

BEFORE THE DEPARTMENT OF LIVESTOCK  
OF THE STATE OF MONTANA

In the matter of the amendment of ) AMENDED NOTICE OF PROPOSED  
ARM 32.15.102 pertaining to records ) AMENDMENT  
to be kept )

TO: All Concerned Persons

1. On August 25, 2023, the Department of Livestock published MAR Notice No. 32-23-340 pertaining to the proposed amendment of the above-stated rule at page 860 of the 2023 Montana Administrative Register, Issue Number 16.

2. Upon further consideration of this proposed rule change, the Board of Livestock and the department have chosen to exempt livestock dealers from these requirements and have tailored the brand recording requirements to apply to physical markets only.

3. The proposed rule is being further amended from the original proposal as follows, new matter underlined, deleted matter interlined:

32.15.102 RECORDS TO BE KEPT (1) Each licensed market, or livestock video auction, ~~or livestock dealer~~ shall keep and maintain a complete and accurate record of all animals purchased and sold, including description of the animal, ~~brand or brands carried, if any,~~ name of person selling or offering for sale, date of sale, and the name of the person to whom sold. Licensed markets shall also record any brand or brands carried.

(2) Each licensed market, or livestock video auction, ~~or livestock dealer~~ shall keep and maintain business records showing the following information:

(a) The names of the owners or persons having an interest in the market, or livestock video auction, ~~or livestock dealer~~.

(b) The names of the managers or operators of the market, or livestock video auction, ~~or livestock dealer~~.

(c) The names of the owners of the premises upon which the market is located if different than the owners of the licensed market; if a corporation, the names of the directors, officers, and the stockholders, showing their interest in the corporation.

(d) Any contracts or leases executed in connection with the operation of the market, or livestock video auction, ~~or livestock dealer~~.

(e) The type of organization used in operating the market, or livestock video auction, ~~or livestock dealer~~ and the members thereof.

(f) If a corporation, the names of the directors, officers, and the stockholders, showing their interest in the corporation.

(3) Records and information must be available for inspection and examination by any authorized agent of the Department of Livestock, Brands Enforcement Division and must be submitted by the licensee upon request. All records used in the purchase and sale of livestock and all records required by this

rule must be kept and maintained by the licensed market, or livestock video auction, ~~or livestock dealer~~ for a period of not less than 5 years.

AUTH: 81-8-231, MCA

IMP: 81-8-231, 81-8-251, 81-8-264, 81-8-271, MCA

REASON: The department proposes to amend this rule to comply with the revisions of 81-8-213, 81-8-251, 81-8-252, 81-8-264, and 81-8-265, MCA, passed by the Montana State Legislature in 2023 via HB 153 carried by Representative Ler at the request of the department. The changes proposed by the department ensure that those operating sales have the same requirements as physical livestock markets and make payment to consigners at the conclusion of a sale.

Other language has been updated for clarity and conciseness, and implementing statutes have been updated.

4. The Department of Livestock 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. If you require an accommodation, contact the Department of Livestock no later than 5:00 p.m. on, December 22, 2023, 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, Montana, 59620-2001; telephone (406) 444-9525; fax (406) 444-4316; TDD/Montana Relay Service 1 (800) 253-4091; or e-mail MDOLcomments@mt.gov.

5. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Department of Livestock, P.O. Box 202001, Helena, Montana, 59620-2001; telephone (406) 444-9321; fax (406) 444-1929; or e-mail MDOLcomments@mt.gov, and must be received no later than 5:00 p.m., December 29, 2023.

/s/ Darcy Alm  
Darcy Alm  
Rule Reviewer

/s/ Michael S. Honeycutt  
Michael S. Honeycutt  
Executive Director  
Department of Livestock

Certified to the Secretary of State November 28, 2023.