



# BOARD OF LIVESTOCK PROCEDURES & POLICIES

## CHAPTER I - BOARD OF LIVESTOCK

- 1) As used in these procedures:
  - a) "Board" means the Montana Board of Livestock.
  - b) "Executive Officer" means the executive officer to the Board of Livestock.
- 2) The Board, as head of the Department of Livestock, has the duties and powers of a department head, as provided in Section 2-15-112, MCA.
- 3) The Board ~~may~~shall:
  - a) Supervise, direct, account for, organize, plan, administer, and execute the functions vested in the department by this title or other law, ~~with the first consideration being to foster, promote, and protect the Montana livestock industry.~~
  - b) Establish ~~procedures~~policy to be followed by the department and employees.
  - c) Compile and submit reports and budgets for the department as required by law or requested by the governor.
  - d) Provide the governor with any information that is required at any time on the operation of the department.
  - e) Represent the department in communications with the governor.
  - f) Prescribe rules, consistent with law and rules established by the legislature, for the:
    - i) Administration of the department
    - ii) Conduct of the employees
    - iii) Distribution and performance of business
    - iv) Custody, use, and preservation of the records, documents, and property pertaining to department business.
- 4) Establish the internal organizational structure of the department and allocate the functions of the department to units to promote the economic and efficient administration and operation of the department. The internal structure of the department shall be established in accordance with section 2-15-104(2), MCA.
- 5) Subject to the law and rules, select and approve the hiring of the executive officer, state veterinarian, and administrators. Review and authorize necessary subordinate positions, and/or abolish unnecessary positions.
- 6) Maintain a central office in Helena for the department, and such other facilities throughout the state as may be required for the effective and efficient operation of the department.
- 7) Except as otherwise provided by law, the Board may:
  - a) Transfer employees between positions, remove persons appointed to positions, and change the duties, titles, and compensation of employees within the department.
  - b) Apply for, accept, administer, and expend funds, grants, gifts, and loans from the federal government or any other source in administering the department's functions.
  - c) Enter into agreements with federal, state, and local agencies necessary to carry out the department's functions.

- d) Delegate any of the functions vested in the department administrator or bureau chief to subordinate employees.
- 8) Employees of the department have authority to exercise the functions described in number 2 above, to the extent, such functions are delegated to an employee by these procedures and guidelines or by other action of the Board.
- 9) Except as statutorily authorized, the Board shall be the sole rule making body of the department, making such rules as are necessary and consistent with law, and shall establish departmental priorities and goals which best serve the needs of the livestock industry.
- 10) The Board shall direct the preparation of all departmental budgets and budget amendments and shall approve such before submission to the governor or to legislative bodies.
- 11) The Board may appoint an Executive Officer to the Board.
- 12) The Board shall establish departmental legislative policy, and shall present to the legislature proposals which are in the best interest of the department and livestock industry.
  - a) The Board may appear before the legislature on matters which affect the well-being of the livestock industry.
  - b) The chairperson shall determine what person shall represent the Board before any legislative hearing or committee.
- 13) Individual Board members shall comply with the rules and policies established by the Board.
- 14) Written agreements with any state, federal, or private agency or individual, as permitted by law, shall be entered into only when they foster and promote the well-being of the livestock industry and are advantageous to the goals and objectives of the department.
- 15) The Board, in accordance with MCA 81-1-301 through 81-1-303, may authorize the Executive Officer to conduct negotiations on such agreements, but any agreement shall become effective only upon approval of the Board.
- 16) The Board shall approve the creation of any new permanent or part-time positions and dissolve all positions no longer necessary to the operation of the department and shall approve all changes of position status on the pay plan or in the organizational chart prior to final implementation.
  - a) New positions permitted by a budget shall be filled only after approval of the Board.
  - b) Changes in any district position boundaries may be made only after approval of the Board.
- 17) Equipment, capital purchases, and all leases including software in excess of \$5,000.00 shall be made by the Executive Officer only after prior authorization by the Board.
- 18) The Board or any individual member may bring to the attention of the Executive Officer any information pertinent to the operation of the department.
  - a) An individual Board member shall not supervise, discipline, direct, employ, or discharge any employee of the department.

- 19) The Board may meet with the Governor on a regular basis. The Board and Executive Officer will keep the Governor informed of the activities of the department.
- 20) The Board may suggest one or two of its members to the governor for his/her consideration for appointment as chairperson per MCA 2-15-3102.
- 21) In dealing with the public and with the livestock industry, members of the Board shall comply with the policy decisions adopted by the Board.
- 22) Upon petition of an aggrieved employee who has not achieved satisfaction in consultations with his/her supervisors and/or the Executive Officer, the Board may act as a board of review and attempt to settle the grievance, in accordance with Department of Administration procedures.
- 23) The Board shall be nonpartisan in the exercise of its duty to the department, industry, and state.

