

MINUTES

MONTANA HOUSE OF REPRESENTATIVES  
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE, LIVESTOCK AND IRRIGATION

Call to Order: By Chairman Bob Bachini, on March 6th 1989, at  
2:50 p.m.

ROLL CALL

Members Present: All members present except:

Members Excused: Rep. Bob Ream

Members Absent: none

Staff Present: Connie Erickson, Legislative Council and Maureen  
Cleary, Committee Secretary

Announcements/Discussion: none

HEARING ON SENATE BILL 300

Presentation and Opening Statement by Sponsor:

Sen. Gary Aklestad: Senate District #6. This bill will change the  
time in which the wheat and barley committee members may  
serve. This will change those figures from 5 years to 3  
years.

Testifying Proponents and Who They Represent:

Mr. Bob Stevens/ MT. Grain Growers Association, Helena

Ms. Kay Nordburg/ Women Involved in Farm Economics, Helena

Proponent Testimony:

Mr. Stevens: The positive effects of this bill will be to keep  
the pressure on the major farm organizations. And provide  
more pressure on the committee members to remain active.

Ms. Nordburg: For the record, we support this bill.

Testifying Opponents and Who They Represent:

none

Opponent Testimony:

none

Questions From Committee Members:

REP. ELLISON: Are these staggered terms of office? SEN. AKLESTAD: Yes, the existing terms would stay in effect.

REP. NELSON: Are they able to succeed themselves now? SEN. AKLESTAD: Yes, they are. Now, it is an agreement within the committee. There is nothing existing in the statute. I don't believe that anyone has ever served more than two 5 year terms.

Closing by Sponsor:

SEN. AKLESTAD: This is not a complicated bill, but more a functional bill. I urge your support.

DISPOSITION OF SENATE BILL 300

Motion: Rep. Kasten: made the motion for a "do pass"

Discussion: none

Amendments, Discussion, and Votes: none

Recommendation and Vote: THEREFORE, THE COMMITTEE RECOMMENDS THAT THIS BILL "BE CONCURRED IN".

HEARING ON SENATE BILL 320

Presentation and Opening Statement by Sponsor:

Sen. Manning: Senate District #18. (See Exhibits #1, #2)

Testifying Proponents and Who They Represent:

none

Proponent Testimony:

none

Testifying Opponents and Who They Represent:

none

Opponent Testimony:

none

Questions From Committee Members:

none

Closing by Sponsor:

Sen. Manning: waived his closing to the Committee.

DISPOSITION OF SENATE BILL 320

Motion: Rep. Linda Nelson: made the motion to "do pass"

Discussion: none

Amendments, Discussion, and Votes: none

Recommendation and Vote: THEREFORE, THE COMMITTEE RECOMMENDS  
THAT THIS BILL "BE CONCURRED IN".

HEARING ON SENATE BILL ~~432~~

Presentation and Opening Statement by Sponsor:

Sen. Bengtson: waived opening for rescheduled date.

Testifying Proponents and Who They Represent:

Mr. Jerry Nypen/ Fairfield, MT.

Ms. Jo Brunner/ MWRA, Helena

Proponent Testimony:

Mr. Nypen: I agree with this bill, but there are some exceptions in language. Particularly changing the wording "irrigable land" to "irrigated land". We would like amendments that clarify our concerns.

Ms. Brunner: We will have amendments prepared for the rescheduled date.

Testifying Opponents and Who They Represent:

none

Opponent Testimony:

none

Questions From Committee Members:

REP. WESTLAKE: The terminology is refers to commissioners. But, do these commisioners operate in the same capacity as a water commissioners? MR. NYPEN: The board of commissioners

hires employees within the irrigation districts.

REP. GUTHRIE: I am concerned that the smaller irrigation districts that may not want to do the bookkeeping. Does this bill provide for voluntary decisions? MR. NYPEN: This bill addresses those concerns. It would be a voluntary situation.

REP. KASTEN: Would you review the balloting process? MR. NYPEN: The balloting would take place by an irrigation districts water user going to the election judge. They would state who they are, give the number of acres that they are authorized to hold. Then on the ballot that voter would include the number of acres that they represent and the number of votes that they cast. On one ballot. Currently, if that person had 400 votes, they have to stay and cast at least 40 seperate votes.

