

BEFORE THE DEPARTMENT OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the adoption of NEW)	NOTICE OF PROPOSED
RULE I special identification marks,)	ADOPTION AND REPEAL
and the repeal of ARM 32.18.102 age)	
tally mark, 32.18.103 numeral mark,)	NO PUBLIC HEARING
and 32.18.104 placement of digits)	CONTEMPLATED
)	

TO: All Concerned Persons

1. The Department of Livestock proposes to adopt and repeal the above-stated rules.

2. The Department of Livestock will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Livestock no later than 5:00 p.m., June 1, 2017, to advise us of the nature of the accommodation that you need. Please contact Executive Officer, Department of Livestock, 301 N. Roberts St., Room 304, P.O. Box 202001, Helena, MT 59620-2001; telephone: (406) 444-9525; TTD number: 1 (800) 253-4091; fax: (406) 444-4316; e-mail: MDOLcomments@mt.gov.

3. The rule as proposed to be adopted provides as follows:

NEW RULE I SPECIAL IDENTIFICATION MARKS (1) Special identification marks may be used on livestock as an age tally mark or as herd or individual animal identification.

(a) Marks must contain one to four numeric digits ("0-9" inclusive) and may also include a single letter ("A-Z" inclusive);

(b) Livestock must be branded with the registered brand of the livestock owner; and

(c) Marks may be applied to any location using freeze or hot iron branding methods.

(2) Special identification marks are not permitted if they create any discrepancy or confusion over livestock ownership.

(a) If ownership becomes an issue, the department will follow 81-3-204, MCA, and attempt to determine ownership.

AUTH: 81-1-102, MCA
IMP: 81-1-102, 81-3-204, MCA

REASON: The department proposes to adopt NEW RULE I by consolidating language from ARM 32.18.102, 32.18.103, and 32.18.104 into one new rule and

adding that livestock using special identification marks are branded with the owner's registered brand, also known as a holding brand.

4. The department proposes to repeal the following rules:

32.18.102 AGE TALLY MARK

AUTH: 81-1-102, MCA
IMP: 81-1-102, MCA

32.18.103 NUMERAL MARK

AUTH: 81-1-102, MCA
IMP: 81-1-102, MCA

32.18.104 PLACEMENT OF DIGITS

AUTH: 81-1-102, MCA
IMP: 81-1-102, MCA

REASON: Past changes in these rules have made them unclear and removed the requirement for a holding brand. The department proposes to repeal the above rules, consolidating language into one new rule (NEW RULE I) and adding that livestock using special identification marks are branded with the owner's registered brand, also known as a holding brand.

5. Concerned persons may submit their data, views, or arguments in writing concerning the proposed action to Department of Livestock, 301 N. Roberts St., Room 306, P.O. Box 202001, Helena, MT 59620-2001, by faxing to (406) 444-1929, or by e-mailing to MDOLcomments@mt.gov to be received no later than 5:00 p.m., June 9, 2017.

6. If persons who are directly affected by the proposed action wish to express their data, views, and arguments orally or in writing at a public hearing, they must make a written request for a hearing and submit this request along with any written comments they have to the same address as above. The written request for hearing must be received no later than 5:00 p.m. June 9, 2017.

7. If the department receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons who are directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a public hearing will be held at a later date. Notice of the public hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 5,000 based upon approximately 50,000 owners holding a recorded brand certificate in the state of Montana.

8. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this department. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 5 above or may be made by completing a request form at any rules hearing held by the department.

9. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

10. The bill sponsor contact requirements of 2-4-302, MCA do not apply.

11. With regard to the requirements of 2-4-111, MCA, the department has determined that the adoption and repeal of the above-referenced rules will not significantly and directly impact small businesses.

BY: /s/ Michael S. Honeycutt
Michael S. Honeycutt
Executive Officer
Board of Livestock
Department of Livestock

BY: /s/ Cinda Young-Eichenfels
Cinda Young-Eichenfels
Rule Reviewer

Certified to the Secretary of State, May 1, 2017.