## CHAPTER II - BOARD PROCEDURE

- 1) The officers of the Board shall consist of a chairperson, and a vice chairperson.
  - a) The chairperson is appointed by the Governor of the State of Montana as provided by law, and serves at his/her pleasure per 2-15-3102, MCA.
  - b) The vice chairperson shall be elected by and from the members of the Board and shall serve until his/her successor is elected. The Board will designate a department staff member to serve as the administrative assistant to the Board.
- 2) The chairperson shall preside at all meetings of the Board.
  - a) He/she shall see that all rules, policies and procedures, orders, and directives are faithfully and promptly executed by the Executive Officer and shall perform such other duties as may be delegated to him/her by these procedures and policies or from time to time by the Board.
  - b) When the Board is not in session, the chairperson may make policy decisions, which necessitate action before the next meeting of the Board so long as they are consistent with prior Board action, and shall work closely with the Executive Officer.
  - c) All actions by the chairperson shall be reviewed by the Board at the next regular meeting and such actions may be approved, modified, or rejected by Board action.
- 3) The vice chairperson, in the absence of the chairperson, shall perform the duties of the latter.
  - a) In the event both the chairperson and the vice chairperson are absent, a chairperson pro-tem shall be elected, provided that there is a quorum of the Board present.
- 4) The administrative assistant to the Board shall keep accurate notes of Board meetings, prepare minutes there from, serve as assistant to the Board, and perform such other functions as directed by the chairperson or the Executive Officer.
  - a) The minutes shall be reviewed by the Executive Officer and administrators, and signed by the chairperson upon Board approval.
  - b) All Board records ~~shall~~ may be kept in the office of the Executive Officer.
- 5) A quorum of the Board for the transaction of business or changes in the policy and procedures shall consist of four members.
- 6) The chairperson or any three members of the Board may call for a Board meeting at any time.
- 7) Unless a special meeting is called, the Board shall meet on such day and at such place as the Board may select.
- 8) The order of business at meetings of the Board shall be as follows:
  - a) Call to order
  - b) Call the roll
  - c) Review and approve of minutes and/or actions of previous meeting
  - d) Review and approve/revoke the interim actions of the chairperson
  - e) Review -reports of the Executive Officer ~~and consider~~ for approval
  - f) Unfinished business
  - g) General business
  - h) Public opportunity to speak

- i) Adjournment
  - i) The agenda order may be changed to accommodate public input.
- 9) At least one week prior to each meeting, the chairperson and the Executive Officer shall, with member inclusion, submit a tentative agenda in writing to the Board for consideration at the meeting.
  - a) The purpose of this time frame is to allow for adequate posting and notification to the public.
  - b) Final agendas shall be available to the public prior to the meeting date including all pertinent documentation associated with those agenda items.
- 10) All motions made at the meeting shall be recorded, fully written, and restated by the Board's assistant, before such motion shall be voted on.
  - a) All motions shall be passed or rejected by voice vote unless a roll call vote is requested by any member or the chairperson.
  - b) Any abstaining member must do so prior to the vote.
- 11) All members of the Board shall make an earnest effort to attend all meetings and once present shall not leave the meeting until the same shall be recessed or adjourned except in cases of utmost importance.
- 12) All members shall make every effort to review pertinent documents supplied prior to the meeting and be ready to comment or take action as necessary.
- 13) Amendments of, adoptions to, or deletions from Board procedures and policies may be done by:
  - a) A five member vote of the full membership of the Board making the motion at one meeting, and
  - b) A full membership vote in favor of the action at the following meeting.
- 14) On an annual basis, the Board shall:
  - a) Review and evaluate the activities of the Executive Officer.
  - b) Place these procedures on the agenda for thorough Board review.