Closing by Sponsor: waived

ADJOURNMENT

Adjournment At: 3:30 p.m.

  
\_\_\_\_\_  
REP. BOB BACHINI, Chairman

BB/mc

5201.min

DAILY ROLL CALL  
AGRICULTURE COMMITTEE

50th LEGISLATIVE SESSION -- 1989

Date 3/6/89

NAME	PRESENT	ABSENT	EXCUSED
Rep. Bob Bachini, Chairman	✓		
Rep. Francis Koehnke, Vice Ch.	✓		
Rep. Gene DeMars	✓		
Rep. Jerry Driscoll	✓		
Rep. Jim Elliot	✓		
Rep. Linda Nelson	✓		
Rep. Bob Ream			
Rep. Don Stepler	✓		
Rep. Vernon Westlake	✓		
Rep. Duane Compton	✓		
Rep. Orval Ellison	✓		
Rep. Bert Guthrie	✓		
Rep. Marian Hanson	✓		
Rep. Harriet Hayne	✓		
Rep. Betty Lou Kasten	✓		
Rep. Vernon Keller	✓		
Rep. John Patterson	✓		

STANDING COMMITTEE REPORT

March 6, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Agriculture, Livestock, and Irrigation report that SENATE BILL 300 (third reading copy -- blue) be concurred in.

Signed: *Bob Bachini*  
Bob Bachini, Chairman

[REP. ELLISON WILL CARRY THIS BILL ON THE HOUSE FLOOR]

STANDING COMMITTEE REPORT

March 6, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Agriculture, Livestock, and Irrigation report that SENATE BILL 320 (third reading copy -- blue) be concurred in.

Signed: \_\_\_\_\_

Bob Bachini, Chairman

[REP. PAVLOVICH WILL CARRY THIS BILL ON THE HOUSE FLOOR]

EXHIBIT #1  
DATE 3/6/89  
HB SB320

SUMMARY

LC 0958/01

Senate Bill No. 320

Introduced By - Senator Manning

SECTION 1            81-9-114

Requiring a person having a meat establishment license as required by (81-9-201), to report a violation of 81-9-112 which requires inspection and marking of hides and meat, records, and bill of sales to the Department of Livestock or the Sheriff. This requires reporting a violation to the Department of Livestock as well as the Sheriff.

SECTION 2            81-9-218

The original legislation inadvertently exempted the custom slaughter establishment from licensing by the Department of Livestock and all parts of the State Meat Inspection Act. This is contrary to the Federal Meat Inspection Act which requires that custom slaughters must meet sanitation and labeling requirements. A custom slaughter is only exempt from actual inspection during slaughter. Custom slaughtered carcasses must be marked "Not for Sale" as well as product, packages, etc. The Federal Meat Inspection Act and the Meat Inspection Regulations require that carcasses, product, etc. be marked "Not for Sale". This is necessary to have a state inspection program that is "equal to" the federal program.

SECTION 3            81-9-226

This allows the Board of Livestock to appoint a qualified person as Chief, Meat Inspector.

han by slaughter, unless such transaction, transportation or importation is made in accordance with such regulations as the Secretary may prescribe to insure that such animals, or the unwholesome parts or products thereof, will be prevented from being used for human food purposes. (21 U.S.C. 644.)

Sec. 205. The authority conferred on the Secretary by section 202, 203, or 204 of this title with respect to persons, firms, and corporations engaged in the specified kinds of business in or for commerce may be exercised with respect to persons, firms, or corporations engaged, in any State or organized Territory, in such kinds of business but not in or for commerce, whenever the Secretary determines, after consultation with an appropriate advisory committee provided for in section 301 of this Act, that the State or Territory does not have at least equal authority under its laws or such authority is not exercised in a manner to effectuate the purposes of this Act including the State providing for the Secretary or his representative being afforded access to such places of business and the facilities, inventories, and records thereof, and the taking of reasonable samples, where he determines necessary in carrying out his responsibilities under this Act; and in such case the provisions of section 202, 203, or 204, respectively, shall apply to such persons, firms, and corporations to the same extent and in the same manner as if they were engaged in such business in or for commerce and the transactions involved were in commerce. (21 U.S.C. 645.)

