaughter inspection fees paid to a deputy state stock
 14 inspector shall be retained by him.

15 (3) (a) For the service of inspection of horses,
 16 mules, or asses before removal from a county or before
 17 change of ownership, the inspector making the inspection
 18 shall receive ~~\$1-a-head-for-the-first-10-heads-and-50-cents~~
 19 ~~per-head-for-each-animal-more-than-10~~ a fee established by
 20 the department for each head inspected and shall receive in
 21 addition his necessary actual expenses to be paid by the
 22 owner or the person for whom the inspection is made. All
 23 fees and expenses collected by a state stock inspector must
 24 be sent by him to the department for deposit in the state
 25 treasury to the credit of the earmarked revenue fund for the

1 use of the department.

2 (b) For the service of inspection before a horse,
 3 mule, or ass is sold or offered for sale at a licensed
 4 livestock market, a state stock inspector making the
 5 inspection shall receive ~~\$1-per-head~~ a fee established by
 6 the department for each head inspected. All fees shall be
 7 paid by the owner or the person for whom the inspection is
 8 made to the state stock inspector.

9 (4) All inspection and release fees and expenses shall
 10 be paid to the department for deposit in the state treasury
 11 to the credit of the earmarked revenue fund for the use of
 12 the department unless paid to a deputy state stock
 13 inspector. State stock inspectors shall be paid for their
 14 services and receive their expenses as fixed by the
 15 department."

16 Section 10. Section 81-3-210, MCA, is amended to read:

17 "81-3-210. Bill of sale required to prove ownership.
 18 (1) A bill of sale signed by the seller and adequately
 19 describing the livestock sold must be presented to the
 20 livestock inspector whenever the change of ownership
 21 inspection required by 81-3-211 is made or whenever a buyer
 22 of livestock requests a county-line or state-line inspection
 23 for livestock exempt from the change-of-ownership inspection
 24 when purchased in lots of 5 head or less. The bill of sale
 25 shall be in a form prescribed by the department ~~of livestock~~

1 and shall be taken up by the department with the certificate
2 of inspection acting as a receipt.

3 (2) The department shall ~~establish~~₁ charge₁ and
4 receive a fee of ~~\$2.50~~ for each copy of a bill of sale
5 requested after the original bill of sale has been taken up.
6 Fees so received shall be paid to the department for deposit
7 in the state treasury to the credit of the earmarked revenue
8 fund for the use of the department."

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

10 "81-3-211. Inspection of livestock before change of
11 ownership or removal from county -- transportation permits.

12 (1) For the purposes of this section:

13 (a) "Members of the same family" means a group whose
14 membership is determined by including an individual, his
15 spouse, and his parents, children, grandchildren, and the
16 spouses of each.

17 (b) "Family business entity" means:

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

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

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

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

1 (2) Except as otherwise provided in this part, it is
2 unlawful to remove or cause to be removed from a county in
3 this state any livestock or to transfer ownership by sale or
4 otherwise or for an intended purchaser or his agent to take
5 possession of any such animal subject to title passing upon
6 meeting or satisfaction of any conditions, unless the
7 livestock has been inspected for brands by a state stock
8 inspector or deputy state stock inspector and a certificate
9 of the inspection has been issued in connection with and for
10 the purpose of the transportation or removal or of such
11 change of ownership as provided in this part. The inspection
12 must be made in daylight. However, the change of ownership
13 inspection requirements of this subsection do not apply
14 when:

15 (a) such sale or change of ownership transaction
16 involves five or fewer such animals; or

17 (b) the change of ownership transaction is
18 accomplished without the livestock changing premises,
19 involves part of a herd to which no livestock have been
20 added other than by natural increase or after brand
21 inspection, and is between:

22 (i) members of the same family;

23 (ii) a member of one family and the same family's
24 business entity; or

25 (iii) the same family's business entities.

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

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

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

20 (5) The person in charge of livestock being removed
21 from a county in this state, where inspection thereof is
22 required by this section or where change of ownership has
23 occurred or when moved under a market consignment permit or
24 a market release certificate, shall have in his possession
25 the certificate of inspection, market consignment permit,

1 transportation permit, or market release certificate issued
2 in connection therewith and shall exhibit the certificate to
3 any sheriff, deputy sheriff, constable, highway patrolman,
4 state stock inspector, or deputy state stock inspector upon
5 request. Section 81-3-204 shall be extended to livestock
6 transported or sold under the above-mentioned permits.

7 (6) The following transportation permits may be
8 issued:

9 (a) If a saddle, work, or show horse is being
10 transported from county to county in this state by the owner
11 for his personal use or business or where a purebred cow is
12 being transported from county to county in this state by its
13 owner for show purposes and where there is no change of
14 ownership, the inspection certificate required by this
15 section may be endorsed as to the purpose and extent of
16 transportation by the inspector issuing the certificate in
17 order to serve as a travel permit in this state for a period
18 not to exceed 1 year for the horse or cow described thereon.
19 The permit becomes void upon any transfer of ownership or if
20 the horse or cow is to be removed from the state. In such
21 instances an inspection must be secured for removal and the
22 endorsed certificate surrendered.

23 (b) The owner of a saddle, work, or show horse may
24 apply for a permanent transportation permit valid for both
25 interstate and intrastate transportation of the horse until

1 there is a change of ownership. To obtain a permit a horse
 2 must have either a registered brand that has been legally
 3 cleared or a lip tattoo or the owner must present proof of
 4 ownership to a state stock inspector. A written application,
 5 on forms to be provided by the department, must be completed
 6 by the owner and presented to a state stock inspector
 7 together with a \$5 permit fee established by the department,
 8 for each horse. The application shall contain a thorough
 9 physical description of the horse and list all brands and
 10 tattoos carried by the horse. Upon approval of the
 11 application by a state stock inspector, a permanent
 12 transportation permit shall be issued by the department to
 13 the owner for each horse and such permit shall be valid for
 14 the life of the horse. If there is a change of ownership in
 15 a horse the permit shall automatically become void. The
 16 permit must accompany the horse for which it was issued at
 17 all times while the horse is in transit. This permit shall
 18 be in lieu of other permits and certificates required under
 19 the provisions of this section. The state of Montana shall
 20 recognize as valid permanent transportation permits issued
 21 in other jurisdictions to the owner of a saddle, work, or
 22 show horse subsequently entering the state. Such a permit
 23 shall be automatically void upon a change of ownership.

24 (c) When livestock owned by and bearing the registered
 25 brand of a bona fide rodeo producer is being transported

1 from county to county in this state by the owner for rodeo
 2 purposes and where there is no change of ownership, the
 3 inspection certificate required by this section may be
 4 endorsed as to the purpose and extent of transportation by
 5 the inspector issuing the certificate in order to serve as a
 6 travel permit in this state for the livestock described
 7 thereon. The certificate is effective only between April 1
 8 and October 31 of the year for which it is issued. The
 9 certificate shall be issued by a state stock inspector.

10 (d) An owner of livestock or his agent may be issued a
 11 transportation permit allowing the movement of his livestock
 12 into an immediately adjoining county and return when the
 13 livestock is being moved for grazing purposes and when it is
 14 being moved to and from land owned or controlled by the
 15 owner of the livestock or his agent. The permit is valid for
 16 6 months and must be issued by a state stock inspector. The
 17 department shall establish a fee for the permit is-\$5, which
 18 shall to be paid to the state stock inspector at the time
 19 the permit is issued and remitted by him to the department
 20 for deposit in the state treasury to the credit of the
 21 earmarked revenue fund for the use of the department. This
 22 permit may be used in lieu of the inspection and certificate
 23 required by this section for movement of livestock across a
 24 county line.

25 (7) Before any removal or change of ownership may take

place, the seller of livestock shall request all required inspections and shall pay the required fees."

Section 12. Section 81-3-214, MCA, is amended to read:

"81-3-214. Inspection of imported livestock. (1)

Except as provided in subsections (2) and (3) of this section, any person owning livestock imported into this state or his agent must notify the department or a salaried employee of the department of the number, breed, type, and age of the livestock, its location, and the purpose for which it has been brought into the state. Such notification shall be made within 48 hours after the arrival of the livestock in the state. Livestock so moved may not be commingled with any livestock already in Montana until inspected for brands and marks in daylight by a state stock inspector or deputy state stock inspector. The fees for this inspection shall be the same as those imposed for county line or change of ownership inspections. The fees paid to state stock inspectors shall be remitted to the department for deposit in the earmarked revenue fund for the use of the department.

(2) Livestock consigned to a licensed livestock market or for immediate slaughter to a licensed slaughter facility at which preslaughter inspection is maintained is exempt from the requirements of this section.

(3) Livestock moved between Montana and an adjacent

state for graze on a regular basis and as part of the usual operation of a farm or ranch shall be exempt from the notice and inspection requirements of this section provided a transportation permit for the entry of the livestock into Montana has been obtained by the owner or his agent from a state stock inspector prior to the entry of the livestock into Montana. The department shall establish a fee for the permit, ~~shall be \$5--which--shall~~ be remitted by the department to the state treasury for credit to the earmarked revenue account of the department. The department shall provide by rule for the issuance and control of transportation permits authorized by this subsection."

Section 13. Section 81-3-216, MCA, is amended to read:

"81-3-216. Notification of department of sales of five head or less -- fee. (1) A person selling five or less head of livestock at a place other than a licensed livestock market shall notify the department of the number, type, class, and marks and brands on the livestock within 10 days of the sale. He shall also notify the department of the name and address of the buyer. Livestock inspected pursuant to 81-3-211(1) and 81-3-213 are exempt from this section.

(2) The department shall prescribe the manner and form of the notification and shall establish and receive a fee ~~not--to-exceed-50-cents~~ from the person making notification. All fees received under this section shall be paid to the

1 department for deposit in the state treasury to the credit
2 of the earmarked revenue account of the department."

3 Section 14. Section 81-4-605, MCA, is amended to read:

4 "81-4-605. Expenses, how paid -- disposition of
5 proceeds of sale. (1) Expenses for collecting, holding,
6 advertising, and selling of the estray, including but not
7 limited to labor, feed, supplies, and veterinary services,
8 shall be paid out of the gross proceeds of the sale of the
9 estray, and the balance of the proceeds of the sale shall be
10 forwarded to the department to be advertised as estray funds
11 in the manner provided by law. The proceeds are subject to
12 claim by the owner of the animal for a period of 2 years
13 from the date of the sale. If the owner of the estray claims
14 the animal before the sale of the animal, the expense
15 incurred by the stock inspector to that time shall be paid
16 by the owner.

17 (2) The department may adopt rules and establish fees
18 for the handling of estrays."

19 Section 15. Section 81-5-202, MCA, is amended to read:

20 "81-5-202. Form and issuance of permits -- fee. Before
21 making an order under this part, the department must provide
22 for the form of the permit and for issuance of the permits
23 by livestock inspectors in the affected county. The
24 department shall establish a fee fee for issuance of the
25 permit is-50-cents."

1 Section 16. Section 81-8-256, MCA, is amended to read:

2 "81-8-256. Fee to operate livestock market. A person
3 operating a livestock market shall pay annually on May 1 a
4 ~~fee of \$100~~ to the department a fee established by the
5 department. All fees shall be paid into the state treasury
6 and credited to the earmarked revenue fund for the use of
7 the department."

8 Section 17. Section 81-8-276, MCA, is amended to read:

9 "81-8-276. Annual fee and financial statement.
10 Livestock brokers and livestock dealers shall pay an annual
11 ~~fee of \$50~~ established by the department and supply a
12 current financial statement. The fee is payable on May 1 to
13 the state treasurer to the credit of the department."

14 Section 18. Section 81-8-304, MCA, is amended to read:

15 "81-8-304. Fees. The department ~~of--livestock~~ shall
16 charge a fee for filing and listing the notices of security
17 agreements for each recorded brand listed in each security
18 agreement and for filing and listing each notice of
19 satisfaction, renewal, or assignment of the security
20 agreement for each recorded brand listed. The fees shall be
21 set by rules adopted pursuant to the Montana Administrative
22 Procedure Act, upon the basis of actual cost to the
23 department ~~not-to-exceed-\$15~~ for each brand listed. All fees
24 shall be paid into the earmarked revenue fund for the use of
25 the department."

Section 19. Section 81-8-603, MCA, is amended to read:

"81-8-603. Compensation. Members of the committee ~~shall receive no salary but shall be paid from the committee account a per diem of \$20 for each day they are actually and necessarily engaged in the transaction of official business under this part~~ are entitled to be reimbursed and compensated as are members of quasi-judicial boards in 2-15-124171."

Section 20. Section 81-9-113, MCA, is amended to read:

"81-9-113. Fees for inspection. The state or deputy state stock inspector making the inspection required by 81-9-112 shall collect ~~25 cents~~ a fee established by the department for each head inspected, plus all necessary expenses. State stock inspectors shall promptly remit all fees and expenses collected under this section to the department for deposit in the earmarked revenue fund. Deputy state stock inspectors shall keep their fees and expenses."

