

BEFORE THE DEPARTMENT OF LIVESTOCK  
OF THE STATE OF MONTANA

In the matter of the amendment of  
ARM 32.15.102 pertaining to records  
to be kept

NOTICE OF PROPOSED  
AMENDMENT

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 this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact Department of Livestock no later than 5:00 p.m. on , September 18, 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.

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

32.15.102 RECORDS TO BE KEPT (1) Each licensed market, livestock video auction, or livestock dealer shall keep and maintain a complete, ~~true~~ 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.

(2) Each licensed market, 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, livestock video auction, or livestock dealer.

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

(e) The type of organization used in operating the market, 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) ~~Such r~~Records and information must be available for inspection and examination by any ~~specifically qualified and authorized agent of the Department of Livestock, Brands Enforcement Division.~~ Such information as provided above and must be submitted by the licensee of any market to the ~~Montana department of livestock, brands enforcement division~~ 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, 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. 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., September 22, 2023.

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 written request for a hearing and submit this request along with any written comments to Executive Director at the above address no later than 5:00 p.m., September 22, 2023.

6. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons 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 hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 26 persons based on approximately 266 currently licensed markets, video livestock auctions, and livestock dealers.

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. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sosmt.gov/ARM/Register>.

9. The bill sponsor contact requirements of 2-4-302, MCA, do apply and have been fulfilled. The primary bill sponsor was contacted by email on July 18, 2023.

10. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment will not significantly and directly impact small businesses.

/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 August 15, 2023.