TITLE III—FEDERAL AND STATE COOPERATION

Sec. 301. (a) It is the policy of the Congress to protect the consuming public from meat and meat food products that are adulterated or misbranded and to assist in efforts by State and other Government agencies to accomplish its objective. In furtherance of this policy—

(1) The Secretary is authorized, whenever he determines that it would effectuate the purposes of this Act, to cooperate with the appropriate State agency in developing and administering a State meat inspection program in any State which has enacted a State meat inspection law that imposes mandatory ante mortem and post mortem inspection, reinspection and sanitation requirements that are at least equal to those under title I of this Act, with respect to all or certain classes of persons engaged in the State in slaughtering cattle, sheep, swine, goats, or equines, or preparing the carcasses, parts thereof, meat or meat food products, of any such animals for use as human food solely for distribution within such State.

(2) The Secretary is further authorized, whenever he determines that it would effectuate the purposes of this Act, to cooperate with appropriate State agencies in developing and administering State programs under State laws containing authorities at least equal to those provided in title II of this Act; and to cooperate with other agencies of the United States in carrying out any provisions of this Act.

(3) Cooperation with State agencies under this section may include furnishing to the appropriate State agency (i) advisory assistance in

EXHIBIT #2  
DATE 3/6/89  
HB JB320

planning and otherwise developing an adequate State program under the State law; and (ii) technical and laboratory assistance and training (including necessary curricular and instructional materials and equipment), and financial and other aid for administration of such a program. The amount to be contributed to any State by the Secretary under this section from Federal funds for any year shall not exceed 50 per centum of the estimated total cost of the cooperative program; and the Federal funds shall be allocated among the States desiring to cooperate on an equitable basis. Such cooperation and payment shall be contingent at all times upon the administration of the State program in a manner which the Secretary, in consultation with the appropriate advisory committee appointed under paragraph (4), deems adequate to effectuate the purposes of this section.

(4) The Secretary may appoint advisory committees consisting of such representatives of appropriate State agencies as the Secretary and the State agencies may designate to consult with him concerning State and Federal programs with respect to meat inspection and other matters within the scope of this Act, including evaluating State programs for purposes of this Act and obtaining better coordination and more uniformity among the State programs and between the Federal and State programs and adequate protection of consumers.

(b) The appropriate State agency with which the Secretary may cooperate under this Act shall be a single agency in the State which is primarily responsible for the coordination of the State programs having objectives similar to those under this Act. When the State program includes performance of certain functions by a municipality or other subordinate governmental unit, such unit shall be deemed to be a part of the State agency for purposes of this section.

(c)(1) If the Secretary has reason to believe, by thirty days prior to the expiration of two years after enactment of the Wholesome Meat Act, that a State has failed to develop or is not enforcing, with respect to all establishments within its jurisdiction (except those that would be exempted from Federal inspection under subparagraph (2)) at which cattle, sheep, swine, goats, or equines are slaughtered, or their carcasses, or parts or products thereof, are prepared for use as human food, solely for distribution within such State, and the products of such establishments, requirements at least equal to those imposed under titles I and IV of this Act, he shall promptly notify the Governor of the State of this fact. If the Secretary determines after consultation with the Governor of the State, or representative selected by him, that such requirements have not been developed and activated, he shall promptly after the expiration of such two-year period designate such State as one in which the provisions of titles I and IV of this Act shall apply to operations and transactions wholly within such State: *Provided*, That if the Secretary has reason to believe that the State will activate such requirements within one additional year, he may delay such designation for said period, and not designate the State, if he determines at the end of the year that the State then has such requirements in effective operation. The Secretary shall publish any such designation in the Federal Register and, upon the expiration of thirty

**BOOK I**

**Meat Inspection Regulations**

**TITLE 9, CHAPTER III, SUBCHAPTER A**

**Code of Federal Regulations**

(§ 318.1 (e) continued)

only if such products are prepared thereat. No prohibited dye, chemical, preservative, or other substance shall be brought into or kept in an official establishment.