## CHAPTER III - DEPARTMENT STRUCTURE

- 1) The Department of Livestock includes divisions, bureaus, programs, and administratively attached boards as described below:
  - a) Animal Health Division:
    - i) Alternative Livestock Program
    - ii) Disease Control Program
    - iii) Import Control Program
  - b) Brands Enforcement Division:
    - ~~i) -~~Investigative Bureau
    - ii) Brands and Record Bureau
    - iii) Livestock Crimestoppers Commission
  - ~~c) Diagnostic Laboratory Division~~
  - ~~d) Meat, Milk & Egg Inspection Division~~
    - i) Meat & Poultry Inspection Bureau
    - ii) Milk & Egg Inspection Bureau
  - ~~e) Administratively attached boards per Administrative Rule of Montana 32.1.101:~~
    - i) Board of Milk Control
    - ii) Livestock Loss Board
    - ~~— Livestock Crimestoppers Commission~~
- 2) Animal Health Division functions to:
  - a) Provide coordination for the diagnosis, prevention, control, and eradication of animal diseases.
  - b) Monitor and enforce import/export requirements applied to livestock.
  - c) Enforce state and federal animal health laws and rules.
  - d) Monitor and enforce sanitary standards and animal inspection at livestock auction markets.
  - e) Maintain an animal disease surveillance system in cooperation with the diagnostic laboratory division.
  - f) Provide education and information on animal diseases to the livestock industry, the veterinary profession, and the public at large.
  - g) Assist the Department of Public Health and Human Services in the control of animal diseases transmissible to man.
  - h) Provide such services and information as may be required by the Board
  - i) Programs under Animal Health Division are:
    - ~~(1) i) Alternative Livestock: -to-~~ provide information, education, and regulation of Alternative Livestock as defined in MCA 87-4-406.
    - ~~(2) ii) Rabies Control: -exists to-~~ prevent exposure of domestic animals and humans to rabies.
- 3) Meat, Milk & Egg Inspection Division consists of two bureaus:
  - a) Meat & Poultry Inspection Bureau functions to insure that meat and poultry products processed, manufactured, and sold in Montana are fit for human consumption through:
    - i) Licensing
    - ii) Premises inspection
    - iii) Product inspection and sampling
    - iv) Laboratory testing ~~thereby assuring a clean and wholesome product~~
      - (1) The bureau works in cooperation with other state and federal agencies.
      - (2) The bureau enforces state and federal law.

- b) Milk and Egg Inspection Bureau functions to insure that the eggs, milk, and milk products sold or manufactured in Montana are fit for human consumption through:
  - i) Licensing
  - ii) ~~Product inspection and sampling~~ Sampling
  - iii) Laboratory testing
  - iv) Producer and site inspection
    - (1) This is done in cooperation with other state and federal agencies.
    - (2) The bureau enforces state and federal law.
  
- 4) The Brands Enforcement Division is responsible for:
  - a) Theft investigations
  - b) Stray livestock investigations
  - c) Brand inspections
  - d) Recording of livestock brands
  - e) Filing of livestock security interests
  - f) Dealer and market licensing
  - g) Hide and beef inspection
  - e)h) Livestock Crimestoppers Commission is attached administratively
  
- 5) The Centralized Services Division is responsible for the:
  - a) Accounting, budgeting, payroll, and processing general service functions of the Department of Livestock.
  - b) ~~Other Accounting~~ services and information as required by the Board.
  - c) Accounting services as required for attached boards.
  - d) Executive Officer budget
  - e) Legal budget
  
- 6) The Diagnostic Laboratory Division's functions are to:
  - a) Provide laboratory support for the Animal Health Division and Meat, Milk & Egg Inspection Division
  - b) Provide laboratory diagnostic support to veterinarians and livestock producers
  - c) Protect the public health by testing dairy products and by performing diagnostic tests on suspected rabies and other zoonotic diseases
  - d) Provide laboratory test services to enhance the marketability of livestock
  - e) Provide part of the database for the Animal Health Division's surveillance system.
  - f) The order of priorities in this division is:
    - i) Cooperation with the Animal Health Division for the purpose of diagnosis, prevention, control, and eradication of animal disease.
    - ii) Cooperation with the Meat, Milk & Egg Inspection Division's program of insuring the public health.
    - iii) Cooperation with practicing veterinarians, medical doctors, and state health agencies in the control of zoonotic diseases.
    - iv) Investigation of diseases of companion animals and wildlife as requested by practicing veterinarians, animal owners, and other state agencies.
    - v) Provide such further services and information as required by the Board.

- 7) The following boards, programs, and positions are administratively attached to the Department of Livestock, Board of Livestock and assigned to the Executive Officer for oversight and supervision.
- a) Predator Control Program
    - i) Offers relief to livestock producers by controlling certain types of predators that harass domestic livestock.
    - ii) Assists to alleviate problems caused by species that may endanger human health or safety.
    - iii) Manage cooperative agreements with USDA/Wildlife Services.
  - b) Board of Milk Control
    - i) Conducts hearings on any subject pertinent to enforcement of this chapter
    - ii) As a means of discovery, the bureau uses its authority to conduct ongoing audits of milk processing plants.
    - iii) Conducts cost surveys of producers, and processing plants.
    - iv) Supervises, regulates, and controls the milk industry of this state.
    - v) Investigates matters pertaining to production, processing, storage, distribution, and the sale of milk in this state.
    - vi) Coordinates logistics of a uniform monthly statewide payment to milk producers.
    - vii) Performs a statistical reporting service and a licensing and assessment collecting function
    - viii) Funds for administering the bureau are derived solely from the milk industry of this state per MCA 81-23-202 and earmarked specifically for that purpose unless otherwise authorized by the Board of Livestock.
  - c) Livestock Loss Board
    - i) Provides compensation for livestock losses due to wolves and grizzly bears
    - ii) Provides livestock loss prevention grants to help reduce predation by wolves and grizzly bears
    - iii) Seeks funding from any source to provide long-term solutions caused by wolf and grizzly bear predation
    - iv) Encourages the use of prevention tools and incentives to decrease the risk of wolf or grizzly bear caused losses
    - v) Work cooperatively with USDA Wildlife Services on predation loss investigations
  - d) The Livestock Crime Stoppers Commission.