Section 21. Section 81-9-201, MCA, is amended to read:

"81-9-201. Slaughterhouse license -- fees and renewals. It is unlawful for a person, firm, or corporation to maintain or conduct a slaughterhouse, meat packinghouse, or meat depot in this state without having a license issued by the department. The department shall establish an annual fee for a license issued under this section, is it and shall

to be paid into the general fund. All licenses expire on December 31 of the year in which they are issued and shall be renewed by the department on request of the licensee. However, when the department finds that the place for which the license is issued is not conducted in accordance with the rules and orders of the board made under 81-2-102, the department shall revoke the license and may not renew it until the place is in a sanitary condition in accordance with department rules."

Section 22. Section 81-9-301, MCA, is amended to read:

"81-9-301. Licensing of rendering or disposal plants.

(1) It is unlawful to operate in this state a rendering or disposal plant or establishment that is intended to be operated for the disposal of bodies or parts of bodies of animals or fowl in any manner, except for human consumption, without first securing a license from the department of livestock.

(2) The license expires on December 31 of the year in which it is issued. ~~A license~~ The department shall establish a fee of --\$5-- shall to be charged for licenses issued under 81-9-301 through 81-9-306.

(3) All license fees collected shall be paid into the general fund of this state."

Section 23. Section 81-9-411, MCA, is amended to read:

"81-9-411. Hide dealer or buyer's license fee --

1 disposition of proceeds. Before engaging in business in this
 2 state, a hide dealer or buyer shall obtain a license from
 3 the department. ~~The department shall establish an annual~~
 4 ~~license fee is \$5 to be charged~~ for each established place
 5 of business at which the hide dealer or buyer purchases or
 6 deals in hides. The license continues in force for that
 7 calendar year. The moneys collected from the licenses shall
 8 be placed in the earmarked revenue fund for the department.
 9 The license must be renewed January 1 of each year."

10 Section 24. Section 81-20-201, MCA, is amended to
 11 read:

12 "81-20-201. Egg dealer's and egg grader's ~~license~~
 13 ~~licenses~~ -- fee. (1) No person may buy, sell, or deal in
 14 eggs without first obtaining a license from the department
 15 of livestock for each establishment at which business is
 16 conducted. A licensee shall send to the department the
 17 reports which are requested by the department. ~~The fee for~~
 18 ~~the department shall establish a license fee is \$5 per year~~
 19 ~~for dealers buying eggs for sale at retail. The fee for the~~
 20 ~~license is \$20 per year for and for~~ dealers buying eggs for
 21 resale at wholesale. All licenses shall be posted in a
 22 conspicuous place in each place of business. Licenses expire
 23 March 31 each year after the date of issuance.

24 (2) A person buying, selling, or dealing in eggs, a
 25 major portion of which are produced by his own fowl, or in

1 amounts less than an average of 25 cases per month, is
 2 exempt from the requirements of this section.

3 (3) Wholesale and retail dealers who handle more than
 4 25 cases of eggs per month supplying eggs to consumers must,
 5 when selling candled eggs, sell only eggs candled by or
 6 under the supervision of experienced and licensed graders.
 7 ~~The department shall establish a fee for a grader's license~~
 8 ~~is \$5 per year.~~ All candlers and graders must pass an
 9 examination required by the department ~~of livestock.~~ The
 10 license expires March 31 each year after the date of
 11 issuance."

12 Section 25. Section 81-21-102, MCA, is amended to
 13 read:

14 "81-21-102. Licensing of milk plants and dairies
 15 selling milk or cream for public consumption. (1) It is
 16 unlawful for the following businesses to operate in this
 17 state without first obtaining a license from the department
 18 of livestock:

19 (a) a dairy selling milk or cream for public
 20 consumption in the form in which it is originally produced;

21 (b) a condensed, evaporated, or powdered milk plant;

22 (c) a fluid milk plant.

23 (2) A license expires on December 31 of the year
 24 issued. The department may, following the procedures in the
 25 Montana Administrative Procedure Act, deny, suspend, or

1 revoke a license when it determines that a person to whom
2 the license is issued has failed to comply with the rules of
3 the department or has failed to conduct his establishment in
4 a sanitary manner. All license fees collected shall be
5 deposited into the general fund.

6 (3) The department may issue a restraining order
7 prohibiting a dairy from selling or giving away milk or
8 cream not produced or handled under the laws of this state
9 or the rules of the department. It is unlawful for a dairy,
10 while restrained, to sell or give away for public
11 consumption milk or cream produced or handled by the dairy,
12 and it is also unlawful for a dairy products manufacturing
13 plant, milk plant, or cream station to purchase or use the
14 cream or milk from a dairy while the dairy is restrained.

15 ~~(4) The following license fees are charged for~~
16 ~~licenses issued under this section~~ The department shall
17 establish license fees for the following facilities:

- 18 (a) condensed, evaporated, or powdered milk factory
19 \$50;
20 (b) fluid milk plant \$50; and
21 (c) dairy \$5.

22 (5) A person violating this section is guilty of a
23 misdemeanor."

24 Section 26. Section 81-22-102, MCA, is amended to
25 read:

1 "81-22-102. General authority of department. (1) The
2 department may regulate and establish sanitation standards
3 for persons operating dairies producing milk for
4 manufacturing purposes. The department may regulate and
5 establish sanitation and quality standards for a person
6 engaged in the processing of manufactured dairy products or
7 of products made or sold in the semblance or imitation of
8 dairy products in this state when those products made in
9 semblance or imitation of dairy products are made in a
10 manufactured dairy products plant.

11 (2) The department may adopt minimum standards for the
12 production, transportation, grading, testing, use,
13 processing, packaging, and storage of milk and cream used
14 for manufacturing purposes and of manufactured dairy
15 products.

16 ~~(3) The department shall adopt rules and establish~~
17 ~~fees for licenses for selling or producing milk as required~~
18 ~~by 81-23-202."~~

19 Section 27. Section 81-22-204, MCA, is amended to
20 read:

21 "81-22-204. License required for milk or cream route.
22 It is unlawful for a person to engage in hauling milk or
23 cream on an established milk or cream route for a
24 manufactured dairy products plant, milk plant, or milk or
25 cream station without first procuring a license from the

1 department. The ~~department shall establish~~ a fee for the
2 license ~~is \$5 annually.~~"

3 Section 28. Section 81-22-205, MCA, is amended to
4 read:

5 "81-22-205. Examination and licensing of persons
6 engaged in testing. (1) A person may not operate a
7 butterfat, protein, solids, or other component content test
8 where milk or cream is bought and paid for on the basis of
9 these values without first passing an appropriate
10 examination and obtaining the license required by the
11 department. A person desiring to operate these tests shall
12 apply to the department for permission to take the
13 butterfat, protein, solids, or other component content test
14 operator's examination. The examination shall be given to
15 the applicant by the department. On passing the examination
16 to the satisfaction of the department, the applicant shall
17 be issued a license authorizing him to conduct these tests
18 in this state. ~~A The department shall establish a fee of~~
19 ~~\$10-95~~ to be paid for each license and for each renewal.

20 (2) Milk and cream tester's licenses may be revoked,
21 suspended, or denied where testing is not conducted under
22 official test procedures or under department rules. If the
23 tester regularly or habitually reports results below the
24 actual values of the butterfat, protein, solids, or other
25 compound component values, the licensee is subject to the

1 penalties provided in this chapter. A person who alters the
2 results of an official test is subject to the penalties
3 provided in this chapter."

4 Section 29. Section 81-22-208, MCA, is amended to
5 read:

6 "81-22-208. Licenses and schedule of license fees. (1)
7 Licenses and license fees required under this part ~~are--as~~
8 ~~follows must be established by the department for the~~
9 ~~following facilities and activities:~~

10 (a) ~~Manufactured~~ ~~manufactured~~ dairy products plant; ~~vvv~~
11 ~~-----\$50~~
12 However ~~however~~, a plant license is not required of a food
13 service establishment licensed by the Montana department of
14 health and environmental sciences as defined in 50-50-102,
15 and no license is required to manufacture nondairy products
16 when only such products are manufactured;:

17 (b) ~~Cream~~ ~~cream~~ station; ~~-----\$5~~
18 However ~~however~~, a license is not required if the cream
19 station is owned and operated by a licensed plant; but the
20 milk and cream, equipment, premises, and means of
21 transporting milk or cream is subject to official
22 inspection;:

23 (c) ~~Berry~~ ~~dairy~~ producing milk for manufacturing
24 purposes; ~~-----\$5~~
25 However ~~however~~, a dairy license is not required if the

dairy farm is licensed by the department to produce and sell milk or cream in the form in which it is originally produced as required by 81-21-102*vi*; and

(d) ~~Grader grader-weigher-sampler, tester, and hauler;~~

~~-----\$5~~

~~{e}--Tester-----\$10~~

~~{f}--Hauler-----\$5~~

However ~~however~~, a separate grader-weigher-sampler, tester, and hauler license is required whether a person performing these activities owns and operates the plant, is employed by the plant, or is self-employed.

(2) A license is valid on the date issued through December 31 of that year unless suspended or revoked by the department. A license must be renewed by the first January 31 following the expiration date of December 31. A license renewal application form may be supplied by the department. When the license renewal application form is returned to the department, it shall be accompanied by the correct license fee. A license shall be posted in conspicuous view at the place of business. A license is not transferable from place to place or from person to person. A penalty of ~~of--\$5--per month--or--fraction--of-a-month--after-January-31~~ fee in an amount established by the department may be imposed by the department ~~it~~ on a person who fails to apply for renewal of his license if under the part that person is required to be

licensed.

NEW SECTION. Section 30. Repealer. Sections 81-3-216 and 81-8-257, MCA, are repealed.

NEW SECTION. Section 31. Effective date. This act is effective on passage and approval.

-End-

1 STATEMENT OF INTENT

2 SENATE BILL 259

3

4 A statement of intent is required for Senate Bill 259
5 because section 5 grants the Department of Livestock
6 authority to charge fees commensurate with costs and section
7 14 grants authority to establish rules for handling estrays.

8 The Legislature intends that the fees be set in an
9 amount sufficient to provide funds to administer the
10 function for which the fee is charged. Fees shall not be set
11 so high as to generate revenue in excess of expenses.

12 The Department is required by law to process estrays at
13 livestock markets. Section 14 specifically grants the
14 Department authority to establish rules for the handling of
15 estrays. It is the intent of the Legislature that the rules
16 provide for collecting, holding, advertising, and selling of
17 estrays in an expeditious manner while facilitating the
18 movement of livestock and also protecting the property
19 interests of the owner of the livestock.

SECOND READING

SB 259

Approved by Committee
on Agriculture Livestock
& Irrigation

SENATE BILL NO. 259

INTRODUCED BY J. JACOBSON, MCBRIDE

BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT REESTABLISHING THE BOARD OF LIVESTOCK UNDER EXISTING STATUTORY AUTHORITY AND RULES; ~~ADDING-A-PUBLIC-MEMBER-TO--THE--BOARD; REMOVING THE BOARD OF LIVESTOCK FROM PERIODIC AGENCY EVALUATION;~~ ESTABLISHING FEES COMMENSURATE WITH COSTS; CLARIFYING THE TIME FOR TRANSMITTING LIVESTOCK TAXES; REQUIRING DESIGNATION OF THOSE INSPECTORS AND DETECTIVES CONSIDERED LAW ENFORCEMENT OFFICERS; AUTHORIZING THE DEPARTMENT OF LIVESTOCK TO ADOPT RULES AND ESTABLISH FEES FOR HANDLING ESTRAYS; REVISING COMPENSATION FOR THE PORK RESEARCH AND MARKETING COMMITTEE; ELIMINATING REQUIREMENTS CONCERNING NOTIFICATION OF SALE OF FIVE OR LESS HEAD OF LIVESTOCK AND BONDS FOR OPERATING A LIVESTOCK MARKET; ~~ELIMINATING THE SALE OF FIVE OR LESS HEAD OF LIVESTOCK AS AN EXEMPTION FROM BRAND INSPECTION;~~ AMENDING SECTIONS 2-8-103, ~~2-15-3102~~, 15-24-925, 81-1-102, 81-1-201, 81-2-502, 81-3-107, 81-3-205, 81-3-210, 81-3-211, 81-3-214, ~~81-3-216~~, 81-4-605, 81-5-202, ~~81-7-504~~, 81-8-256, 81-8-276, 81-8-304, 81-8-603, 81-9-113, 81-9-201, 81-9-301, 81-9-411, 81-20-201, 81-21-102, 81-22-102, 81-22-204, 81-22-205, AND 81-22-208, MCA; REPEALING SECTIONS 81-3-216 AND 81-8-257, MCA; AND PROVIDING AN IMMEDIATE

EFFECTIVE DATE."

WHEREAS, the sunset law, sections 2-8-103 and 2-8-112, MCA, terminates the Board of Livestock and requires a performance evaluation of the Board by the Legislative Audit Committee; and

WHEREAS, as a result of the performance evaluation, the Legislative Audit Committee recommends that the Board of Livestock be reestablished under existing statutory authority.

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

NEW SECTION. Section 1. Reestablishment. The Board of Livestock created pursuant to 2-15-3102 is reestablished with its existing statutory authority and rules ~~for 6 years~~ pursuant to 2-8-122.

