

THE MINUTES OF THE MEETING OF THE AGRICULTURE COMMITTEE  
March 2, 1981

The meeting was called to order by CHAIRMAN CARL SMITH on Monday, March 2, 1981 in Room 431 of the Capitol at 12:30 p.m.

Roll call was taken and all members were present but REPRESENTATIVES ELLERD, RYAN and FEDA who were excused.

SENATOR BOYLAN presented SENATE BILL 349 and the STATE-MENT OF INTENT (EXHIBIT A), "AN ACT REVISING THE LAW RELATING TO SEED POTATOES; PROVIDING FOR STANDARD GRADES OF SEED POTATOES; REGULATING THE SHIPMENT OF SEED POTATOES; AMENDING SECTION 80-3-101, MCA."

Senator Boylan indicated to the Committee that they were having trouble with this Bill in that Mike Koehnke wished to add amendments, and that these said amendments had not been agreed upon. It was suggested by SENATOR BOYLAN that if it be the wishes of the Committee they could table this bill.

REPRESENTATIVE CONROY opened SENATE BILL 158 (EXHIBIT B) for SENATOR GRAHAM in his absence.

DR. GLOSSER spoke as a proponent and presented the bill in his and the Department of Livestock's view.

MONS TEIGEN of the Montana Stockgrowers and Cowbellers and Woolgrowers, spoke in support of SENATE BILL 158. He stated that this Bill puts the law into statute, which is necessary for enforcement.

JO BRUNNER representing W.I.F.E. asked for a 'do pass' on Senate Bill 158.

SENATOR BRUCE CRIPPEN spoke, saying he was speaking neither as an opponent or proponent, but representing former Senator Lowe, who has a game farm out of Big Timber. The concern was how the bill would apply to agriculturalists, particularly those with game birds. Besides, there is duplication that must be complied with under the federal law. A suggested amendment was given; to strike "and other birds"; shown on page 1, line 20.

DR. GLOSSER addressed that amendment, stating that it is not the intention of this bill to have any effect upon those birds that migrate into our state, but, that the bill was directed to poultry. DR. GLOSSER said that the concern was birds like parakeets that carry diseases into the state of Montana and also concerned with diseases such as Newcastle's disease as they had in Florida that would infect poultry.

DR. GLOSSER stated that the federal government does inspection at the point of origin. This Bill is not interested in paper work but the safety of livestock.

REPRESENTATIVE BENGSTON questioned the word "poultry".

DR. GLOSSER stated that poultry means, in this case, any domestic bird for production. (EXHIBIT C was presented)

REPRESENTATIVE ROBBINS asked if these fees were paid for by the shipper.

DR. GLOSSER indicated that this has not been an increase cost to the department. That they have been able to implement permits they have been able to change direction of the program.

REPRESENTATIVE BENGSTON asked Senator Crippen about the migratory birds and SENATOR CRIPPEN stated that they were not concerned about the word 'poultry' in the bill. He said that rules were not what they were after but would like their suggested amendment in the Bill.

In response to REPRESENTATIVE CONROY's remark, DR. GLOSSER said that whenever there is USDA inspections in nonconcentrated areas they are not trying to add duplication and paper work. That they have no control over migratory birds, but if there are confined birds as on preserves that would contact diseases, they would want to know where the diseases originated.

The meeting went into EXECUTIVE SESSION:

It was MOVED by REPRESENTATIVE CONROY to TABLE S.B. 349.  
MOTION PASSED.

REPRESENTATIVE CONROY MOVED that the STATEMENT OF INTENT and SENATE BILL 158 DO PASS.

DISCUSSION was held regarding this bill and REPRESENTATIVE CONROY elaborated on the problem in Big Horn County that produced this bill, saying illegal entry of cattle into that county without a health inspection from the department; and due to the ineffectiveness of the rule making, the suit against the offenders would not stick, and Bill Lowe's concerns were unfounded.  
MOTION PASSED.

THE MINUTES OF THE MEETING OF THE AGRICULTURE  
COMMITTEE  
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It was announced that REPRESENTATIVE CONROY will carry  
SENATE BILL 158 to the floor of the House, and REPRESENTATIVE  
ERNST will carry SENATE BILL 4.

The meeting adjourned at 1:55 p.m.

A handwritten signature in cursive script, reading "Carl M. Smith". The signature is written in dark ink and is positioned above a horizontal line.

CARL SMITH, CHAIRMAN

lmw

## STATEMENT OF INTENT

## SENATE BILL 158

Senate Agriculture, Livestock and Irrigation Committee

A Statement of Intent is required for this bill because it delegates rulemaking authority to the Department of Livestock in Section 8.

It is the intent of this bill that the Department maintain its present rules, and update them when necessary, regarding the importation of animals, animal semen, and animal biologics. However, these rules should be reviewed to ensure that they are in compliance with this bill and to eliminate any redundancy created by passage of this bill.

First adopted by the Senate Agriculture, Livestock and Irrigation Committee on the 28th day of January 1981.

