



MONTANA
ADMINISTRATIVE
REGISTER



DEPARTMENT OF LIVESTOCK

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-20.1

Summary

Amendment of ARM 32.2.404, 32.18.202, and 32.18.208 pertaining to brands enforcement fees and grazing permits

No Hearing Scheduled

If the agency receives requests for a public hearing on the proposed rulemaking from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed rulemaking; 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 hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register.

The estimated number of persons directly affected by the proposed rulemaking is 350.

Comments

Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to the contact information listed below. 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 written request for a hearing in writing to the contact information listed below. Comments must be received by Monday, April 28, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Monday, April 7, 2025, at 5:00 p.m.

Contact

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Rulemaking Actions

AMEND

The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

32.2.404 BRANDS ENFORCEMENT DIVISION FEES

- (1) through (3) remain the same.
- (4) Permits:
 - (a) through (e) remain the same.
 - (f) Lifetime or permanent horse inspection permit 30.00 per head
 - (i) ~~Lifetime horse inspection book (issued to local inspectors) 250.00~~
 - (g) through (l) remain the same.
- (5) remains the same.

Authorizing statute(s): 81-1-102, 81-3-202, MCA

Implementing statute(s): 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

Reasonable Necessity Statement

The department proposes to remove the fee charged to deputy inspectors when a lifetime horse inspection book is issued because the department has determined that the fee is unnecessary. Lifetime horse inspection books will continue to be issued to qualified deputy inspectors without a fee.

32.18.202 ADJOINING COUNTY GRAZING PERMITS

- (1) The adjoining county grazing permit allows livestock to move for grazing purposes from the ranch of origin in Montana to a premises in an adjoining Montana county.
- (2) The permit must be issued by a department employee, not a deputy stock inspector.
 - (a) The ranch of origin and destination premises must be owned or controlled by the livestock owner or the owner's agent. The owner or owner's agent must be authorized to grant department employees access to the destination premises to inspect any livestock that are present while the permit is in effect.
 - (b) Permits are valid for eight months after the issue date.
 - (c) Only one permit may be issued for an animal or group of animals in any 12-month period.
 - (d) For the purpose of obtaining an adjoining county grazing permit, livestock must be branded with a Montana brand recorded to the owner of the livestock, unless the animal is classified as a virgin breeding female or a nursing calf.
 - (e) Requests for permits may be denied if previous permits have been suspended.
 - (f) A grazing association may impose conditions on such permits including a requirement that livestock be individually inspected prior to entering or leaving the common grazing area.
- (3) Grazing permits may be suspended if the livestock owner:
 - (a) provides false information on the permit;
 - (b) transports animals not authorized to move on a grazing permit;
 - (c) allows animals to leave or be removed from the destination premises and not return to the ranch of origin; and

- (d) violates state or federal livestock containment, livestock inspection, or animal health regulations.
- (4) If the permit is expired or suspended, or if animals are not returning to the origin premises, animals must move in accordance with 81-3-211(1) through (6)(e) and (7), MCA.

Authorizing statute(s): 81-1-102, 81-3-202, MCA

Implementing statute(s): 81-3-203, 81-3-211, MCA

Reasonable Necessity Statement

The department proposes to amend ARM 32.18.202 (adjoining land grazing permits) after determining that the current version of the rule is inconsistent with 81-3-211(6)(e)(iii), MCA. The statute permits the issuance of both adjoining county grazing permits and deeded land grazing permits for movement of unbranded virgin breeding females and nursing calves. However, only ARM 32.18.208 (deeded land grazing permits) contained that allowance in the department's rules. The proposed amendment will provide that both types of grazing permits may be issued to unbranded virgin breeding females and nursing calves.

32.18.208 DEEDED LAND GRAZING PERMITS

- (1) The deeded land grazing permit allows movement of cattle for grazing purposes from a Montana ranch of origin across multiple county lines to a Montana destination premises if the entire destination premises is the private deeded property of the livestock owner.
- (2) An application must be submitted to and approved by the department prior to movement.
- (3) For purposes of obtaining a permit, virgin breeding females and nursing calves are not required to be branded. The permit must be issued by a department employee, not a deputy stock inspector.
 - (a) The ranch of origin and destination premises must be owned or controlled by the livestock owner or the owner's agent. The owner or owner's agent must be authorized to grant department employees access to the destination premises to inspect any livestock that are present while the permit is in effect.
 - (b) Permits are valid for eight months after the issue date.

- (c) Only one permit may be issued for an animal or group of animals in any 12-month period.
 - (d) For the purpose of obtaining an adjoining county grazing permit, livestock must be branded with a Montana brand recorded to the owner of the livestock, unless the animal is classified as a virgin breeding female or a nursing calf.
 - (e) Requests for permits may be denied if previous permits have been suspended.
 - (f) A grazing association may impose conditions on such permits including a requirement that livestock be individually inspected prior to entering or leaving the common grazing area.
- (4) The provisions of ARM 32.18.202(2) through (4) apply, ~~except ARM 32.18.202(2)(d).~~

Authorizing statute(s): 81-1-102, 81-3-202, MCA

Implementing statute(s): 81-3-203, 81-3-211, MCA

Reasonable Necessity Statement

The department proposes to amend ARM 32.18.208 to make it consistent with the proposed amendments to ARM 32.18.202, which are necessary to bring the latter rule into compliance with 81-3-211(6)(e)(iii), MCA.

Fiscal Impact

The department has approximately 500 deputy inspectors, and currently 58 deputy inspectors have been issued lifetime horse inspection books. The proposed amendment to ARM 32.2.404 could potentially affect the approximately 450 remaining deputy inspectors. However, the department typically only issues approximately 50 lifetime horse inspection books in a fiscal year. The removal of the \$250 fee could decrease fee revenue by approximately \$12,500 per fiscal year.

Small Business Impact

Pursuant to 2-4-111, MCA, the agency has determined that the rule changes proposed in this notice will not have a significant and direct impact upon small businesses.

Bill Sponsor Notification

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

Interested Persons

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 names, email, 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. Written requests may be mailed or delivered to the contact person listed in this notice or may be made by completing a request form at any rules hearing held by the agency.

Rule Reviewer

Lindsey Simon, Legal Counsel

Approval

Michael Honeycutt, Executive Officer