Section 2. Section 2-8-103, MCA, is amended to read:

"2-8-103. Agencies to terminate. (1) The following agencies shall terminate on July 1, 1979:

(a) board of abstracters, department of professional and occupational licensing, created by 2-15-1643;

(b) board of real estate, department of professional and occupational licensing, created by 2-15-1642;

(c) state board of warm air heating, ventilation, and air conditioning, department of professional and

1 occupational licensing, created by 2-15-1656;
 2 (d) board of institutions, department of institutions,
 3 created by 2-15-2303.
 4 (2) The following agencies shall terminate on July 1,
 5 1981:
 6 (a) board of athletics, department of professional and
 7 occupational licensing, created by 2-15-1661;
 8 (b) board of massage therapists, department of
 9 professional and occupational licensing, created by
 10 2-15-1627;
 11 (c) board of osteopathic physicians, department of
 12 professional and occupational licensing, created by
 13 2-15-1607;
 14 (d) board of podiatry examiners, department of
 15 professional and occupational licensing, created by
 16 2-15-1608;
 17 (3) The following units of state government shall
 18 terminate on July 1, 1983:
 19 (a) board of aeronautics, department of commerce,
 20 created by 2-15-1812;
 21 (b) state board of hail insurance, department of
 22 agriculture, created by 2-15-3003;
 23 (c) board of horseracing, department of commerce,
 24 created by 2-15-1881;
 25 (d) ~~board of livestock, department of livestock,~~

1 ~~created by 2-15-3102;~~
 2 ~~(e)(d)~~ board of milk control, department of commerce,
 3 created by 2-15-1802;
 4 ~~(f)(e)~~ board of oil and gas conservation, department
 5 of natural resources and conservation, created by 2-15-3303;
 6 ~~(g)(f)~~ Montana outfitters' council, department of
 7 fish, wildlife, and parks, created by 2-15-3403;
 8 ~~(h)(g)~~ public service commission, department of public
 9 service regulation, created by 69-1-102;
 10 ~~(i)(h)~~ board of water and wastewater operators,
 11 department of health and environmental sciences, created by
 12 2-15-2105;
 13 ~~(j)(i)~~ board of water well contractors, department of
 14 commerce, created by 2-15-1862.
 15 (4) The following agencies terminate on July 1, 1985:
 16 (a) the board of public accountants, department of
 17 commerce, created by 2-15-1866;
 18 (b) the board of architects, department of commerce,
 19 created by 2-15-1871;
 20 (c) state banking board, department of commerce,
 21 created by 2-15-1803;
 22 (d) the state electrical board, department of
 23 commerce, created by 2-15-1874;
 24 (e) the board of professional engineers and land
 25 surveyors, department of commerce, created by 2-15-1873;

1 (f) office of commissioner of insurance and the
2 insurance department, state auditor's office, created by
3 2-15-1702 and 2-15-1903;

4 (g) office of the securities commissioner, state
5 auditor's office, created by 2-15-1901;

6 (h) the board of landscape architects, department of
7 commerce, created by 2-15-1872;

8 (i) the board of county printing, department of
9 commerce, created by 2-15-1811;

10 (j) the board of plumbers, department of commerce,
11 created by 2-15-1875;

12 (k) board of physical therapy examiners, department of
13 commerce, created by 2-15-1858.

14 (5) The following agencies terminate on July 1, 1987:

15 (a) commission for human rights, department of labor
16 and industry, created by 2-15-1706;

17 (b) Montana state board of medical examiners,
18 department of commerce, created by 2-15-1841;

19 (c) board of dentistry, department of commerce,
20 created by 2-15-1842;

21 (d) board of pharmacists, department of commerce,
22 created by 2-15-1843;

23 (e) board of nursing, department of commerce, created
24 by 2-15-1844;

25 (f) board of nursing home administrators, department

1 of commerce, created by 2-15-1845;

2 (g) board of optometrists, department of commerce,
3 created by 2-15-1846;

4 (h) board of chiropractors, department of commerce,
5 created by 2-15-1847;

6 (i) board of radiologic technologists, department of
7 commerce, created by 2-15-1848;

8 (j) board of speech pathologists and audiologists,
9 department of commerce, created by 2-15-1849;

10 (k) board of hearing aid dispensers, department of
11 commerce, created by 2-15-1850;

12 (l) board of psychologists, department of commerce,
13 created by 2-15-1851;

14 (m) board of veterinarians, department of commerce,
15 created by 2-15-1852;

16 (n) board of morticians, department of commerce,
17 created by 2-15-1853;

18 (o) board of barbers, department of commerce, created
19 by 2-15-1856;

20 (p) board of cosmetologists, department of commerce,
21 created by 2-15-1857;

22 (q) board of sanitarians, department of commerce,
23 created by 2-15-1861;

24 (r) board of veterans' affairs, department of social
25 and rehabilitation services, created by 2-15-2202.

1 ~~{6}--The following agency terminates duty in 1992~~
 2 ~~board of livestock department of livestock created by~~
 3 ~~2-15-3102x"~~
 4 Section 3. Section 2-15-3102, MCA, is amended to read:
 5 "2-15-3102. Board of livestock composition--{1}
 6 There is a board of livestock.
 7 {2}--The board consists of seven ~~eight~~ members
 8 appointed by the governor with the consent of the senate.
 9 Each member shall be a resident of the state and an active
 10 livestock producer. A member
 11 {3}--Seven members shall be active livestock producers
 12 each appointed upon the recommendation of the related
 13 industry in which he is a producer and shall have the
 14 following qualifications:
 15 {a}--two are cattle producers, one from each
 16 congressional district within the state;
 17 {b}--two are cattle producers at large;
 18 {c}--one is a dairy producer representing the dairy and
 19 poultry industry;
 20 {d}--one is a swine producer; and
 21 {e}--one is a sheep producer.
 22 {4}--One member must be appointed who is not involved
 23 in cattle, swine, dairy or sheep production.
 24 {3}{5}--An appointee is vested with all the powers and
 25 duties of his office before being confirmed by the senate.

1 as are directors in 2-15-111{2},
 2 {4}{6}--The governor shall designate the chairman of
 3 the board.
 4 {5}{7}--A member shall serve for a term of 6 years.
 5 {6}{8}--Members of the board shall be reimbursed and
 6 compensated as are members of quasi-judicial boards in
 7 2-15-124{7}.
 8 Section 3. Section 15-24-925, MCA, is amended to read:
 9 "15-24-925. Transmission of taxes from county to state
 10 treasurer. The taxes levied and the money collected pursuant
 11 to the provisions of 15-24-923 shall be transmitted annually
 12 with other taxes for state purposes to the state treasury by
 13 the county treasurer of each county as provided in 15-1-504,
 14 and such county treasurer shall designate the amount
 15 received from the tax levied on sheep and the amount
 16 received from the tax levied on all other livestock and
 17 shall specify said separate amounts in his report to the
 18 state treasurer. Such money, when received by the state
 19 treasurer, shall be placed to the credit of the funds as
 20 provided in 15-24-924."
 21 Section 4. Section 81-1-102, MCA, is amended to read:
 22 "81-1-102. Duties and powers of department -- fees
 23 based on costs. (1) The department shall exercise general
 24 supervision over and, so far as possible, protect the
 25 livestock interests of the state from theft and disease and

recommend legislation which, in the judgment of the department, fosters this industry. The department may compel the attendance of witnesses, employ counsel to assist in the prosecution of violations of laws made for the protection of the livestock interests, and assist in the prosecution of persons charged with illegal branding or theft of livestock or any other crime under the laws of this state for the protection of stock owners. It may adopt rules governing the recording and use of livestock brands.

~~(2) The department shall by rule establish all fees that it is authorized to charge, commensurate with costs as provided in 37-1-134.~~

Section 5. Section 81-1-201, MCA, is amended to read:

"81-1-201. Appointment and powers. The department may appoint stock inspectors and detectives necessary for the protection of the livestock interests of this state. The department shall designate which inspectors and detectives are considered law enforcement officers, and those designated shall take the official oath required by law and shall have similar powers and authority to those conferred by law on deputy sheriffs. However, they are not entitled to the fees or emoluments awarded by law to deputy sheriffs. The board shall devise an examination for the qualification of stock inspectors and detectives designated as law enforcement officers and may appoint and employ only persons

who successfully pass such examination. The board shall promulgate administrative rules for the taking of this examination and define a passing grade."

Section 6. Section 81-2-502, MCA, is amended to read:

"81-2-502. Licenses. (1) It is unlawful to handle, prepare, cook, or otherwise treat garbage to feed to swine or other animals or to feed garbage to swine or other animals without first securing a license for that purpose from the department of livestock. One license issued to the entrepreneur, corporation, or individual responsible for a particular garbage feeding enterprise covers all garbage feeders concerned with the enterprise. The license provided for in this section expires on December 31 of the year in which it is issued. ~~A license~~ The department shall establish a fee of \$5 shall to be charged for all licenses issued under this part. All license fees collected shall be paid into the ~~general fund of this state~~ EARMARKED REVENUE FUND FOR THE USE OF THE DEPARTMENT.

(2) This part does not apply to a person who feeds only his own household garbage to swine or other animals."

Section 7. Section 81-3-107, MCA, is amended to read:

"81-3-107. Fees for department. The department shall establish charges and collect \$25 a fee for recording a new mark or brand, for recording a mark or brand transfer, or for rerecording a mark or brand. The department shall

1 ~~establish~~ and charge ~~\$2.50 a fee~~ for providing a certified
 2 copy of a record and a duplicate certificate. All fees
 3 collected shall be paid into the earmarked revenue fund for
 4 the use of the department. However, not more than 10% of the
 5 net rerecording fees after all expenses of rerecording are
 6 paid may be expended in any one year except in case of an
 7 emergency declared by the governor."

8 Section 8. Section 81-3-205, MCA, is amended to read:

9 "81-3-205. Fees for inspection and livestock
 10 transportation permits. (1) For the service of inspection of
 11 all livestock except horses, mules, or asses before removal
 12 from a county or before change of ownership, the inspector
 13 making the inspections shall receive ~~25-cents-per-head-for~~
 14 ~~12-head-or-less-or-\$3-for-12-head-to-20-head-and-20-cents~~
 15 ~~per-head-for-each-head-over-20-head~~ a fee established by the
 16 department for each head inspected. For the issuance of a
 17 market consignment permit or transportation permit (other
 18 than a permanent permit) before removal from a county for
 19 all livestock, the inspector, sheriff, or deputy sheriff
 20 issuing the permits shall receive ~~25-cents-for-each-permit~~
 21 ~~issued-for-12-head-or-less-50-cents-for-each-permit-for-12~~
 22 ~~to-30-heads-and-\$1-for-each-permit-issued-for-over-30-head~~ a
 23 fee established by the department for each permit issued and
 24 shall receive in addition his necessary actual expenses, to
 25 be paid by the owner or the person for whom the inspection

1 is made or permit issued. For the issuance of a permanent
 2 horse transportation permit, the state stock inspector
 3 taking the application for permit shall receive ~~\$5-per-head~~
 4 ~~a fee established by the department~~ for each permit issued.
 5 All inspection and permit fees and expenses shall be
 6 collected by the inspector, sheriff, or deputy sheriff at
 7 the time of inspection or issuance of permit, and all the
 8 fees and expenses collected by a deputy state stock
 9 inspector, sheriff, or deputy sheriff shall be retained by
 10 him, and all such fees and expenses collected by a state
 11 stock inspector shall be sent by him to the department for
 12 deposit in the state treasury to the credit of the earmarked
 13 revenue fund for the use of the department.

14 (2) For the service of inspection before any livestock
 15 except a horse, mule, or ass is sold or offered for sale at
 16 a licensed livestock market or slaughtered at a licensed
 17 slaughterhouse, a state stock inspector or deputy state
 18 stock inspector making the inspection shall receive ~~20-cents~~
 19 ~~per-head-for-an-animal-originating-within-the-county-in-the~~
 20 ~~state-in-which-the-market-or-slaughterhouse-is-maintained-or~~
 21 ~~transported-under-a-market-consignment-permit-or~~
 22 ~~transportation-permit-and-10-cents-per-head-for-an-animal~~
 23 ~~previously-inspected-before-removal-from-a-county-as-herein~~
 24 ~~provided a fee established by the department for each head~~
 25 ~~inspected~~. All fees shall be paid by the owner or by the

1 person for whom the inspection is made. For releasing an
 2 animal so that it may be removed from the premises of a
 3 licensed livestock market, the state stock inspector making
 4 the release shall receive ~~20--cents--per--head~~ a fee
 5 established by the department for each head inspected from
 6 the owner or the person for whom the release is made. All
 7 fees for inspection and release at the market shall be
 8 collected at the time the inspection or release is made by
 9 the state stock inspector making the inspection or release
 10 and shall be sent by him to the department for deposit in
 11 the state treasury to the credit of the earmarked revenue
 12 fund for the use of the department. All fees for
 13 preslaughter inspection made at a licensed slaughterhouse by
 14 the state stock inspector shall be paid to the department
 15 for deposit in the state treasury to the credit of the
 16 earmarked revenue fund for the use of the department.
 17 Preslaughter inspection fees paid to a deputy state stock
 18 inspector shall be retained by him.