B

1 SENATE BILL NO. 158

2 INTRODUCED BY GRAHAM

3 BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE  
6 APPLICATION FOR AND THE POSSESSION OF A PERMIT AND A HEALTH  
7 CERTIFICATE, UNLESS THE PERMIT OR CERTIFICATE IS WAIVED,  
8 BEFORE CERTAIN ANIMALS, ANIMAL SEMEN, OR ANIMAL BIOLOGICS  
9 MAY BE IMPORTED INTO MONTANA; AND PROVIDING FOR AN IMMEDIATE  
10 EFFECTIVE DATE."

11  
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Short title. This part may be cited as the  
14 "Animal Importation Permit and Health Certificate Act of  
15 1981".

16 Section 2. Definitions. As used in this part, the  
17 following definitions apply:

18 (1) "Animals" means livestock, dogs, cats, rabbits,  
19 rodents, game animals, fur-bearing and wild animals, and  
20 poultry and other birds.

21 (2) "Biologics" means medicinal preparations made from  
22 living organisms and their products. It includes but is not  
23 limited to serums, vaccines, antigens, and antitoxins.

24 (3) "Department" means the department of livestock.

25 (4) "Health certificate" means a legible record

1 written on an official health certificate form of the state  
2 of origin or on an equivalent form of the U.S. department of  
3 agriculture attesting that the animals, animal semen, or  
4 animal biologics described thereon have been visually  
5 inspected by a federally accredited veterinarian and found  
6 to meet the entry requirements of the state of Montana.

7 (5) "Livestock" means cattle, horses, mules, asses,  
8 sheep, swine, and goats.

9 (6) "Permit" means an official document issued by the  
10 department after proper application that allows the movement  
11 of animals, animal semen, or animal biologics into Montana.

12 (7) "Poultry" means domesticated birds, including but  
13 not limited to chickens, turkeys, ducks, geese, guinea fowl,  
14 pigeons, and pheasants.

15 Section 3. Documents required for importation --  
16 exemption. (1) Except as provided in subsection (4), in all  
17 cases, SUBSECTION (6) no animal, animal semen, or animal  
18 biologic may be brought into the state without a permit and  
19 also a health certificate. ~~the health certificate but not~~  
20 ~~the permit may be waived by the department as provided in~~  
21 ~~subsection (5).~~

22 (2) ~~THE DEPARTMENT SHALL ISSUE A PERMIT IF NO~~  
23 ~~SIGNIFICANT DANGER TO THE PUBLIC HEALTH WILL ENSUE UPON~~  
24 ~~IMPORTATION OF THE ANIMAL INTO THE STATE.~~

25 (3) ~~THE DEPARTMENT MAY WAIVE THE REQUIREMENT FOR A~~

1 HEALTH CERTIFICATE OR A PERMIT AS PROVIDED IN SUBSECTION  
2 (7).

3 (2)(4) The requirements of subsection (1) apply  
4 regardless of species, breed, sex, class, age, point of  
5 origin, place of destination, or purpose of movement.

6 (3)(5) All required documents must be attached to the  
7 waybill or be in possession of the driver of the  
8 transporting vehicle or of the person in charge of the  
9 animals. When a single permit or health certificate is  
10 issued for animals being moved in more than one vehicle, the  
11 driver of each vehicle shall have in his possession a copy  
12 of the permit and, where applicable, a health certificate.

13 (4)(6) Animals, animal semen, or animal biologics  
14 being moved through the state with no intent to unload or  
15 deliver in the state are exempted from this part. In an  
16 emergency situation, such transitory cargo may be unloaded  
17 in compliance with the quarantine rules promulgated by the  
18 department.

19 (5)(7) A waiver of the requirement for a health  
20 certificate OR A PERMIT shall be based upon evidence that  
21 there will be no significant danger to the public health if  
22 the exemption is granted.

23 Section 4. Quarantine for illegal entry -- liability  
24 for expenses. (1) Animals, animal semen, or animal biologics  
25 which enter the state of Montana without the required

1 importation papers or in violation of any rules of the  
2 department shall be held in quarantine at the risk of the  
3 owner.

4 (2) The quarantine may be released only after the  
5 department has been satisfied, by appropriate means, that  
6 the animals, animal semen, or animal biologics under  
7 quarantine meet the requirements of law and the rules of the  
8 department.

9 (3) The owner of animals, animal semen, or animal  
10 biologics quarantined under this part is liable for all  
11 department expenses resulting from that quarantine except  
12 the expense of the salary of the supervising officer  
13 representing the department. Expenses include, but are not  
14 limited to, the expense of inspecting, testing, supervision of  
15 of quarantine, supervision of dipping, supervision of  
16 disinfection, supervision of treatment, and laboratory  
17 testing.

18 Section 5. Lien resulting from quarantine --  
19 foreclosure of lien. (1) In accordance with the provisions  
20 of 81-2-109, the expenses of quarantine detailed in [section  
21 4] are a lien on the animals, semen, or biologics and the  
22 department may retain possession of them until the charges  
23 and expenses are paid. The lien is dependent on possession  
24 and may be foreclosed in the name of the agent of the  
25 department by sale at public auction of the animals, semen,

1 or biologics or as much of them as may be necessary to pay  
2 the expenses.

