## SENATE BILL NO. 265

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# INTRODUCED BY GRAHAM, GALT

## BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

## IN THE SENATE

January 24, 1983	Introduced and referred to Committee on Agriculture, Livestock and Irrigation.
February 5, 1983	Committee recommend bill do pass as amended. Report adopted.
February 7, 1983	Bill printed and placed on members' desks.
February 8, 1983	Second reading, do pass.
February 9, 1983	Correctly engrossed.
February 10, 1983	Third reading, passed. Ayes, 46; Noes, 0. Transmitted to the House.
IN THE HOUSE	
IN THE HOUSE February 11, 1983	Introduced and referred to Committee on Agriculture, Livestock and Irrigation.
	to Committee on Agriculture, Livestock
February 11, 1983	to Committee on Agriculture, Livestock and Irrigation. Committee recommend bill be concurred in. Report

March 23, 1983

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Third reading, concurred in.

### IN THE SENATE

March 24, 1983

Returned to Senate. Sent to enrolling.

Reported correctly anrolled.

LC 1169/01

enates BILL NO 265 1 2 INTRODUCED B BY REQUEST OF THE DEPARTMENT OF LIVESTOCK 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY 5 THE AUTHORITY OF THE DEPARTMENT OF LIVESTOCK TO RECOVER ALL 6 INVESTIGATIVE AND OTHER RELATED EXPENSES FROM PERSONS WHO 7 я VIDLATE LIVESTOCK LAWS OR DEPARTMENT RULES; AMENDING SECTION 81-2-109, MCA." 9 10 **3F IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:** 11

12 Section 1. Section 81-2-109, MCA, is amended to read: 13 #81-2-109. Expenses, how paid — lien and foreclosure. 14 (1) If there is no violation of law or department rule, The 15 the expense of inspecting, testing, supervision of quarantine, supervision of dipping, supervision of 16 17 disinfaction, and supervision of other treatment of diseased or exposed livestock by the department and the sanitary 18 19 inspection of dairies, packinghouses, meat depots, slaughterhouses, milk depots, and other premises shall be 20 21 paid for by the department. However, the owner of the livestock or property is liable for all expenses, except the 22 salary of the designated supervising officer representing 23 24 the department, when the owner, agent, or person in charge 25 of the livestock or property has violated the law or rules

1 of the department. 2 (2) The expenses for which an owner, agent, or person 3 in charge is liable under subsection (1) include: 4 [a] all investigatory expenses including travel. 5 meals, and lodging of all investigating officers 6 representing the department: and 7 (b) all other expenses, extraordinary or otherwise, that in the judgment of the department are reasonably 8 9 necessary to ensure that there has been or will be 10 compliance with all applicable laws and rules. 11 (3) The department, at the conclusion of an 12 investigation of a violation, shall serve notice on the 13 violator, informing him of all expenses for which he is ligble. The notice must state that if a response is not 14 15 sent within 7 days of receipt of the notice, the notice is prima facie evidence of the reasonableness of the expenses 16 17 and of the violator's liability for them. (4) A showing by the department that a response to the 13 19 notice required by subsection (3) was not received within 7 20 days of receipt of the notice is prima facie evidence of the reasonableness of the expenses stated and of the liability 21 22 of the violator for those expenses. (5) These expenses are a lien on the livestock or 23 other property, and the department may retain possession of 24 the livestock until the charges and expenses are paid. The 25

INTRODUCED BILL

1 lien is not dependent on possession and may be foreclosed in 2 the name of the agent of the department by sale at public 3 auction of the stock or as many as may be necessary to pay 4 the sum of the costs, after 10 days' notice by posting in three public places in the county. The lien may also be 5 foreclosed by an action in a court of competent jurisdiction 6 7 against the owner of the livestock to recover the amount of charges and expenses." 8

-End-

Approved	by Con	<b>pmittee</b>
on Agrie	ilture	Livestock
& Irrigat	tion	

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9	81-2-109+ MCA+"
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11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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3	in_charge_is_liable_under_subsection_{1)_include:
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15	sent_within 7 30 days_of_receipt_of_the_notice:thenotice
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17	expenses_and_of_the_violator's_liability_for_them.
18	<pre>[4]A_showing_by_the_department_that_a_response_to_the</pre>
10	notice_required_by_subsection_[31_was_not_received_within
20	30 days_of_receipt_of_the_notice_is_prima_facie_evidence_of
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-2- SB 265 SECOND READING

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SB 265

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-End-

-3-

2/7 SB 0265/02

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-2- \$8 265

SB 265

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