19 (3) (a) For the service of inspection of horses,
 20 mules, or asses before removal from a county or before
 21 change of ownership, the inspector making the inspection
 22 shall receive ~~\$1-a-head-for-the-first-10-heads-and-50-cents~~
 23 ~~per-head-for-each-animal-more-than-10~~ a fee established by
 24 the department for each head inspected and shall receive in
 25 addition his necessary actual expenses to be paid by the

1 owner or the person for whom the inspection is made. All
 2 fees and expenses collected by a state stock inspector must
 3 be sent by him to the department for deposit in the state
 4 treasury to the credit of the earmarked revenue fund for the
 5 use of the department.

6 (b) For the service of inspection before a horse,
 7 mule, or ass is sold or offered for sale at a licensed
 8 livestock market, a state stock inspector making the
 9 inspection shall receive ~~\$1-per-head~~ a fee established by
 10 the department for each head inspected. All fees shall be
 11 paid by the owner or the person for whom the inspection is
 12 made to the state stock inspector.

13 (4) All inspection and release fees and expenses shall
 14 be paid to the department for deposit in the state treasury
 15 to the credit of the earmarked revenue fund for the use of
 16 the department unless paid to a deputy state stock
 17 inspector. State stock inspectors shall be paid for their
 18 services and receive their expenses as fixed by the
 19 department."

20 Section 9. Section 81-3-210, MCA, is amended to read:

21 "81-3-210. Bill of sale required to prove ownership.

22 (1) A bill of sale signed by the seller and adequately
 23 describing the livestock sold must be presented to the
 24 livestock inspector whenever the change of ownership
 25 inspection required by 81-3-211 is made or whenever a buyer

1 of livestock requests a county-line or state-line inspection
 2 for livestock exempt from the change-of-ownership inspection
 3 when purchased in lots of 5 head or less. The bill of sale
 4 shall be in a form prescribed by the department of livestock
 5 and shall be taken up by the department with the certificate
 6 of inspection acting as a receipt.

7 (2) The department shall ~~establish~~ charges and
 8 receive a fee of ~~\$2.50~~ for each copy of a bill of sale
 9 requested after the original bill of sale has been taken up.
 10 Fees so received shall be paid to the department for deposit
 11 in the state treasury to the credit of the earmarked revenue
 12 fund for the use of the department."

13 Section 10. Section 81-3-211, MCA, is amended to read:

14 "81-3-211. Inspection of livestock before change of
 15 ownership or removal from county -- transportation permits.

16 (1) For the purposes of this section:

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

21 (b) "Family business entity" means:

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

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

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

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

5 (2) Except as otherwise provided in this part, it is
 6 unlawful to remove or cause to be removed from a county in
 7 this state any livestock or to transfer ownership by sale or
 8 otherwise or for an intended purchaser or his agent to take
 9 possession of any such animal subject to title passing upon
 10 meeting or satisfaction of any conditions, unless the
 11 livestock has been inspected for brands by a state stock
 12 inspector or deputy state stock inspector and a certificate
 13 of the inspection has been issued in connection with and for
 14 the purpose of the transportation or removal or of such
 15 change of ownership as provided in this part. The inspection
 16 must be made in daylight. However, the change of ownership
 17 inspection requirements of this subsection do not apply
 18 when:

19 ~~(a) such sale or change of ownership transaction~~
 20 ~~involves five or fewer such animals or~~

21 ~~(b) the change of ownership transaction is~~
 22 ~~accomplished without the livestock changing premises,~~
 23 ~~involves part of a herd to which no livestock have been~~
 24 ~~added other than by natural increase or after brand~~
 25 ~~inspection, and is between:~~

(A) members of the same family;

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

(C) the same family's business entities.

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

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

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

(5) The person in charge of livestock being removed from a county in this state, where inspection thereof is

required by this section or where change of ownership has occurred or when moved under a market consignment permit or a market release certificate, shall have in his possession the certificate of inspection, market consignment permit, transportation permit, or market release certificate issued in connection therewith and shall exhibit the certificate to any sheriff, deputy sheriff, constable, highway patrolman, state stock inspector, or deputy state stock inspector upon request. Section 81-3-204 shall be extended to livestock transported or sold under the above-mentioned permits.

(6) The following transportation permits may be issued:

(a) If a saddle, work, or show horse is being transported from county to county in this state by the owner for his personal use or business or where a purebred cow is being transported from county to county in this state by its owner for show purposes and where there is no change of ownership, the inspection certificate required by this section may be endorsed as to the purpose and extent of transportation by the inspector issuing the certificate in order to serve as a travel permit in this state for a period not to exceed 1 year for the horse or cow described thereon. The permit becomes void upon any transfer of ownership or if the horse or cow is to be removed from the state. In such instances an inspection must be secured for removal and the

1 endorsed certificate surrendered.

2 (b) The owner of a saddle, work, or show horse may
3 apply for a permanent transportation permit valid for both
4 interstate and intrastate transportation of the horse until
5 there is a change of ownership. To obtain a permit a horse
6 must have either a registered brand that has been legally
7 cleared or a lip tattoo or the owner must present proof of
8 ownership to a state stock inspector. A written application,
9 on forms to be provided by the department, must be completed
10 by the owner and presented to a state stock inspector
11 together with a \$5 permit fee ~~established by the department~~,
12 for each horse. The application shall contain a thorough
13 physical description of the horse and list all brands and
14 tattoos carried by the horse. Upon approval of the
15 application by a state stock inspector, a permanent
16 transportation permit shall be issued by the department to
17 the owner for each horse and such permit shall be valid for
18 the life of the horse. If there is a change of ownership in
19 a horse the permit shall automatically become void. The
20 permit must accompany the horse for which it was issued at
21 all times while the horse is in transit. This permit shall
22 be in lieu of other permits and certificates required under
23 the provisions of this section. The state of Montana shall
24 recognize as valid permanent transportation permits issued
25 in other jurisdictions to the owner of a saddle, work, or

1 show horse subsequently entering the state. Such a permit
2 shall be automatically void upon a change of ownership.

3 (c) When livestock owned by and bearing the registered
4 brand of a bona fide rodeo producer is being transported
5 from county to county in this state by the owner for rodeo
6 purposes and where there is no change of ownership, the
7 inspection certificate required by this section may be
8 endorsed as to the purpose and extent of transportation by
9 the inspector issuing the certificate in order to serve as a
10 travel permit in this state for the livestock described
11 thereon. The certificate is effective only between April 1
12 and October 31 of the year for which it is issued. The
13 certificate shall be issued by a state stock inspector.

14 (d) An owner of livestock or his agent may be issued a
15 transportation permit allowing the movement of his livestock
16 into an immediately adjoining county and return when the
17 livestock is being moved for grazing purposes and when it is
18 being moved to and from land owned or controlled by the
19 owner of the livestock or his agent. The permit is valid for
20 6 months and must be issued by a state stock inspector. The
21 ~~department shall establish a fee for the permit is \$5, which~~
22 ~~shall be paid to the state stock inspector at the time~~
23 the permit is issued and remitted by him to the department
24 for deposit in the state treasury to the credit of the
25 earmarked revenue fund for the use of the department. This

1 permit may be used in lieu of the inspection and certificate
2 required by this section for movement of livestock across a
3 county line.

4 (7) Before any removal or change of ownership may take
5 place, the seller of livestock shall request all required
6 inspections and shall pay the required fees."

7 Section 11. Section 81-3-214, MCA, is amended to read:

8 "81-3-214. Inspection of imported livestock. (1)
9 Except as provided in subsections (2) and (3) of this
10 section, any person owning livestock imported into this
11 state or his agent must notify the department or a salaried
12 employee of the department of the number, breed, type, and
13 age of the livestock, its location, and the purpose for
14 which it has been brought into the state. Such notification
15 shall be made within 48 hours after the arrival of the
16 livestock in the state. Livestock so moved may not be
17 commingled with any livestock already in Montana until
18 inspected for brands and marks in daylight by a state stock
19 inspector or deputy state stock inspector. The fees for this
20 inspection shall be the same as those imposed for county
21 line or change of ownership inspections. The fees paid to
22 state stock inspectors shall be remitted to the department
23 for deposit in the earmarked revenue fund for the use of the
24 department.

25 (2) Livestock consigned to a licensed livestock market

1 or for immediate slaughter to a licensed slaughter facility
2 at which preslaughter inspection is maintained is exempt
3 from the requirements of this section.

4 (3) Livestock moved between Montana and an adjacent
5 state for graze on a regular basis and as part of the usual
6 operation of a farm or ranch shall be exempt from the notice
7 and inspection requirements of this section provided a
8 transportation permit for the entry of the livestock into
9 Montana has been obtained by the owner or his agent from a
10 state stock inspector prior to the entry of the livestock
11 into Montana. The department shall establish a fee for the
12 permit, shall be--\$5--which shall be remitted by the
13 department to the state treasury for credit to the earmarked
14 revenue account of the department. The department shall
15 provide by rule for the issuance and control of
16 transportation permits authorized by this subsection."

17 Section 13. Section 81-3-216, MCA, is amended to read:

18 "81-3-216. Notification of department of sales of five
19 head or less--fees--(1) A person selling five or less head
20 of livestock at a place other than a licensed livestock
21 market shall notify the department of the number, type,
22 class, and marks and brands on the livestock within 10 days
23 of the sale. He shall also notify the department of the
24 name and address of the buyer. Livestock inspected pursuant
25 to 81-3-211(1) and 81-3-213 are exempt from this section.

~~{2}--The department shall prescribe the manner and form of the notification and shall establish and receive--a--fee not--to--exceed--50--cents--from--the--person--making--notification. All--fees--received--under--this--section--shall--be--paid--to--the department--for--deposit--in--the--state--treasury--to--the--credit of--the--earmarked--revenue--account--of--the--department."~~

Section 12. Section 81-4-605, MCA, is amended to read:

"81-4-605. Expenses, how paid -- disposition of proceeds of sale. (1) Expenses for collecting, holding, advertising, and selling of the estrays, including but not limited to labor, feed, supplies, and veterinary services, shall be paid out of the gross proceeds of the sale of the estray, and the balance of the proceeds of the sale shall be forwarded to the department to be advertised as estray funds in the manner provided by law. The proceeds are subject to claim by the owner of the animal for a period of 2 years from the date of the sale. If the owner of the estray claims the animal before the sale of the animal, the expense incurred by the stock inspector to that time shall be paid by the owner.

~~{2}--The department may adopt rules and establish fees for the handling of estrays."~~

Section 13. Section 81-5-202, MCA, is amended to read:

"81-5-202. Form and issuance of permits -- fee. Before making an order under this part, the department must provide

for the form of the permit and for issuance of the permits by livestock inspectors in the affected county. The department shall establish a fee for issuance of the permit ~~is 50 cents."~~

SECTION 14. SECTION 81-7-504, MCA, IS AMENDED TO READ:

"81-7-504. Duration of permit -- fee. Each the department of livestock shall establish a fee for the permit and each permit shall be valid for a period set by the department of livestock not to exceed 3 years ~~and shall cost \$50--or--portion--thereof--if--a--period--of--less--than--a--year--is set.~~ All fees for permits shall be paid to the department of livestock for deposit in the state treasury to the credit of the earmarked revenue fund for predatory animal control."

Section 15. Section 81-8-256, MCA, is amended to read:

"81-8-256. Fee to operate livestock market. A person operating a livestock market shall pay annually on May 1 a ~~fee of \$100~~ to the department a fee established by the department. All fees shall be paid into the state treasury and credited to the earmarked revenue fund for the use of the department."

Section 16. Section 81-8-276, MCA, is amended to read:

"81-8-276. Annual fee and financial statement. Livestock brokers and livestock dealers shall pay an annual fee ~~of \$50~~ established by the department and supply a current financial statement. The fee is payable on May 1 to

the state treasurer to the credit of the department."

Section 17. Section 81-8-304, MCA, is amended to read:

"81-8-304. Fees. The department of ~~livestock~~ shall charge a fee for filing and listing the notices of security agreements for each recorded brand listed in each security agreement and for filing and listing each notice of satisfaction, renewal, or assignment of the security agreement for each recorded brand listed. The fees shall be set by rules adopted pursuant to the Montana Administrative Procedure Act, upon the basis of actual cost to the department ~~not-to-exceed-\$15~~ for each brand listed. All fees shall be paid into the earmarked revenue fund for the use of the department."

Section 18. Section 81-8-603, MCA, is amended to read:

"81-8-603. Compensation. Members of the committee ~~shall receive no salary but shall be paid from the committee account a per diem of \$20 for each day they are actually and necessarily engaged in the transaction of official business under this part~~ are entitled to be reimbursed and compensated as are members of quasi-judicial boards in ~~2-12-124(1).~~"

Section 19. Section 81-9-113, MCA, is amended to read:

"81-9-113. Fees for inspection. The state or deputy state stock inspector making the inspection required by 81-9-112 shall collect ~~25 cents~~ a fee established by the

~~department for each~~ head inspected, plus all necessary expenses. State stock inspectors shall promptly remit all fees and expenses collected under this section to the department for deposit in the earmarked revenue fund. Deputy state stock inspectors shall keep their fees and expenses."

