

BEFORE THE DEPARTMENT OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF PROPOSED
ARM 32.2.404 Department of)	AMENDMENT
Livestock brands enforcement)	
division fees)	NO PUBLIC HEARING
)	CONTEMPLATED

TO: All Concerned Persons

1. The Department of Livestock proposes to amend the above-stated rule.

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. on April 23, 2020 to advise us of the nature of the accommodation that you need. Please contact the Department of Livestock, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001; telephone: (406) 444-9321; TTD number: (800) 253-4091; fax: (406) 444-1929; e-mail: MDOLcomments@mt.gov.

3. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

32.2.404 DEPARTMENT OF LIVESTOCK BRANDS ENFORCEMENT
DIVISION FEES (1) New Brands brands and transfers:

(a) Recording of a new brand or mark:

(i) Recording of a new brand or mark during a rerecord year will not incur an additional rerecord charge.

~~(i)~~ (ii) Livestock or ornamental \$200.00

~~(ii)~~ (iii) Seasonal brand for going to grass 200.00

~~(iii)~~ (iv) Seasonal brand for going to feed lot, market, or location 50.00

(b) Transfer of a brand or mark, livestock or ornamental 200.00

(i) Transferring of a brand or mark during a rerecord year will also incur rerecord charges

(c) Rerecording a brand or mark, livestock or ornamental 400.00 175.00

(2) through (5) remain the same.

AUTH: 81-1-102, 81-3-202, MCA

IMP: 81-3-205, 81-3-211, 81-4-602, 81-4-605, 81-5-112, 81-7-504, 81-8-256, 81-8-264, 81-8-271, 81-8-276, 81-8-304, 81-9-113, 81-9-411, MCA

REASON: The department is proposing to update ARM 32.2.404 to reflect a \$75.00 fee increase to the rerecording of a brand or mark.

Rerecord fee collections occur only once every ten years. At the last rerecord in 2011, no fee increase was enacted making the last fee increase in 2001, 20 years ago. This fee increase is necessary to cover a significant portion of the department's brand office operations during the interim, taking into account the next ten years of inflation.

In addition to the fee increase, the department inserted language into the rule to clarify what fees brand owners would be accountable for paying during the rerecord year.

The proposed \$75 rerecord fee increase will affect approximately 16,560 persons at an estimated average cost of \$21 per year. The cumulative amount for all totals approximately \$347,760 per year.

4. Concerned persons may submit their data, views, or arguments in writing concerning the proposed action to the Executive Officer, Department of Livestock, 301 N. Roberts St., Room 308, 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., April 24, 2020.

5. If persons who are directly affected by the proposed action wish to express their data, views, or 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., April 24, 2020.

6. If the department receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the businesses 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. Those directly affected has been determined to be 25, based upon approximately 54,975 brands owned.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. 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 4 above or may be made by completing a request form at any rules hearing held by the department.

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

9. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rule 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 March 17, 2020.