



**MONTANA  
ADMINISTRATIVE  
REGISTER**



**DEPARTMENT OF LIVESTOCK**

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**NOTICE OF PROPOSED RULEMAKING**

**MAR NOTICE NO. 2025-303.1**

**Summary**

Amendment of ARM 32.2.404 and 32.18.201, adoption of NEW RULE 1, and repeal of ARM 32.18.401 and 32.18.403 pertaining to brand inspection requirements

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**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 13,738.

**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, September 8, 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, August 18, 2025, at 5:00 p.m.

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## 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) New 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.
    - (ii) Livestock or ornamental - \$200.00.
    - (iii) Seasonal brand for going to grass - \$200.00.
    - (iv) Seasonal brand for going to feed lot, market, or location - \$50.00.
    - (v) Cattle freeze brand in addition to hot iron brand - \$10.00.
  - (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 - \$175.00.
- (2) Inspections:

- (a) Game farm animal inspection - \$3.00 a head.
  - (i) ~~£~~The inspector may also charge necessary actual expenses if required to wait for the animals to be presented for inspection.
- (b) Hide inspection - \$1.00 a head.
- (c) Horse, mule, or ass inspection:
  - (i) ~~£~~Before moving across a county line or before change of ownership - \$10.00 a head.
    - (A) If more than ten animals of the same type are offered for inspection on the same day by the same owner, starting with the eleventh animal - \$3.00 a head.
  - (ii) ~~£~~Before sold or offered for sale at a licensed livestock market - \$10.00 a head.
- (d) Livestock inspection:
  - (i) ~~£~~Before moving across a county line or before change of ownership - \$1.00 a head.
  - (ii) ~~£~~Cow/calf pairs (spring going to pasture only) - \$1.00 a pair.
  - (iii) ~~£~~Before being sold or offered for sale at a licensed livestock market or slaughtered at a licensed slaughterhouse - \$1.00 a head.
- (3) Licenses:
  - (a) Hide dealer or buyer's license - \$5.00.
  - (b) Livestock agent, broker, or dealer license - \$250.00.
  - (c) Livestock market operator license or certificate - \$300.00.
  - (d) ~~Satellite~~ Livestock video auction market operator license - \$100.00.
- (4) Permits:
  - (a) ~~Adjacent state transportation permit \$10.00~~
  - ~~(b)~~(a) Adjoining county grazing permit:

Number of Animals	Fee
1-100	\$-30.00
101-200	\$-40.00
201-300	\$-50.00
301-400	\$-60.00
401-500	\$-70.00
501-600	\$-80.00

601-700	\$-90.00
701-800	\$-100.00
801-900	\$-110.00
901-1000	\$-120.00

~~(c)~~(b) Aerial hunting permit - ~~annual~~ \$50.00 annually.

~~(d)~~(c) Annual sheep permit for show purposes only within the state of Montana - \$1.00.

~~(e)~~(d) Domestic bison transportation permit - \$1.00 (no fee if online only).

~~(f)~~(e) Lifetime or permanent horse inspection permit - \$30.00 per head.

~~(g)~~(f) Lifetime or permanent bull inspection permit - \$30.00 a head.

~~(h)~~(g) Market consignment permit or transportation permit before moving across a county line - \$1.00 (no fee if online only).

~~(i)~~(h) Sheep transportation permit - \$1.00 (no fee if online only).

~~(j)~~(i) Releasing livestock, except horses, mules, or asses for removal from a licensed livestock market - \$1.00 a head.

~~(k)~~(j) Releasing horses, mules, or asses for removal from a licensed livestock market - \$10.00 a head.

~~(l)~~(k) Deeded land grazing permit:

(i) First-time application:

Number of Animals	Fee
1-50	\$-100.00
51-100	\$-125.00
101-200	\$-150.00
201-300	\$-175.00
301-400	\$-200.00
401-500	\$-225.00
501-600	\$-250.00
601-700	\$-275.00
701-800	\$-300.00
801-900	\$-325.00
901-1000	\$-350.00

(ii) Renewal:

Number of Animals	Fee
1-100	\$-40.00
101-200	\$-50.00
201-300	\$-60.00

301-400	\$-70.00
401-500	\$-80.00
501-600	\$-90.00
601-700	\$-100.00
701-800	\$-110.00
801-900	\$-120.00
901-1000	\$-130.00

(5) Miscellaneous fees:

- ~~(a)~~ Brand book—CD ~~\$15.00~~
- ~~(b)~~ Brand book—data download fee commensurate with cost
- ~~(c)~~ Brand book—paper copy (per county) ~~30.00~~
- ~~(d)~~(a) Certified copy of brand or mark record and duplicate certificate - \$10.00.
- ~~(e)~~(b) Copy of original livestock bill of sale - \$10.00.
- ~~(f)~~(c) Estray sale cost and disposition of animals if no bid is offered:
  - (i) cost for estray sale - \$100.00.
  - (ii) cost if owner claims before sale - \$50.00.
  - (iii) The department may re-offer for sale or give the animal to an individual or rescue facility in the area, or if there are no other options, condemn and destroy or otherwise dispose of it.
- ~~(g)~~(d) Filing of a livestock lien or security interest - \$25.00.
- ~~(h)~~(e) Research/copy-scan fees may be charged for livestock inspection lookups in the country and/or markets based on MDOL Public Records Request.