Section 20. Section 81-9-201, MCA, is amended to read:

"81-9-201. Slaughterhouse license -- fees and renewals. It is unlawful for a person, firm, or corporation to maintain or conduct a slaughterhouse, meat packinghouse, or meat depot in this state without having a license issued by the department. The ~~department shall establish an~~ annual fee for a license issued under this section, ~~is \$1 and shall~~ to be paid into the general fund earmarked revenue fund for the use of the department. All licenses expire on December 31 of the year in which they are issued and shall be renewed by the department on request of the licensee. However, when the department finds that the place for which the license is issued is not conducted in accordance with the rules and orders of the board made under 81-2-102, the department shall revoke the license and may not renew it until the place is in a sanitary condition in accordance with department rules."

Section 21. Section 81-9-301, MCA, is amended to read:

"81-9-301. Licensing of rendering or disposal plants.

(1) It is unlawful to operate in this state a rendering or disposal plant or establishment that is intended to be operated for the disposal of bodies or parts of bodies of animals or fowl in any manner, except for human consumption, without first securing a license from the department of livestock.

(2) The license expires on December 31 of the year in which it is issued. ~~A license~~ The department shall establish a fee of--\$5-- to be charged for licenses issued under 81-9-301 through 81-9-306.

(3) All license fees collected shall be paid into the ~~general fund of this state~~ EARMARKED REVENUE FUND FOR THE USE OF THE DEPARTMENT.

Section 22. Section 81-9-411, MCA, is amended to read:

"81-9-411. Hide dealer or buyer's license fee -- disposition of proceeds. Before engaging in business in this state, a hide dealer or buyer shall obtain a license from the department. ~~The department shall establish an annual license fee of \$5 to be charged~~ for each established place of business at which the hide dealer or buyer purchases or deals in hides. The license continues in force for that calendar year. The moneys collected from the licenses shall be placed in the earmarked revenue fund for the department. The license must be renewed January 1 of each year."

Section 23. Section 81-20-201, MCA, is amended to

read:

"81-20-201. Egg dealer's and egg grader's ~~license~~ licenses -- fee. (1) No person may buy, sell, or deal in eggs without first obtaining a license from the department of livestock for each establishment at which business is conducted. A licensee shall send to the department the reports which are requested by the department. ~~The fee--for the department shall establish a license fee of \$5-per-year for dealers buying eggs for sale at retail--the fee for--the license--is \$20-per-year-for and for~~ dealers buying eggs for resale at wholesale. All licenses shall be posted in a conspicuous place in each place of business. Licenses expire March 31 each year after the date of issuance.

(2) A person buying, selling, or dealing in eggs, a major portion of which are produced by his own fowl, or in amounts less than an average of 25 cases per month, is exempt from the requirements of this section.

(3) Wholesale and retail dealers who handle more than 25 cases of eggs per month supplying eggs to consumers must, when selling candled eggs, sell only eggs candled by or under the supervision of experienced and licensed graders. ~~The department shall establish a fee for a grader's license of \$5-per-year.~~ All candlers and graders must pass an examination required by the department of ~~livestock~~. The license expires March 31 each year after the date of

1 issuance."

2 Section 24. Section 81-21-102, MCA, is amended to
3 read:

4 "81-21-102. Licensing of milk plants and dairies
5 selling milk or cream for public consumption. (1) It is
6 unlawful for the following businesses to operate in this
7 state without first obtaining a license from the department
8 of livestock:

9 (a) a dairy selling milk or cream for public
10 consumption in the form in which it is originally produced;

11 (b) a condensed, evaporated, or powdered milk plant;

12 (c) a fluid milk plant.

13 (2) A license expires on December 31 of the year
14 issued. The department may, following the procedures in the
15 Montana Administrative Procedure Act, deny, suspend, or
16 revoke a license when it determines that a person to whom
17 the license is issued has failed to comply with the rules of
18 the department or has failed to conduct his establishment in
19 a sanitary manner. All license fees collected shall be
20 deposited into the general fund.

21 (3) The department may issue a restraining order
22 prohibiting a dairy from selling or giving away milk or
23 cream not produced or handled under the laws of this state
24 or the rules of the department. It is unlawful for a dairy,
25 while restrained, to sell or give away for public

1 consumption milk or cream produced or handled by the dairy,
2 and it is also unlawful for a dairy products manufacturing
3 plant, milk plant, or cream station to purchase or use the
4 cream or milk from a dairy while the dairy is restrained.

5 (4) ~~The following license fees are charged for~~
6 ~~licenses issued under this section~~ The department shall
7 establish license fees for the following facilities:

8 (a) condensed, evaporated, or powdered milk factory
9 \$50;

10 (b) fluid milk plant \$50; and

11 (c) dairy \$5.

12 (5) A person violating this section is guilty of a
13 misdemeanor."

14 Section 25. Section 81-22-102, MCA, is amended to
15 read:

16 "81-22-102. General authority of department. (1) The
17 department may regulate and establish sanitation standards
18 for persons operating dairies producing milk for
19 manufacturing purposes. The department may regulate and
20 establish sanitation and quality standards for a person
21 engaged in the processing of manufactured dairy products or
22 of products made or sold in the semblance or imitation of
23 dairy products in this state when those products made in
24 semblance or imitation of dairy products are made in a
25 manufactured dairy products plant.

(2) The department may adopt minimum standards for the production, transportation, grading, testing, use, processing, packaging, and storage of milk and cream used for manufacturing purposes and of manufactured dairy products.

~~(3) The department shall adopt rules and establish fees for licenses for selling or producing milk as required by 81-23-202.~~

Section 26. Section 81-22-204, MCA, is amended to read:

"81-22-204. License required for milk or cream route. It is unlawful for a person to engage in hauling milk or cream on an established milk or cream route for a manufactured dairy products plant, milk plant, or milk or cream station without first procuring a license from the department. The ~~department shall establish a~~ fee for the license ~~is \$5 annually.~~"

Section 27. Section 81-22-205, MCA, is amended to read:

"81-22-205. Examination and licensing of persons engaged in testing. (1) A person may not operate a butterfat, protein, solids, or other component content test where milk or cream is bought and paid for on the basis of these values without first passing an appropriate examination and obtaining the license required by the

department. A person desiring to operate these tests shall apply to the department for permission to take the butterfat, protein, solids, or other component content test operator's examination. The examination shall be given to the applicant by the department. On passing the examination to the satisfaction of the department, the applicant shall be issued a license authorizing him to conduct these tests in this state. ~~* The department shall establish a~~ fee of ~~\$10--shall~~ to be paid for each license and for each renewal.

(2) Milk and cream tester's licenses may be revoked, suspended, or denied where testing is not conducted under official test procedures or under department rules. If the tester regularly or habitually reports results below the actual values of the butterfat, protein, solids, or other compound component values, the licensee is subject to the penalties provided in this chapter. A person who alters the results of an official test is subject to the penalties provided in this chapter."

Section 28. Section 81-22-208, MCA, is amended to read:

"81-22-208. Licenses and schedule of license fees. (1) Licenses and license fees required under this part ~~are as follows must be established by the department for the following facilities and activities:~~

(a) Manufactured ~~manufactured~~ dairy products plant~~---~~

1 ~~*****\$50~~
 2 However ~~however~~, a plant license is not required of a food
 3 service establishment licensed by the Montana department of
 4 health and environmental sciences as defined in 50-50-102,
 5 and no license is required to manufacture nondairy products
 6 when only such products are manufactured.

7 (b) Cream cream station: ~~*****\$5~~
 8 However ~~however~~, a license is not required if the cream
 9 station is owned and operated by a licensed plant; but the
 10 milk and cream, equipment, premises, and means of
 11 transporting milk or cream is subject to official
 12 inspection.

13 (c) Dairy dairy producing milk for manufacturing
 14 purposes: ~~*****\$5~~
 15 However ~~however~~, a dairy license is not required if the
 16 dairy farm is licensed by the department to produce and sell
 17 milk or cream in the form in which it is originally produced
 18 as required by 81-21-102 ~~and~~

19 (d) Grader grader-weighter-sampler, tester, and hauler:
 20 ~~*****\$5~~

21 (e) --Tester ~~*****\$10~~

22 (f) --Hauler ~~*****\$5~~

23 However ~~however~~, a separate grader-weighter-sampler, tester,
 24 and hauler license is required whether a person performing
 25 these activities owns and operates the plant, is employed by

1 the plant, or is self-employed.

2 (2) A license is valid on the date issued through
 3 December 31 of that year unless suspended or revoked by the
 4 department. A license must be renewed by the first January
 5 31 following the expiration date of December 31. A license
 6 renewal application form may be supplied by the department.
 7 When the license renewal application form is returned to the
 8 department, it shall be accompanied by the correct license
 9 fee. A license shall be posted in conspicuous view at the
 10 place of business. A license is not transferable from place
 11 to place or from person to person. A penalty of ~~\$5-per~~
 12 ~~month-or-fraction-of-a-month-after-January-31~~ fee ~~is an~~
 13 ~~amount established by the department~~ may be imposed by the
 14 department ~~it~~ on a person who fails to apply for renewal of
 15 his license if under the part that person is required to be
 16 licensed.

17 ~~NEW SECTION.~~ Section 29. Repealer. Sections 81-3-216
 18 and 81-8-257, MCA, are repealed.

19 ~~NEW SECTION.~~ Section 30. Effective date. This act is
 20 effective on passage and approval.

-End-

1 SENATE BILL NO. 259

2 INTRODUCED BY J. JACOBSON, MCBRIDE

3 BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT REESTABLISHING THE
6 BOARD OF LIVESTOCK UNDER EXISTING STATUTORY AUTHORITY AND
7 RULES; ~~ADDING A PUBLIC MEMBER TO THE BOARD; REMOVING THE~~
8 ~~BOARD OF LIVESTOCK FROM PERIODIC AGENCY EVALUATION;~~
9 ESTABLISHING FEES COMMENSURATE WITH COSTS; CLARIFYING THE
10 TIME FOR TRANSMITTING LIVESTOCK TAXES; REQUIRING DESIGNATION
11 OF THOSE INSPECTORS AND DETECTIVES CONSIDERED LAW
12 ENFORCEMENT OFFICERS; AUTHORIZING THE DEPARTMENT OF
13 LIVESTOCK TO ADOPT RULES AND ESTABLISH FEES FOR HANDLING
14 ESTRAYS; REVISING COMPENSATION FOR THE PORK RESEARCH AND
15 MARKETING COMMITTEE; ELIMINATING REQUIREMENTS CONCERNING
16 NOTIFICATION OF SALE OF FIVE OR LESS HEAD OF LIVESTOCK AND
17 BONDS FOR OPERATING A LIVESTOCK MARKET; ~~ELIMINATING THE SALE~~
18 ~~OF FIVE OR LESS HEAD OF LIVESTOCK AS AN EXEMPTION FROM BRAND~~
19 ~~INSPECTION;~~ AMENDING SECTIONS 2-8-103, ~~2-15-3102,~~ 15-24-925,
20 81-1-102, 81-1-201, 81-2-502, 81-3-107, 81-3-205, 81-3-210,
21 81-3-211, 81-3-214, ~~81-3-216,~~ 81-4-605, 81-5-202, ~~81-7-504,~~
22 81-8-256, 81-8-276, 81-8-304, 81-8-603, 81-9-113, 81-9-201,
23 ~~81-9-301,~~ 81-9-411, 81-20-201, 81-21-102, 81-22-102,
24 81-22-204, 81-22-205, AND 81-22-208, MCA; REPEALING SECTIONS
25 81-3-216 AND 81-8-257, MCA; AND PROVIDING AN IMMEDIATE

THIRD READING

There are no changes on S B 259. Please refer to second
reading (yellow) amended for complete text.

20259

Amendments to Third Reading Copy of SB 259 by House Agriculture Committee

1. Statement of Intent, line 5.

Following: "section"

Strike: "5"

Insert: "4"

2. Statement of Intent, line 7.

Following: line 6

Strike: "14"

Insert: "12"

3. Statement of Intent, line 11.

Following: "expenses."

Insert: "The Legislature intends that a penalty be established by rule for failure to apply for renewal of a license required by 81-22-208. The penalty should be sufficient to encourage renewal of licenses."

4. Statement of Intent, line 13.

Following: "Section"

Strike: "14"

Insert: "12"

5. Page 15, line 2.

Following: "livestock"

Strike: "exempt from the change-of-ownership inspection" through "when purchased in lots of 5 head or less" on line 3

6. Page 34, line 13.

Following: "established by"

Insert: "a rule of"

1 STATEMENT OF INTENT

2 SENATE BILL 259

3

4 A statement of intent is required for Senate Bill 259
5 because section 5 ~~4~~ grants the Department of Livestock
6 authority to charge fees commensurate with costs and section
7 ~~14~~ 12 grants authority to establish rules for handling
8 estrays.