\* (f) (Reserved) \*

(g) Glands and organs, such as cotyledons, ovaries, prostate glands, tonsils, spinal cords, and detached lymphatic, pineal, pituitary, parathyroid, suprarenal, pancreatic and thyroid glands, used in preparing pharmaceutical, organotherapeutic, or technical products and which are not used as human food (whether or not prepared at official establishments) may be brought into and stored in edible product departments of inspected establishments if packaged in suitable containers so that the presence of such glands and organ will in no way interfere with the maintenance of sanitary conditions or constitute an interference with inspection. Glands or organ which are regarded as human food products, such as livers, testicles, and thymus glands, may be brought into official establishments for pharmaceutical, organotherapeutic or technical purposes, only if U.S. inspected and passed and so identified. Lungs and lung lobes derived from livestock slaughtered in any establishment may not be brought into any official establishment except as provided in § 318.12(a).

(h) (1) Carcasses of game animals, and carcasses derived from the slaughter by any person of livestock of his own raising in accordance with the exemption provisions of paragraph 23(a) of the Act, and parts of such carcasses, may be brought into an official establishment for preparation, packaging, and storing in accordance with the provisions of § 303.1(a)(2) of this subchapter.

(2) Meat, meat byproducts, and meat food products bearing official marks showing that they were inspected and passed under State inspection in any State not designated in § 331.2 of this subchapter may be received by official establishments for storage and distribution solely in intrastate commerce. The presence of such State inspected products must not create any unsanitary condition or otherwise result in adulteration of any products at the official establishment or interfere with the conduct of inspection under this subchapter. In addition, such State inspected products must be stored separately and apart from the federally inspected products in the official establishment.

(i) The operator of the official establishment shall furnish such information as is necessary to determine the origin of any product or other article entering the official establishment. Such information shall include, but is not limited to, the name and address of the seller or supplier, transportation company, agent, or broker involved in the sale or delivery of the product or article in question.

(j) Any product or any poultry or poultry product or other article that is brought into an official establishment contrary to any provision of this section may be required by the Administrator to be removed immediately from such establishment by the operator thereof, and failure to comply with such requirement shall be deemed a violation of this regulation. If any slaughtered poultry or poultry products or other articles are received at an official establishment and are suspected of being adulterated or misbranded under the Poultry Products Inspection Act or the Federal Food, Drug, and Cosmetic Act, or applicable State laws, the appropriate governmental authorities will be notified.







ROLL CALL VOTE

AGRICULTURE, LIVESTOCK & IRRIGATION COMMITTEE

DATE 3/6/89 BILL NO. SB 300 NUMBER \_\_\_\_\_

NAME	AYE	NAY
BOB BACHINI, CHAIRMAN	✓	
FRANCIS KOEHNKE, VICE CHAIRMAN	✓	
GENE DE MARS	✓	
JERRY DRISCOLL	✓	
JIM ELLIOT	✓	
LINDA NELSON	✓	
BOB REAM	✓	
DON STEPLER	✓	
VERNON WESTLAKE	✓	
DUANE COMPTON	✓	
ORVAL ELLISON	✓	
BERT GUTHRIE	✓	
MARIAN HANSON	✓	
HARRIET HAYNE	✓	
BETTY LOU KASTEN	✓	
VERNON KELLER	✓	
JOHN PATTERSON	✓	

TALLY

(14)

Maureen Cleary  
Mary Lou Schmitz  
Secretary

BOB BACHINI, Chairman  
Chairman

MOTION: up kasten

to be concurred in

ROLL CALL VOTE

AGRICULTURE, LIVESTOCK & IRRIGATION COMMITTEE

DATE 3/10/89 BILL NO. SB320 NUMBER \_\_\_\_\_

NAME	AYE	NAY
BOB BACHINI, CHAIRMAN	✓	
FRANCIS KOEHNKE, VICE CHAIRMAN	✓	
GENE DE MARS	✓	
JERRY DRISCOLL	0	
JIM ELLIOT	✓	
LINDA NELSON	✓	
BOB REAM	0	
DON STEPLER	✓	
VERNON WESTLAKE	✓	
DUANE COMPTON	✓	
ORVAL ELLISON	✓	
BERT GUTHRIE	✓	
MARIAN HANSON	0	
HARRIET HAYNE	✓	
BETTY LOU KASTEN	✓	
VERNON KELLER	✓	
JOHN PATTERSON	✓	

TALLY

(14)

Maureen Cleary  
Mary Lou Schmitz  
Secretary

BOB BACHINI, Chairman  
Chairman

MOTION: up nelson

(to be concurred)

Paulovich to carry in House