#### CHAPTER IV - EMPLOYEE RIGHTS AND DUTIES

- 1) Each administrator, bureau chief, or program supervisor shall be prepared to give a full report of his/her activities to the Board and Executive Officer.
- 2) Each employee of the department shall deliver to his/her successor all books, papers, monies, and other properties in his/her possession, belonging to the Board, department, or state of Montana.
- 3) Each employee shall see that orders, policies, and rules of the Board and Executive Officer are carried out and shall fulfill the duties required and prescribed by law, these policies and procedures, and the Board.
- 4) All personnel shall be hired/appointed by the administrator of each division subject to confirmation by the Board and by the Executive Officer if the budget includes the funding and the FTEs for all positions considered.
- 5) Only employees in the positions of a bureau chief, administrator, the Executive Officer, or the Board shall employ, discharge, or discipline employees.
- 6) It is the intent of the Board that the state grievance policy 3-0125 as contained in the Montana Operations Manual is adopted as part of the policy and will apply to all employees except the Executive Officer per MCA 81-1-102(5)
- 7) The state veterinarian shall serve as the chief disease control officer and shall be the administrative officer of the Animal Health Division.
- 8) The assistant state veterinarian shall serve in a position that includes part-time district veterinarian duties as required or directed.
- 9) The provisions of number 11, Chapter V (next section, Duties of Executive Officer) shall also apply to any report given by any employee.

## CHAPTER V - DUTIES OF EXECUTIVE OFFICER

- 1) In accordance with the laws, rules, and regulations of the state of Montana the Executive Officer serves at the direction of the Board, and is an at-will hire pursuant to MCA 81-1-102(5).
- 2) The duty of the Executive Officer is to ensure that the department functions in a manner consistent with the directives, policies, and rules of the Board and the laws of Montana.
- 3) The Executive Officer shall consult with administrators, bureau chiefs, supervisors, and employees to ensure that concerns, suggestions, and requests are brought before the Board.
- 4) The Executive Officer shall have authority consistent with these policies and procedures to act on behalf of the Board, and shall consult with the Board on pertinent matters.
- 5) The Executive Officer shall review the budget and present it to the Board in ample time for its review and approval prior to submitting the proposed budget to the Governor's Budget Office. The Executive Officer shall provide information on the status of the financing and management of the approved budget, expenses, and revenues at each regular meeting or as requested by the Board.
- 6) The Executive Officer shall direct the activities of the department and comply with all orders, rules, and policy directives of the Board and all livestock laws of the state of Montana. It shall also be his/her responsibility to ensure similar compliance from all other department employees.
- 7) The Executive Officer shall cooperate with the governor, other state and federal agencies, and the legislature in providing technical assistance when necessary and shall refer partisan political requests to the Board.
- 8) The Executive Officer may represent the department on policy matters approved by the Board and shall seek advice of the chairperson or the appropriate member when needed to obtain further interpretation of Board intent.
- 9) The Executive Officer shall see that evaluations of all employees are conducted prior to June 15 of each year.
- 10) The Executive Officer shall establish in-service training programs to train and retrain department employees to improve their usefulness to the department as authorized by the Board. In addition to in-service training for employees, the Executive Officer shall hold regularly scheduled staff meetings with division administrators.
- 11) Reports to the Board:
  - a) The Executive Officer shall provide reports to the Board on a monthly basis unless circumstances dictate or a special report is requested. Reports shall be in such detail as to fully inform Board members of all actions taken by the Executive Officer in implementation of Board policy, and of actions taken by the Executive Officer in the exercise of their discretionary powers.
  - b) The Executive Officer shall promptly provide information to any individual Board member when requested and copy other Board members as requested or required. Information directed to the

Executive Officer for Board information shall be distributed to each Board member in a timely manner.

- c) Full, non-conditional approval of the Executive Officer's report, by a majority of a quorum of the Board, shall constitute full approval of all individual acts specified in the report.
- d) On any item contained within an Executive Officer's report, either the Executive Officer or any Board member may request a vote, which shall be taken before adjournment of the Board.

12) The Executive Officer shall proactively and effectively communicate with individuals, industry, and organizations regarding current industry trends, topics, and requests.