

SENATE BILL NO. 265

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

February 11, 1983	Introduced and referred to Committee on Agriculture, Livestock and Irrigation.
March 14, 1983	Committee recommend bill be concurred in. Report adopted.
March 15, 1983	Motion pass consideration until 65th Legislative Day.
March 22, 1983	Second reading, concurred in.

March 23, 1983

Third reading, concurred
in.

IN THE SENATE

March 24, 1983

Returned to Senate. Sent
to enrolling.

Reported correctly
enrolled.

1 *Senate* BILL NO. *215*
2 INTRODUCED BY *Franklin*
3 BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CLARIFY
6 THE AUTHORITY OF THE DEPARTMENT OF LIVESTOCK TO RECOVER ALL
7 INVESTIGATIVE AND OTHER RELATED EXPENSES FROM PERSONS WHO
8 VIOLATE LIVESTOCK LAWS OR DEPARTMENT RULES; AMENDING SECTION
9 81-2-109, MCA."

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

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
16 quarantine, supervision of dipping, supervision of
17 disinfection, and supervision of other treatment of diseased
18 or exposed livestock by the department and the sanitary
19 inspection of dairies, packinghouses, meat depots,
20 slaughterhouses, milk depots, and other premises shall be
21 paid for by the department. However, the owner of the
22 livestock or property is liable for all expenses, except the
23 salary of the designated supervising officer representing
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,
8 that in the judgment of the department are reasonably
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 violation, informing him of all expenses for which he is
14 liable. The notice must state that if a response is not
15 sent within 7 days of receipt of the notice, the notice is
16 prima facie evidence of the reasonableness of the expenses
17 and of the violator's liability for them.

18 (4) A showing by the department that a response to the
19 notice required by subsection (3) was not received within 7
20 days of receipt of the notice is prima facie evidence of the
21 reasonableness of the expenses stated and of the liability
22 of the violator for those expenses.

23 (5) These expenses are a lien on the livestock or
24 other property, and the department may retain possession of
25 the livestock until the charges and expenses are paid. The

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
5 three public places in the county. The lien may also be
6 foreclosed by an action in a court of competent jurisdiction
7 against the owner of the livestock to recover the amount of
8 charges and expenses."

-End-

Approved by Committee
on Agriculture Livestock
& Irrigation

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~~(3) The department, at the conclusion of an investigation of a violation, shall serve notice on the violator, informing him of all expenses for which he is liable. The notice must state that if a response is not sent within 30 days of receipt of the notice, the notice is prima facie evidence of the reasonableness of the expenses and of the violator's liability for them.~~

~~(4) A showing by the department that a response to the notice required by subsection (3) was not received within 30 days of receipt of the notice is prima facie evidence of the reasonableness of the expenses stated and of the liability of the violator for those expenses.~~

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