**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**

“Satellite video auction” is updated to “livestock video auction” to match the statutory language updates made in HB 153 (2023). The fee for adjacent state transportation permits is removed because the statutory requirement for these permits (81-3-214, MCA) was repealed in 2009. The fees for online transportation permits are removed because there are no department costs associated with the issuance of those permits, but fees for in-person permits

will remain to cover the local inspectors' service costs. Brand book fees are removed because the department's new ServiceNow online brand book makes the information available to the public at no cost. Non-substantive edits are done to increase readability of the rule.

### **32.18.201 BRAND INSPECTION**

- (1) All livestock presented to a state stock inspector or a deputy stock inspector for a brand inspection must be inspected during daylight hours.
  - (a) Livestock may be inspected while on vehicles only when:
    - (i) the inspector can safely read all marks and brands; and
    - (ii) the animals are on an open truck or in a horse trailer.
- (2) The inspection shall permit the movement of livestock from the place of inspection immediately to the destination shown on the inspection certificate.
  - (a) Diversion or off-loading of the livestock is not allowed without further inspection:
    - (i) except for purposes of feed or water; and
    - (ii) only if there is no livestock at the off-loading place with which the livestock on the vehicle can mix or mingle.
- (3) The inspection certificate shall permit the movement of livestock identified thereon for no more than 36 hours after time of issue, except that a preslaughter inspection authorizing transportation to a slaughterhouse licensed under 81-9-201, MCA, shall permit movement of livestock for up to 7 days after the time of issue.

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

**Implementing statute(s):** 81-3-203, 81-3-211, 81-3-213, 81-3-214, MCA

### **Reasonable Necessity Statement**

It is not uncommon that unexpected slaughterhouse staffing, operations, or scheduling issues will prevent a slaughterhouse from accepting the livestock at the time originally scheduled with the owner. If the rescheduled appointment falls outside of the current 36-hour window for transport on a brands inspection, owners must pay for another inspection and/or permit. The proposed amendment aims to avoid this duplicate expense by allowing movement on a preslaughter brands inspection up to 7 days after issuance.

## **ADOPT**

The rule proposed to be adopted is as follows:

### **NEW RULE I ACCEPTANCE OF ELECTRONIC SIGNATURES**

- (1) The department's brands enforcement division will accept bills of sale signed by electronic signature.
- (2) Electronic signatures referenced in (1) must meet the definition set forth in 30-18-102(9), MCA.
- (3) Bills of sale signed with an electronic signature must include the name and title of the person signing electronically.

**Authorizing statute(s):** 30-18-118, 81-3-202, MCA

**Implementing statute(s):** 30-18-117, 81-3-210, MCA

### **Reasonable Necessity Statement**

SB 80 (2025) recently amended 81-3-211(5), MCA, to allow the public to display digital copies of inspection documents, and this proposed rule will continue to promote the department's goal of moving towards a paperless brand inspection system. Acceptance of electronic signatures on bills of sale will also convenience producers who need to prove livestock ownership.

## **REPEAL**

The rules proposed to be repealed are as follows:

### **32.18.401 BRAND INSPECTION STAMP**

**Authorizing statute(s):** 81-9-112 MCA

**Implementing statute(s):** 81-9-112 MCA

### **Reasonable Necessity Statement**

SB 78 (2025) removed the requirement in 81-9-112(2), MCA, that slaughtered livestock carcasses be stamped with an ink stamp, and thus the department is repealing the rules that implement the repealed ink stamp requirement.

### **32.18.403 QUARTERS TO BE STAMPED**

**Authorizing statute(s):** 81-9-112, MCA

**Implementing statute(s):** 81-9-112, MCA

### **Reasonable Necessity Statement**

SB 78 (2025) removed the requirement in 81-9-112(2), MCA, that slaughtered livestock carcasses be stamped with an ink stamp, and thus the department is repealing the rules that implement the repealed ink stamp requirement.

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### **Small Business Impact**

The department has determined that the class or group of businesses that will be directly affected by this proposed rulemaking are cattle, horse, bison, and sheep producers. This group will not be adversely affected by the proposed rulemaking because all proposed changes reduce either fees or brand inspection requirements applicable to these producers. Documentation of the small business impact analysis is available upon request. Regarding fiscal impact, for the past three years, an average of 6,500 online market consignment permits, 150 bison transportation permits, and 1,950 sheep transportation permits were issued annually. Removal of the online fee will result in a cumulative decrease of \$8,600/year for these producers.

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### **Bill Sponsor Notification**

The bill sponsor contact requirements do not apply.

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### **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 name, 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.

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**Rule Reviewer**

Lindsey Simon, Legal Counsel

**Approval**

Michael Honeycutt, Executive Officer