9 The Legislature intends that the fees be set in an
10 amount sufficient to provide funds to administer the
11 function for which the fee is charged. Fees shall not be set
12 so high as to generate revenue in excess of expenses. ~~THE~~
13 ~~LEGISLATURE INTENDS THAT A PENALTY BE ESTABLISHED BY RULE~~
14 ~~FOR FAILURE TO APPLY FOR RENEWAL OF A LICENSE REQUIRED BY~~
15 ~~81-22-208. THE PENALTY SHOULD BE SUFFICIENT TO ENCOURAGE~~
16 ~~RENEWAL OF LICENSES.~~

17 The Department is required by law to process estrays at
18 livestock markets. Section ~~14~~ 12 specifically grants the
19 Department authority to establish rules for the handling of
20 estrays. It is the intent of the Legislature that the rules
21 provide for collecting, holding, advertising, and selling of
22 estrays in an expeditious manner while facilitating the
23 movement of livestock and also protecting the property
24 interests of the owner of the livestock.

REFERENCE BILL
SB 259

SENATE BILL NO. 259

INTRODUCED BY J. JACOBSON, MCBRIDE

BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT REESTABLISHING THE BOARD OF LIVESTOCK UNDER EXISTING STATUTORY AUTHORITY AND RULES; ~~ADDING A PUBLIC MEMBER TO THE BOARD; REMOVING THE BOARD OF LIVESTOCK FROM PERIODIC AGENCY EVALUATION;~~ ESTABLISHING FEES COMMENSURATE WITH COSTS; CLARIFYING THE TIME FOR TRANSMITTING LIVESTOCK TAXES; REQUIRING DESIGNATION OF THOSE INSPECTORS AND DETECTIVES CONSIDERED LAW ENFORCEMENT OFFICERS; AUTHORIZING THE DEPARTMENT OF LIVESTOCK TO ADOPT RULES AND ESTABLISH FEES FOR HANDLING ESTRAYS; REVISING COMPENSATION FOR THE PORK RESEARCH AND MARKETING COMMITTEE; ELIMINATING REQUIREMENTS CONCERNING NOTIFICATION OF SALE OF FIVE OR LESS HEAD OF LIVESTOCK AND BONDS FOR OPERATING A LIVESTOCK MARKET; ~~ELIMINATING THE SALE OF FIVE OR LESS HEAD OF LIVESTOCK AS AN EXEMPTION FROM BRAND INSPECTION;~~ AMENDING SECTIONS 2-8-103, ~~2-15-3102,~~ 15-24-925, 81-1-102, 81-1-201, 81-2-502, 81-3-107, 81-3-205, 81-3-210, 81-3-211, 81-3-214, ~~81-3-216,~~ 81-4-605, 81-5-202, ~~81-7-504,~~ 81-8-256, 81-8-276, 81-8-304, 81-8-603, 81-9-113, 81-9-201, 81-9-301, 81-9-411, 81-20-201, 81-21-102, 81-22-102, 81-22-204, 81-22-205, AND 81-22-208, MCA; REPEALING SECTIONS 81-3-216 AND 81-8-257, MCA; AND PROVIDING AN IMMEDIATE

EFFECTIVE DATE."

WHEREAS, the sunset law, sections 2-8-103 and 2-8-112, MCA, terminates the Board of Livestock and requires a performance evaluation of the Board by the Legislative Audit Committee; and

WHEREAS, as a result of the performance evaluation, the Legislative Audit Committee recommends that the Board of Livestock be reestablished under existing statutory authority.

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

NEW SECTION. Section 1. Reestablishment. The Board of Livestock created pursuant to 2-15-3102 is reestablished with its existing statutory authority and rules ~~for 6 years~~ ~~pursuant to 2-8-122.~~

Section 2. Section 2-8-103, MCA, is amended to read:

"2-8-103. Agencies to terminate. (1) The following agencies shall terminate on July 1, 1979:

(a) board of abstracters, department of professional and occupational licensing, created by 2-15-1643;

(b) board of real estate, department of professional and occupational licensing, created by 2-15-1642;

(c) state board of warm air heating, ventilation, and air conditioning, department of professional and

1 occupational licensing, created by 2-15-1656;
 2 (d) board of institutions, department of institutions,
 3 created by 2-15-2303.
 4 (2) The following agencies shall terminate on July 1,
 5 1981:
 6 (a) board of athletics, department of professional and
 7 occupational licensing, created by 2-15-1661;
 8 (b) board of massage therapists, department of
 9 professional and occupational licensing, created by
 10 2-15-1627;
 11 (c) board of osteopathic physicians, department of
 12 professional and occupational licensing, created by
 13 2-15-1607;
 14 (d) board of podiatry examiners, department of
 15 professional and occupational licensing, created by
 16 2-15-1608;
 17 (3) The following units of state government shall
 18 terminate on July 1, 1983:
 19 (a) board of aeronautics, department of commerce,
 20 created by 2-15-1812;
 21 (b) state board of hail insurance, department of
 22 agriculture, created by 2-15-3003;
 23 (c) board of horseracing, department of commerce,
 24 created by 2-15-1881;
 25 ~~td) board of livestock, department of livestock,~~

1 ~~created by 2-15-3102;~~
 2 ~~(e)(d)~~ board of milk control, department of commerce,
 3 created by 2-15-1802;
 4 ~~ff)(a)~~ board of oil and gas conservation, department
 5 of natural resources and conservation, created by 2-15-3303;
 6 ~~gg)(f)~~ Montana outfitters' council, department of
 7 fish, wildlife, and parks, created by 2-15-3403;
 8 ~~hh)(g)~~ public service commission, department of public
 9 service regulation, created by 69-1-102;
 10 ~~ii)(h)~~ board of water and wastewater operators,
 11 department of health and environmental sciences, created by
 12 2-15-2105;
 13 ~~jj)(l)~~ board of water well contractors, department of
 14 commerce, created by 2-15-1862.
 15 (4) The following agencies terminate on July 1, 1985:
 16 (a) the board of public accountants, department of
 17 commerce, created by 2-15-1866;
 18 (b) the board of architects, department of commerce,
 19 created by 2-15-1871;
 20 (c) state banking board, department of commerce,
 21 created by 2-15-1803;
 22 (d) the state electrical board, department of
 23 commerce, created by 2-15-1874;
 24 (e) the board of professional engineers and land
 25 surveyors, department of commerce, created by 2-15-1873;

1 (f) office of commissioner of insurance and the
2 insurance department, state auditor's office, created by
3 2-15-1902 and 2-15-1903;

4 (g) office of the securities commissioner, state
5 auditor's office, created by 2-15-1901;

6 (h) the board of landscape architects, department of
7 commerce, created by 2-15-1872;

8 (i) the board of county printing, department of
9 commerce, created by 2-15-1811;

10 (j) the board of plumbers, department of commerce,
11 created by 2-15-1875;

12 (k) board of physical therapy examiners, department of
13 commerce, created by 2-15-1858.

14 (5) The following agencies terminate on July 1, 1987:

15 (a) commission for human rights, department of labor
16 and industry, created by 2-15-1706;

17 (b) Montana state board of medical examiners,
18 department of commerce, created by 2-15-1841;

19 (c) board of dentistry, department of commerce,
20 created by 2-15-1842;

21 (d) board of pharmacists, department of commerce,
22 created by 2-15-1843;

23 (e) board of nursing, department of commerce, created
24 by 2-15-1844;

25 (f) board of nursing home administrators, department

1 of commerce, created by 2-15-1845;

2 (g) board of optometrists, department of commerce,
3 created by 2-15-1846;

4 (h) board of chiropractors, department of commerce,
5 created by 2-15-1847;

6 (i) board of radiologic technologists, department of
7 commerce, created by 2-15-1848;

8 (j) board of speech pathologists and audiologists,
9 department of commerce, created by 2-15-1849;

10 (k) board of hearing aid dispensers, department of
11 commerce, created by 2-15-1850;

12 (l) board of psychologists, department of commerce,
13 created by 2-15-1851;

14 (m) board of veterinarians, department of commerce,
15 created by 2-15-1852;

16 (n) board of morticians, department of commerce,
17 created by 2-15-1853;

18 (o) board of barbers, department of commerce, created
19 by 2-15-1856;

20 (p) board of cosmetologists, department of commerce,
21 created by 2-15-1857;

22 (q) board of sanitarians, department of commerce,
23 created by 2-15-1861;

24 (r) board of veterans' affairs, department of social
25 and rehabilitation services, created by 2-15-2202.

~~(b) The following agency terminates duty in 1989
board of livestock department of livestock created by
2-15-3102.~~

Section 3. Section 2-15-3102, MCA, is amended to read:
"2-15-3102. Board of livestock composition--(1)
There is a board of livestock.

(2) The board consists of seven ~~eight~~ members
appointed by the governor with the consent of the senate.
Each member shall be a resident of the state and an active
livestock producer. A member

~~(3) Seven members shall be active livestock producers
each appointed upon the recommendation of the related
industry in which he is a producer and shall have the
following qualifications:~~

(a) two are cattle producers, one from each
congressional district within the state;

(b) two are cattle producers at large;

(c) one is a dairy producer representing the dairy and
poultry industry;

(d) one is a swine producer; and

(e) one is a sheep producer.

~~(4) One member must be appointed who is not involved
in cattle, swine, dairy or sheep production.~~

~~(5) An appointee is vested with all the powers and
duties of his office before being confirmed by the senate.~~

as are directors in 2-15-11(2).

(4)(b) The governor shall designate the chairman of
the boards.

(5)(i) A member shall serve for a term of 6 years.

(6)(b) Members of the board shall be reimbursed and
compensated as are members of quasi-judicial boards in
2-15-124(7).

Section 3. Section 15-24-925, MCA, is amended to read:

"15-24-925. Transmission of taxes from county to state
treasurer. The taxes levied and the money collected pursuant
to the provisions of 15-24-923 shall be transmitted annually
with other taxes for state purposes to the state treasury by
the county treasurer of each county as provided in 15-1-504,
and such county treasurer shall designate the amount
received from the tax levied on sheep and the amount
received from the tax levied on all other livestock and
shall specify said separate amounts in his report to the
state treasurer. Such money, when received by the state
treasurer, shall be placed to the credit of the funds as
provided in 15-24-924."

Section 4. Section 81-1-102, MCA, is amended to read:

"81-1-102. Duties and powers of department -- fees
based on costs. (1) The department shall exercise general
supervision over and, so far as possible, protect the
livestock interests of the state from theft and disease and

recommend legislation which, in the judgment of the department, fosters this industry. The department may compel the attendance of witnesses, employ counsel to assist in the prosecution of violations of laws made for the protection of the livestock interests, and assist in the prosecution of persons charged with illegal branding or theft of livestock or any other crime under the laws of this state for the protection of stock owners. It may adopt rules governing the recording and use of livestock brands.

~~(2) The department shall by rule establish all fees that it is authorized to charge, commensurate with costs as provided in 37-1-134.~~

Section 5. Section 81-1-201, MCA, is amended to read:

"81-1-201. Appointment and powers. The department may appoint stock inspectors and detectives necessary for the protection of the livestock interests of this state. The department shall designate which inspectors and detectives are considered law enforcement officers, and those designated shall take the official oath required by law and shall have similar powers and authority to those conferred by law on deputy sheriffs. However, they are not entitled to the fees or emoluments awarded by law to deputy sheriffs. The board shall devise an examination for the qualification of stock inspectors and detectives designated as law enforcement officers and may appoint and employ only persons

who successfully pass such examination. The board shall promulgate administrative rules for the taking of this examination and define a passing grade."

Section 6. Section 81-2-502, MCA, is amended to read:

"81-2-502. Licenses. (1) It is unlawful to handle, prepare, cook, or otherwise treat garbage to feed to swine or other animals or to feed garbage to swine or other animals without first securing a license for that purpose from the department of livestock. One license issued to the entrepreneur, corporation, or individual responsible for a particular garbage feeding enterprise covers all garbage feeders concerned with the enterprise. The license provided for in this section expires on December 31 of the year in which it is issued. ~~A--license~~ ~~The department shall establish a fee of \$5--shall~~ ~~to be charged for all licenses issued under this part. All license fees collected shall be paid into the general fund of this state~~ EARMARKED REVENUE FUND FOR THE USE OF THE DEPARTMENT.

(2) This part does not apply to a person who feeds only his own household garbage to swine or other animals."

Section 7. Section 81-3-107, MCA, is amended to read:

"81-3-107. Fees for department. The department shall establish charges and collect \$25 a fee for recording a new mark or brand, for recording a mark or brand transfer, or for rerecording a mark or brand. The department shall

1 ~~establish and~~ charge ~~\$2.50 a fee~~ for providing a certified
 2 copy of a record and a duplicate certificate. All fees
 3 collected shall be paid into the earmarked revenue fund for
 4 the use of the department. However, not more than 10% of the
 5 net rerecording fees after all expenses of rerecording are
 6 paid may be expended in any one year except in case of an
 7 emergency declared by the governor."

