
STATE OF MONTANA

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Memorandum

Date: September 2, 2022

To: Erin Sullivan, Research Analyst, Montana Legislative Services Division
Jameson Walker, Attorney, Montana Legislative Services Division

RE: Montana Department of Livestock Legislative Concepts for Pre-introduction Consideration by Economic Affairs Interim Committee (EAIC)

Attached please find a listing of the legislative concepts for potential introduction during the 2023 Regular Session of the Montana Legislature that have been approved respectively by the Montana Board of Livestock, Montana Board of Milk Control, or Montana Livestock Loss Board as well as the Governor's Office of Budget and Program Planning (OBPP). Most of these concepts were developed as a result the agency's red tape relief effort as prescribed through executive order by Governor Greg Gianforte in 2021.

The Department would like to present and have these legislative concepts considered for pre-introduction by the EAIC on September 13, 2022, during our previously scheduled agenda time. Please do not hesitate to let me know if you have any questions or there is further detail you need from the agency at this time.

I look forward to seeing you on September 13th.

Respectfully,
Mike Honeycutt
Executive Officer
Montana Department of Livestock

Cc: Celia Rigler, Office of the Governor
Glenn Oppel, Office of the Governor
Brian Simonson, MDOL Central Services
Dr. Marty Zaluski, MDOL Animal health and Food Safety
Jay Bodner, MDOL Brands Enforcement
George Edwards, MDOL (Livestock Loss Board)

2023 Department of Livestock Legislative Concept Proposals

#	Division	Short Title	MCA Statutes Addressed	Purpose and Intent for Legislation
1	Animal Health	Update Fees and Definitions for Meat Inspection of Non-Amenable Species	81-9-217, 81-9-229	Current state law requires inspection of species not currently required under federal law. The intent is to limit regulation to those species required by federal law and allow the department to establish fees if processors want to voluntarily have inspection for species such as alpacas and rabbits that are not required to be inspected by law.
2	Animal Health	Revisions for Indemnity for Animals Destroyed Due to Disease	81-2-201 through 81-210	The process by which the state will pay indemnity for animals destroyed due to disease needs to be updated to reflect current processes and values. Further the BOL needs the ability to create an indemnity fund to be used to pay claims by producers who have to euthanize animals at the order of the department.
3	Animal Health	Revise Expense Requirements for Required Animal Disease testing	81-2-109	The Department of Livestock is requesting that livestock producers be required to present their animals for inspection, testing, or other treatment as required by the Department of Livestock. Presenting animals should entail rounding up animals and confining them in an appropriate space for the prescribed activity.
4	Animal Health	Revision to make the act of feeding garbage to swine illegal in Montana.	81-2-501 through 81-2-511	The Department of Livestock is requesting the content of these statutes be changed to prohibit garbage feeding in the state of Montana, except for the feeding of one's own household garbage to animals owned by them. Garbage feeding is a practice that can contribute to the spread of diseases such as African Swine Fever and FMD if contaminated meat products are fed to pigs. Currently there are no existing permitted garbage feeders in Montana and 23 other states have also banned the practice of issuing permits for garbage feeding of swine.

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5	Animal Health	Regulate Custom Exempt facilities as required by Federal Meat Inspection Act	81-9-218	To operate a state meat inspection program, the Department of Livestock must have a state meat inspection law at least equal to the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601-695). The FMIA only exempts custom operations from the requirements for day-to-day inspection but MCA 81-9-218 currently exempts custom operations from all regulatory oversight. To meet the "at least equal to" standard, the Department of Livestock does currently regulate custom exempt operations, so this statutory change would update code to match existing practices.
6	Animal Health	Revise Chief Meat Inspector Language	81-9-226	The FMIA does not require designation of a single position with the cooperating agency as the chief meat inspector.
7	Brands Enforcement	Revise and Modernize Language for Livestock Markets and Satellite Video Auctions	81-8-213, 81-8-251, 81-8-264	Revise definitions of these entities to more align with Federal Packers and Stockyards language and to modernize definitions to not require undue regulation on certain activities.
8	Brands Enforcement	Revise Language for Herd Districts and Open Range	81-4-203, 81-4-301	Revise language to provide better clarity to citizens and other government agencies on the establishment of herd districts and where open range applies.
9	Brands Enforcement	Revise Duties of State Stock Inspectors and Deputy Stock Inspectors	81-3-203	Remove requirements to remove legal requirements for paper triplicate forms so that the department may use technology to move toward more efficient processes.
10	Brands Enforcement	Repeal Livestock Crimestoppers Act	81-6-Part 3, 2-15-3104	Livestock Crimestoppers adds an unnecessary administrative commission and layer. The Department of Livestock and board of livestock can manage the same program without the added layer of another commission.

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11	Central Services	Revise Aerial Hunting Requirements	81-5-503, 81-5-505	The department is seeking to remove the residency requirements for permitting aerial hunters of coyotes and foxes as well as remove the requirement for landowners to report when hunting over their own property.
12	Central Services	Revise Department of Livestock Predator Animal Control Laws	81-7-101, 81-7-102, 81-7-104	This outdated language clean up updates predator control management from "destruction" to control of predatory animals. This language clean up reflects departmental responsibilities ongoing today while ensuring future flexibility to craft rules applicable to predatory animal control.
13	Central Services	Revise Law for Killing of Dogs Harassing or Injuring Livestock	81-7-401	The proposal for MCA 81-7-401 adds guard dogs to the exception list. Only herding dogs are exempt from killing under the current language.
14	Central Services	Extend Sunset of Department of Livestock Predatory Control Statutory Appropriation	81-7-106	The department seeks to extend the sunset on the statutory appropriation requiring the agency to allocate per capita funds to USDA Wildlife Services for predator animal control activities.
14	Board of Milk Control	Revise Milk Control Policies	81-23-102	This Milk Control policy statute contains inflammatory and old language that does not accurately reflect the current state of milk production in the state or the department's role therein. In consultation with state milk industry stakeholders, the department is proposing to modernize these declarations.
16	Livestock Loss Board	Extend Sunsets on Livestock Loss Board Funding and Statutory Appropriations	81-1-112, 81-1-113, 2-15-3114	The Board seeks to extend the sunset on it's statutory appropriations and funding statute. The renewal of all three are necessary for the Board to continue dispersing funds for livestock loss claims and mitigation grants.

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17	Livestock Loss Board	Revise Reimbursement Values for Registered Livestock	2-15-3112	Values for some registered livestock can be up to fifty times the value of commercial livestock. High payments to a few individuals with registered livestock has the possibility to deplete funds needed to pay many other livestock producers claims. Currently the board has paid claims nearing the entire claims budget and may soon be exceeded. The board feels it is more important to be able to pay all loss claims to producers rather than a few large payments to registered livestock owners.
18	Livestock Loss Board	Establish that Livestock Loss Claims are Confidential	2-15-3112	The board requires an investigation report from USDA Wildlife Services in order for a livestock owner to receive payments for livestock loss. USDA Wildlife Services is prohibited by law from releasing names from these reports.
19	Livestock Loss Board	Revise Animals Covered for Livestock Loss Reimbursement	2-15-3112	Animals currently eligible for compensation due to loss lists guard animals. Guard animals is too broad of a term and many guard animals do not work in the prevention of livestock loss due to large predators. Guard dogs are used successfully in Montana and the Livestock Loss Board believes that only guard dogs should be eligible for compensation.