

1 HOUSE BILL NO. 100

2 INTRODUCED BY C. KNUDSEN

3 BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CERTAIN LIVESTOCK FEES; REVISING FEE
6 REQUIREMENT FOR LIVESTOCK INSPECTORS; ALLOWING LIVESTOCK DEALER FEES TO BE SET BY
7 RULE; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 81-3-205 AND 81-8-271, MCA; AND
8 PROVIDING AN EFFECTIVE DATE."

9

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

11

12 **Section 1.** Section 81-3-205, MCA, is amended to read:

13 **"81-3-205. Fees for inspection and livestock transportation permits.** (1) For the service of inspection
14 of all livestock except horses, mules, or asses before removal from a county or before change of ownership, the
15 inspector making the inspections must receive a fee established by the department for each head inspected. For
16 the issuance of a market consignment permit or transportation permit, other than a permanent permit, before
17 removal from a county for all livestock, the inspector issuing the permits must receive a fee established by the
18 department for each permit issued and ~~must~~ may receive in addition the inspector's necessary actual expenses,
19 to be paid by the owner or the person for whom the inspection is made or permit issued. For the issuance of a
20 permanent horse transportation permit, the state stock inspector taking the application for permit shall receive
21 a fee established by the department for each permit issued. All inspection and permit fees and expenses must
22 be collected by the inspector at the time of inspection or issuance of permit, all the fees and expenses collected
23 by a deputy state stock inspector must be retained by the deputy, and all fees and expenses collected by a state
24 stock inspector must be sent by the inspector to the department for deposit in the state treasury to the credit of
25 the state special revenue fund for the use of the department.

26 (2) For the service of inspection before any livestock except a horse, mule, or ass is sold or offered for
27 sale at a licensed livestock market or slaughtered at a licensed slaughterhouse, a state stock inspector or deputy
28 state stock inspector making the inspection must receive a fee established by the department for each head
29 inspected. All fees must be paid by the owner or by the person for whom the inspection is made. For releasing
30 an animal so that it may be removed from the premises of a licensed livestock market, the state stock inspector

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

9 (3) (a) For the service of inspection of horses, mules, or asses before removal from a county or before
 10 change of ownership, the inspector making the inspection must receive a fee established by the department for
 11 each head inspected and ~~must~~ may receive in addition the inspector's necessary actual expenses, to be paid by
 12 the owner or the person for whom the inspection is made. All fees and expenses collected by a state stock
 13 inspector must be sent by the inspector to the department for deposit in the state treasury to the credit of the state
 14 special revenue fund for the use of the department.

15 (b) For the service of inspection before a horse, mule, or ass is sold or offered for sale at a licensed
 16 livestock market, a state stock inspector making the inspection must receive a fee established by the department
 17 for each head inspected. All fees must be paid by the owner or the person for whom the inspection is made to
 18 the state stock inspector.

19 (4) All inspection and release fees and expenses must be paid to the department for deposit in the state
 20 treasury to the credit of the state special revenue fund for the use of the department unless paid to a deputy state
 21 stock inspector. ~~State stock inspectors must be paid for their services and receive their expenses as fixed by the~~
 22 ~~department."~~

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24 **Section 2.** Section 81-8-271, MCA, is amended to read:

25 **"81-8-271. License to operate as livestock dealer -- application.** (1) A person may not operate as
 26 a livestock dealer without a license. A person who wishes to operate as a livestock dealer shall file with the
 27 department an application for a license to transact business on a form prescribed by the department, stating the
 28 type of license sought and the following information:

29 (a) the names of the persons applying for the license, together with their permanent addresses and, if
 30 the applicant is a firm, association, partnership, or corporation, the names of its directors, officers, and members,

1 if applicable;

2 (b) the post-office address and principal place of business of the applicant;

3 (c) if the applicant is a foreign corporation, its principal place of business outside the state, the name of
4 the state in which it is incorporated, and a statement showing that it has complied with the laws of this state
5 relating to foreign corporations and its right to do business in this state; and

6 (d) proof of acquisition of a bond or its equivalent from the packers and stockyards administration of the
7 United States department of agriculture.

8 (2) An application fee of ~~\$50~~ as determined by department rule must be submitted with each application
9 for a livestock dealer's license. The fee is the first annual fee if the license is granted.

10 (3) A person who purports to act as an agent for a livestock dealer in the purchase or sale of livestock
11 may not engage in those business activities without a livestock dealer's license."

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13 NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2019.

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