8 Section 8. Section 81-3-205, MCA, is amended to read:

9 "81-3-205. Fees for inspection and livestock
 10 transportation permits. (1) For the service of inspection of
 11 all livestock except horses, mules, or asses before removal
 12 from a county or before change of ownership, the inspector
 13 making the inspections shall receive ~~25-cents-per-head-for~~
 14 ~~12-head-or-less-or-\$3-for-12-head-to-20-head-and-20-cents~~
 15 ~~per-head-for-each-head-over-20-head~~ a fee established by the
 16 department for each head inspected. For the issuance of a
 17 market consignment permit or transportation permit (other
 18 than a permanent permit) before removal from a county for
 19 all livestock, the inspector, sheriff, or deputy sheriff
 20 issuing the permits shall receive ~~25-cents-for-each-permit~~
 21 ~~issued-for-12-head-or-less-50-cents-for-each-permit-for-12~~
 22 ~~to-30-heads-and-\$1-for-each-permit-issued-for-over-30-head~~ a
 23 fee established by the department for each permit issued and
 24 shall receive in addition his necessary actual expenses, to
 25 be paid by the owner or the person for whom the inspection

1 is made or permit issued. For the issuance of a permanent
 2 horse transportation permit, the state stock inspector
 3 taking the application for permit shall receive ~~\$5-per-head~~
 4 a fee established by the department for each permit issued.
 5 All inspection and permit fees and expenses shall be
 6 collected by the inspector, sheriff, or deputy sheriff at
 7 the time of inspection or issuance of permit, and all the
 8 fees and expenses collected by a deputy state stock
 9 inspector, sheriff, or deputy sheriff shall be retained by
 10 him, and all such fees and expenses collected by a state
 11 stock inspector shall be sent by him to the department for
 12 deposit in the state treasury to the credit of the earmarked
 13 revenue fund for the use of the department.

14 (2) For the service of inspection before any livestock
 15 except a horse, mule, or ass is sold or offered for sale at
 16 a licensed livestock market or slaughtered at a licensed
 17 slaughterhouse, a state stock inspector or deputy state
 18 stock inspector making the inspection shall receive ~~20-cents~~
 19 ~~per-head-for-an-animal-originating-within-the-county-in-the~~
 20 ~~state-in-which-the-market-or-slaughterhouse-is-maintained-or~~
 21 ~~transported-under-a-market-consignment-permit-or~~
 22 ~~transportation-permit-and-10-cents-per-head-for-an-animal~~
 23 ~~previously-inspected-before-removal-from-a-county-as-herein~~
 24 ~~provided~~ a fee established by the department for each head
 25 inspected. All fees shall be paid by the owner or by the

1 person for whom the inspection is made. For releasing an
 2 animal so that it may be removed from the premises of a
 3 licensed livestock market, the state stock inspector making
 4 the release shall receive ~~20--cents--per--head~~ a fee
 5 established by the department for each head inspected from
 6 the owner or the person for whom the release is made. All
 7 fees for inspection and release at the market shall be
 8 collected at the time the inspection or release is made by
 9 the state stock inspector making the inspection or release
 10 and shall be sent by him to the department for deposit in
 11 the state treasury to the credit of the earmarked revenue
 12 fund for the use of the department. All fees for
 13 preslaughter inspection made at a licensed slaughterhouse by
 14 the state stock inspector shall be paid to the department
 15 for deposit in the state treasury to the credit of the
 16 earmarked revenue fund for the use of the department.
 17 Preslaughter inspection fees paid to a deputy state stock
 18 inspector shall be retained by him.

19 (3) (a) For the service of inspection of horses,
 20 mules, or asses before removal from a county or before
 21 change of ownership, the inspector making the inspection
 22 shall receive ~~\$1-a-head-for-the-first-10-heads-and-50-cents~~
 23 ~~per-head-for-each-animal-more-than-10~~ a fee established by
 24 the department for each head inspected and shall receive in
 25 addition his necessary actual expenses to be paid by the

1 owner or the person for whom the inspection is made. All
 2 fees and expenses collected by a state stock inspector must
 3 be sent by him to the department for deposit in the state
 4 treasury to the credit of the earmarked revenue fund for the
 5 use of the department.

6 (b) For the service of inspection before a horse,
 7 mule, or ass is sold or offered for sale at a licensed
 8 livestock market, a state stock inspector making the
 9 inspection shall receive ~~\$1-per-head~~ a fee established by
 10 the department for each head inspected. All fees shall be
 11 paid by the owner or the person for whom the inspection is
 12 made to the state stock inspector.

13 (4) All inspection and release fees and expenses shall
 14 be paid to the department for deposit in the state treasury
 15 to the credit of the earmarked revenue fund for the use of
 16 the department unless paid to a deputy state stock
 17 inspector. State stock inspectors shall be paid for their
 18 services and receive their expenses as fixed by the
 19 department."

20 Section 9. Section 81-3-210, MCA, is amended to read:

21 "81-3-210. Bill of sale required to prove ownership.

22 (1) A bill of sale signed by the seller and adequately
 23 describing the livestock sold must be presented to the
 24 livestock inspector whenever the change of ownership
 25 inspection required by 81-3-211 is made or whenever a buyer

1 of livestock requests a county-line or state-line inspection
 2 for livestock ~~exempt from the change of ownership inspection~~
 3 ~~when purchased in lots of 5 head or less.~~ The bill of sale
 4 shall be in a form prescribed by the department of livestock
 5 and shall be taken up by the department with the certificate
 6 of inspection acting as a receipt.

7 (2) The department shall ~~establish~~ charges and
 8 receive a fee of ~~\$2.50~~ for each copy of a bill of sale
 9 requested after the original bill of sale has been taken up.
 10 Fees so received shall be paid to the department for deposit
 11 in the state treasury to the credit of the earmarked revenue
 12 fund for the use of the department."

13 Section 10. Section 81-3-211, MCA, is amended to read:

14 "81-3-211. Inspection of livestock before change of
 15 ownership or removal from county -- transportation permits.

16 (1) For the purposes of this section:

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

21 (b) "Family business entity" means:

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

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

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

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

5 (2) Except as otherwise provided in this part, it is
 6 unlawful to remove or cause to be removed from a county in
 7 this state any livestock or to transfer ownership by sale or
 8 otherwise or for an intended purchaser or his agent to take
 9 possession of any such animal subject to title passing upon
 10 meeting or satisfaction of any conditions, unless the
 11 livestock has been inspected for brands by a state stock
 12 inspector or deputy state stock inspector and a certificate
 13 of the inspection has been issued in connection with and for
 14 the purpose of the transportation or removal or of such
 15 change of ownership as provided in this part. The inspection
 16 must be made in daylight. However, the change of ownership
 17 inspection requirements of this subsection do not apply
 18 when:

19 (a) ~~such sale or change of ownership transaction~~
 20 ~~involves five or fewer such animals; or~~

21 (b) ~~the change of ownership transaction is~~
 22 ~~accomplished without the livestock changing premises,~~
 23 ~~involves part of a herd to which no livestock have been~~
 24 ~~added other than by natural increase or after brand~~
 25 ~~inspection, and is between:~~

1 ~~++(A)~~ members of the same family;

2 ~~++(B)~~ a member of one family and the same family's
3 business entity; or

4 ~~+++ (C)~~ the same family's business entities.

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

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

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

24 (5) The person in charge of livestock being removed
25 from a county in this state, where inspection thereof is

1 required by this section or where change of ownership has
2 occurred or when moved under a market consignment permit or
3 a market release certificate, shall have in his possession
4 the certificate of inspection, market consignment permit,
5 transportation permit, or market release certificate issued
6 in connection therewith and shall exhibit the certificate to
7 any sheriff, deputy sheriff, constable, highway patrolman,
8 state stock inspector, or deputy state stock inspector upon
9 request. Section 81-3-204 shall be extended to livestock
10 transported or sold under the above-mentioned permits.

11 (6) The following transportation permits may be
12 issued:

13 (a) If a saddle, work, or show horse is being
14 transported from county to county in this state by the owner
15 for his personal use or business or where a purebred cow is
16 being transported from county to county in this state by its
17 owner for show purposes and where there is no change of
18 ownership, the inspection certificate required by this
19 section may be endorsed as to the purpose and extent of
20 transportation by the inspector issuing the certificate in
21 order to serve as a travel permit in this state for a period
22 not to exceed 1 year for the horse or cow described thereon.
23 The permit becomes void upon any transfer of ownership or if
24 the horse or cow is to be removed from the state. In such
25 instances an inspection must be secured for removal and the

1 endorsed certificate surrendered.

2 (b) The owner of a saddle, work, or show horse may
3 apply for a permanent transportation permit valid for both
4 interstate and intrastate transportation of the horse until
5 there is a change of ownership. To obtain a permit a horse
6 must have either a registered brand that has been legally
7 cleared or a lip tattoo or the owner must present proof of
8 ownership to a state stock inspector. A written application,
9 on forms to be provided by the department, must be completed
10 by the owner and presented to a state stock inspector
11 together with a \$5 permit fee ~~established by the department~~
12 for each horse. The application shall contain a thorough
13 physical description of the horse and list all brands and
14 tattoos carried by the horse. Upon approval of the
15 application by a state stock inspector, a permanent
16 transportation permit shall be issued by the department to
17 the owner for each horse and such permit shall be valid for
18 the life of the horse. If there is a change of ownership in
19 a horse the permit shall automatically become void. The
20 permit must accompany the horse for which it was issued at
21 all times while the horse is in transit. This permit shall
22 be in lieu of other permits and certificates required under
23 the provisions of this section. The state of Montana shall
24 recognize as valid permanent transportation permits issued
25 in other jurisdictions to the owner of a saddle, work, or

1 show horse subsequently entering the state. Such a permit
2 shall be automatically void upon a change of ownership.

3 (c) When livestock owned by and bearing the registered
4 brand of a bona fide rodeo producer is being transported
5 from county to county in this state by the owner for rodeo
6 purposes and where there is no change of ownership, the
7 inspection certificate required by this section may be
8 endorsed as to the purpose and extent of transportation by
9 the inspector issuing the certificate in order to serve as a
10 travel permit in this state for the livestock described
11 thereon. The certificate is effective only between April 1
12 and October 31 of the year for which it is issued. The
13 certificate shall be issued by a state stock inspector.

14 (d) An owner of livestock or his agent may be issued a
15 transportation permit allowing the movement of his livestock
16 into an immediately adjoining county and return when the
17 livestock is being moved for grazing purposes and when it is
18 being moved to and from land owned or controlled by the
19 owner of the livestock or his agent. The permit is valid for
20 6 months and must be issued by a state stock inspector. The
21 ~~department shall establish a fee for the permit is \$5, which~~
22 ~~shall be~~ paid to the state stock inspector at the time
23 the permit is issued and remitted by him to the department
24 for deposit in the state treasury to the credit of the
25 earmarked revenue fund for the use of the department. This

1 permit may be used in lieu of the inspection and certificate
2 required by this section for movement of livestock across a
3 county line.

4 (7) Before any removal or change of ownership may take
5 place, the seller of livestock shall request all required
6 inspections and shall pay the required fees."

7 Section 11. Section 81-3-214, MCA, is amended to read:

8 "81-3-214. Inspection of imported livestock. (1)
9 Except as provided in subsections (2) and (3) of this
10 section, any person owning livestock imported into this
11 state or his agent must notify the department or a salaried
12 employee of the department of the number, breed, type, and
13 age of the livestock, its location, and the purpose for
14 which it has been brought into the state. Such notification
15 shall be made within 48 hours after the arrival of the
16 livestock in the state. Livestock so moved may not be
17 commingled with any livestock already in Montana until
18 inspected for brands and marks in daylight by a state stock
19 inspector or deputy state stock inspector. The fees for this
20 inspection shall be the same as those imposed for county
21 line or change of ownership inspections. The fees paid to
22 state stock inspectors shall be remitted to the department
23 for deposit in the earmarked revenue fund for the use of the
24 department.

25 (2) Livestock consigned to a licensed livestock market

1 or for immediate slaughter to a licensed slaughter facility
2 at which preslaughter inspection is maintained is exempt
3 from the requirements of this section.

4 (3) Livestock moved between Montana and an adjacent
5 state for graze on a regular basis and as part of the usual
6 operation of a farm or ranch shall be exempt from the notice
7 and inspection requirements of this section provided a
8 transportation permit for the entry of the livestock into
9 Montana has been obtained by the owner or his agent from a
10 state stock inspector prior to the entry of the livestock
11 into Montana. The department shall establish a fee for the
12 permit, shall be \$5 which shall be remitted by the
13 department to the state treasury for credit to the earmarked
14 revenue account of the department. The department shall
15 provide by rule for the issuance and control of
16 transportation permits authorized by this subsection."

17 Section 13. Section 81-3-216, MCA, is amended to read:

18 "81-3-216. Notification of department of sales of five
19 head or less --- fees --- (1) A person selling five or less head
20 of livestock at a place other than a licensed livestock
21 market shall notify the department of the number, type,
22 class, and marks and brands on the livestock within 10 days
23 of the sale. He shall also notify the department of the
24 name and address of the buyer. Livestock inspected pursuant
25 to 81-3-211(1) and 81-3-213 are exempt from this section.

~~{2}--The department shall prescribe the manner and form of the notification and shall establish and receive--a fee not--to exceed 50 cents from the person making notification. All fees received under this section shall be--paid--to--the department--for--deposit in the state treasury to the credit of the earmarked revenue account of the department."~~

Section 12. Section 81-4-605, MCA, is amended to read:

"81-4-605. Expenses, how paid -- disposition of proceeds of sale. All Expenses for collecting, holding, advertising, and selling of the estrays including but not limited to labor, feed, supplies, and veterinary services, shall be paid out of the gross proceeds of the sale of the estray, and the balance of the proceeds of the sale shall be forwarded to the department to be advertised as estray funds in the manner provided by law. The proceeds are subject to claim by the owner of the animal for a period of 2 years from the date of the sale. If the owner of the estray claims the animal before the sale of the animal, the expense incurred by the stock inspector to that time shall be paid by the owner.

~~{2} The department may adopt rules and establish fees for the handling of estrays."~~

Section 13. Section 81-5-202, MCA, is amended to read:

"81-5-202. Form and issuance of permits -- fee. Before making an order under this part, the department must provide

for the form of the permit and for issuance of the permits by livestock inspectors in the affected county. The department shall establish a fee for issuance of the permit is 50 cents."

~~SECTION 14. SECTION 81-7-504, MCA, IS AMENDED TO READ:~~

"81-7-504. Duration of permit -- fee. Each the department of livestock shall establish a fee for the permit and each permit shall be valid for a period set by the department of ~~livestock~~ not to exceed 3 years ~~and shall cost \$50--or--portion--thereof--if--a--period--of--less--than--a--year--is~~ set. All fees for permits shall be paid to the department of livestock for deposit in the state treasury to the credit of the earmarked revenue fund for predatory animal control."

Section 15. Section 81-8-256, MCA, is amended to read:

"81-8-256. Fee to operate livestock market. A person operating a livestock market shall pay annually on May 1 a ~~fee of \$100~~ to the department ~~a fee established by the department~~. All fees shall be paid into the state treasury and credited to the earmarked revenue fund for the use of the department."

Section 16. Section 81-8-276, MCA, is amended to read:

"81-8-276. Annual fee and financial statement. Livestock brokers and livestock dealers shall pay an annual fee of ~~--\$50~~ established by the department and supply a current financial statement. The fee is payable on May 1 to

the state treasurer to the credit of the department."

Section 17. Section 81-8-304, MCA, is amended to read:

"81-8-304. Fees. The department of ~~livestock~~ shall charge a fee for filing and listing the notices of security agreements for each recorded brand listed in each security agreement and for filing and listing each notice of satisfaction, renewal, or assignment of the security agreement for each recorded brand listed. The fees shall be set by rules adopted pursuant to the Montana Administrative Procedure Act, upon the basis of actual cost to the department ~~not to exceed \$15~~ for each brand listed. All fees shall be paid into the earmarked revenue fund for the use of the department."

Section 18. Section 81-8-603, MCA, is amended to read:

"81-8-603. Compensation. Members of the committee ~~shall receive no salary but shall be paid from the committee account a per diem of \$20 for each day they are actually and necessarily engaged in the transaction of official business under this part~~ are entitled to be reimbursed and compensated as are members of quasi-judicial boards in 2-15-124(7)."

Section 19. Section 81-9-113, MCA, is amended to read:

"81-9-113. Fees for inspection. The state or deputy state stock inspector making the inspection required by 81-9-112 shall collect ~~25 cents~~ a ~~fee established by the~~

~~department for each head inspected~~, plus all necessary expenses. State stock inspectors shall promptly remit all fees and expenses collected under this section to the department for deposit in the earmarked revenue fund. Deputy state stock inspectors shall keep their fees and expenses."

Section 20. Section 81-9-201, MCA, is amended to read:

"81-9-201. Slaughterhouse license -- fees and renewals. It is unlawful for a person, firm, or corporation to maintain or conduct a slaughterhouse, meat packinghouse, or meat depot in this state without having a license issued by the department. The ~~department shall establish an~~ annual fee for a license issued under this section ~~is \$1 and shall~~ to be paid into the general fund EARMARKED REVENUE FUND FOR THE USE OF THE DEPARTMENT. All licenses expire on December 31 of the year in which they are issued and shall be renewed by the department on request of the licensee. However, when the department finds that the place for which the license is issued is not conducted in accordance with the rules and orders of the board made under 81-2-102, the department shall revoke the license and may not renew it until the place is in a sanitary condition in accordance with department rules."

Section 21. Section 81-9-301, MCA, is amended to read:

"81-9-301. Licensing of rendering or disposal plants.

(1) It is unlawful to operate in this state a rendering or disposal plant or establishment that is intended to be operated for the disposal of bodies or parts of bodies of animals or fowl in any manner, except for human consumption, without first securing a license from the department of livestock.

(2) The license expires on December 31 of the year in which it is issued. ~~A license~~ The department shall establish a fee of --\$5--shall to be charged for licenses issued under 81-9-301 through 81-9-306.

(3) All license fees collected shall be paid into the ~~general fund of this state~~ earmarked revenue fund for the use of the department.

Section 22. Section 81-9-411, MCA, is amended to read:

"81-9-411. Hide dealer or buyer's license fee -- disposition of proceeds. Before engaging in business in this state, a hide dealer or buyer shall obtain a license from the department. The department shall establish an annual license fee is \$5 to be charged for each established place of business at which the hide dealer or buyer purchases or deals in hides. The license continues in force for that calendar year. The moneys collected from the licenses shall be placed in the earmarked revenue fund for the department. The license must be renewed January 1 of each year."

Section 23. Section 81-20-201, MCA, is amended to

read:

"81-20-201. Egg dealer's and egg grader's ~~license~~ licenses -- fee. (1) No person may buy, sell, or deal in eggs without first obtaining a license from the department of livestock for each establishment at which business is conducted. A licensee shall send to the department the reports which are requested by the department. The fee--for the department shall establish a license fee is \$5-per-year for dealers buying eggs for sale at retail--the fee for--the license--is \$20-per-year-for and for dealers buying eggs for resale at wholesale. All licenses shall be posted in a conspicuous place in each place of business. Licenses expire March 31 each year after the date of issuance.

(2) A person buying, selling, or dealing in eggs, a major portion of which are produced by his own fowl, or in amounts less than an average of 25 cases per month, is exempt from the requirements of this section.

(3) Wholesale and retail dealers who handle more than 25 cases of eggs per month supplying eggs to consumers must, when selling candled eggs, sell only eggs candled by or under the supervision of experienced and licensed graders. The department shall establish a fee for a grader's license is \$5-per-year. All candlers and graders must pass an examination required by the department of ~~livestock~~. The license expires March 31 each year after the date of

1 issuance."

2 Section 24. Section 81-21-102, MCA, is amended to
3 read:

4 "81-21-102. Licensing of milk plants and dairies
5 selling milk or cream for public consumption. (1) It is
6 unlawful for the following businesses to operate in this
7 state without first obtaining a license from the department
8 of livestock:

- 9 (a) a dairy selling milk or cream for public
- 10 consumption in the form in which it is originally produced;
- 11 (b) a condensed, evaporated, or powdered milk plant;
- 12 (c) a fluid milk plant.

13 (2) A license expires on December 31 of the year
14 issued. The department may, following the procedures in the
15 Montana Administrative Procedure Act, deny, suspend, or
16 revoke a license when it determines that a person to whom
17 the license is issued has failed to comply with the rules of
18 the department or has failed to conduct his establishment in
19 a sanitary manner. All license fees collected shall be
20 deposited into the general fund.

21 (3) The department may issue a restraining order
22 prohibiting a dairy from selling or giving away milk or
23 cream not produced or handled under the laws of this state
24 or the rules of the department. It is unlawful for a dairy,
25 while restrained, to sell or give away for public

1 consumption milk or cream produced or handled by the dairy,
2 and it is also unlawful for a dairy products manufacturing
3 plant, milk plant, or cream station to purchase or use the
4 cream or milk from a dairy while the dairy is restrained.

5 (4) ~~The following license fees are charged for~~
6 ~~licenses issued under this section~~ The department shall
7 establish license fees for the following facilities:

- 8 (a) condensed, evaporated, or powdered milk factory,
9 \$50;
- 10 (b) fluid milk plant, \$50; and
- 11 (c) dairy, \$5.

12 (5) A person violating this section is guilty of a
13 misdemeanor."

14 Section 25. Section 81-22-102, MCA, is amended to
15 read:

16 "81-22-102. General authority of department. (1) The
17 department may regulate and establish sanitation standards
18 for persons operating dairies producing milk for
19 manufacturing purposes. The department may regulate and
20 establish sanitation and quality standards for a person
21 engaged in the processing of manufactured dairy products or
22 of products made or sold in the semblance or imitation of
23 dairy products in this state when those products made in
24 semblance or imitation of dairy products are made in a
25 manufactured dairy products plant.

(2) The department may adopt minimum standards for the production, transportation, grading, testing, use, processing, packaging, and storage of milk and cream used for manufacturing purposes and of manufactured dairy products.

~~(1) The department shall adopt rules and establish fees for licenses for selling or producing milk as required by 81-22-202.~~

Section 26. Section 81-22-204, MCA, is amended to read:

"81-22-204. License required for milk or cream route. It is unlawful for a person to engage in hauling milk or cream on an established milk or cream route for a manufactured dairy products plant, milk plant, or milk or cream station without first procuring a license from the department. ~~The department shall establish a fee for the license is \$5-annually.~~"

Section 27. Section 81-22-205, MCA, is amended to read:

"81-22-205. Examination and licensing of persons engaged in testing. (1) A person may not operate a butterfat, protein, solids, or other component content test where milk or cream is bought and paid for on the basis of these values without first passing an appropriate examination and obtaining the license required by the

department. A person desiring to operate these tests shall apply to the department for permission to take the butterfat, protein, solids, or other component content test operator's examination. The examination shall be given to the applicant by the department. On passing the examination to the satisfaction of the department, the applicant shall be issued a license authorizing him to conduct these tests in this state. ~~* The department shall establish a fee of \$10--\$10 to be paid for each license and for each renewal.~~

(2) Milk and cream tester's licenses may be revoked, suspended, or denied where testing is not conducted under official test procedures or under department rules. If the tester regularly or habitually reports results below the actual values of the butterfat, protein, solids, or other compound component values, the licensee is subject to the penalties provided in this chapter. A person who alters the results of an official test is subject to the penalties provided in this chapter."

Section 28. Section 81-22-208, MCA, is amended to read:

"81-22-208. Licenses and schedule of license fees. (1) Licenses and license fees required under this part ~~are as follows must be established by the department for the following facilities and activities:~~

(a) Manufactured ~~manufactured~~ dairy products plant;www

1 ~~*****\$50~~
 2 However ~~however~~, a plant license is not required of a food
 3 service establishment licensed by the Montana department of
 4 health and environmental sciences as defined in 50-50-102,
 5 and no license is required to manufacture nondairy products
 6 when only such products are manufactured;

7 (b) ~~cream cream station*****\$5~~
 8 However ~~however~~, a license is not required if the cream
 9 station is owned and operated by a licensed plant; but the
 10 milk and cream, equipment, premises, and means of
 11 transporting milk or cream is subject to official
 12 inspection;

13 (c) ~~dairy dairy producing milk for manufacturing~~
 14 ~~purposes*****\$5~~
 15 However ~~however~~, a dairy license is not required if the
 16 dairy farm is licensed by the department to produce and sell
 17 milk or cream in the form in which it is originally produced
 18 as required by 81-21-102*vi* and

19 (d) ~~grader grader-weighter-sampler, tester, and hauler;~~
 20 ~~*****\$5~~

21 (e) ~~--Tester*****\$10~~

22 (f) ~~--Hauler*****\$5~~

23 However ~~however~~, a separate grader-weighter-sampler, tester,
 24 and hauler license is required whether a person performing
 25 these activities owns and operates the plant, is employed by

1 the plant, or is self-employed.

2 (2) A license is valid on the date issued through
 3 December 31 of that year unless suspended or revoked by the
 4 department. A license must be renewed by the first January
 5 31 following the expiration date of December 31. A license
 6 renewal application form may be supplied by the department.
 7 When the license renewal application form is returned to the
 8 department, it shall be accompanied by the correct license
 9 fee. A license shall be posted in conspicuous view at the
 10 place of business. A license is not transferable from place
 11 to place or from person to person. A penalty of ~~\$5-per~~
 12 ~~month-or-fraction-of-a-month-after-January-31~~ fee in an
 13 amount established by A RULE OF the department may be
 14 imposed by the department ~~it~~ on a person who fails to apply
 15 for renewal of his license if under the part that person is
 16 required to be licensed.

17 NEW SECTION. Section 29. Repealer. Sections 81-3-216
 18 and 81-8-257, MCA, are repealed.

19 NEW SECTION. Section 30. Effective date. This act is
 20 effective on passage and approval.

-End-