3 (2) Posting notice for 10 days at three public places  
4 in the county is required prior to auction. The lien may  
5 also be foreclosed by filing an action against the owner of  
6 the property to recover the amount of charges and expenses  
7 in a court of competent jurisdiction.

8 Section 6. Consignment requirements. (1) All animals,  
9 animal semen, or animal biologics brought into Montana,  
10 other than transitory cargo, must be consigned to or in the  
11 care of a person, entity, or authorized agent of either  
12 located in Montana.

13 (2) The person, entity, or authorized agent must  
14 notify the department of its intent to receive any animals,  
15 animal semen, or animal biologics and is responsible for  
16 acquiring all required permits and ensuring that they are  
17 accompanied by all required health certificates.

18 (3) No person consigning, transporting, or receiving  
19 animals, animal semen, or animal biologics into Montana may  
20 authorize, order, or carry out any diversion of them or any  
21 portion thereof to a destination or consignee other than as  
22 set forth on the permit or health certificate without first  
23 obtaining written permission from the department.

24 Section 7. Department rulemaking power. The department  
25 may promulgate, administer, and enforce rules necessary to

1 implement this part.

2 Section 8. Penalty. A person convicted of violating  
3 [this act] shall be fined not more than \$500, be imprisoned  
4 in the county jail for a term not to exceed 6 months, or  
5 both.

6 Section 9. Codification instruction. This act is  
7 intended to be codified as a new part in Title 81, chapter  
8 2, and the provisions of Title 81, chapter 2, part 1, apply  
9 to this act.

10 Section 10. Effective date. This act is effective on  
11 passage and approval.

-End-

## STATEMENT OF INTENT

## SENATE BILL 349

## SENATE AGRICULTURE, LIVESTOCK AND IRRIGATION COMMITTEE

A statement of intent is required for this bill because it delegates rulemaking authority to the Department of Agriculture in sections 4 and 6.

It is the legislative intent in delegating rulemaking authority to the Department in section 4 that the Department adhere as closely as possible to the recommendations made by Montana State University in its consultation with the Department, and that the person employed as potato specialist and extension plant pathologist at the University be involved in these consultations.

It is the legislative intent in delegating rulemaking authority to the Department in sections 4 and 6 that:

(1) In order to foster a healthy and most competitive certified seed potato industry in this state, such rules, grades, and seed tag colors should whenever possible be similar to, but not necessarily limited by, the uniform regulations, grades and seed tag colors of the other states in western region and the nation;

(2) The necessary revisions of rules, grades, and tag colors should be introduced and proposed far in advance of their planned effective date and notice of hearings for

revisions widely circulated among seed producers and other interested persons to review and comment upon, except in cases of an emergency;

(3) Such revisions to the rules, grades, and tag colors be adopted and printed long before the spring planting and shipping season;

(4) All rules, grade, and seed tag descriptions should be written clearly, concisely, and simply without unnecessary jargon, verbiage, and confusion so as to be easily understood by everyday farmers and their employees.

It is a further intent of this bill that legal due process and equal protection be provided to all parties affected by this act by the state and its various agencies.

First adopted by the Senate Agriculture, Livestock and Irrigation Committee on the 13th day of February, 1981.



## SENATE BILL NO. 349

INTRODUCED BY BOYLAN, ELLERD, GALT, M. ANDERSON

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW  
RELATING TO SEED POTATOES; PROVIDING FOR STANDARD GRADES OF  
SEED POTATOES; REGULATING THE SHIPMENT OF SEED POTATOES #8  
CONTAGIOUS--DANGEROUS--POTATO--DISEASES--AND--INSECTS; AMENDING  
SECTION 80-3-101, MCA; AND PROVIDING AN IMMEDIATE--EFFECTIVE  
DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Short title. [Sections 1  
through 8] may be cited as the "Montana Seed Potato Standard  
Grade and Inspection Act".

NEW SECTION. Section 2. Purpose. The purpose of  
[sections 1 through 8] is to establish standard grades of  
Montana seed potatoes for trade and shipping in either  
interstate or intrastate commerce when such marketing is  
done by the grower, sales agent, broker, dealer,  
distributor, shipper, wholesaler, retailer, or any other  
person or in any other manner; and to provide for the  
regulation of the shipment of any seed potato products in  
Montana, in either interstate or intrastate commerce,--to  
prevent--and--control--the--spread--of--highly--contagious--potato  
diseases--viruses--insects--or--dangerous--plants--that--can

~~affect-the-potato-plant-and-its-growth.~~

NEW SECTION. Section 3. Definitions. Unless the  
context requires otherwise, in [sections 1 through 8] the  
following definitions apply:

(1) "Certified seed potatoes" or "certified potato  
seed" means any part of a potato plant known as *Solanum  
tuberosum* L. that has been grown and produced in accordance  
with the rules or regulations of an official seed potato  
certification agency of this state or another or of a  
foreign country and has passed limited field and storage  
inspection and has been packed and shipped pursuant to a  
federal-state inspection certificate or phytosanitary  
certificate.

(2) "Department" means the department of agriculture  
provided for in 2-15-3001.

(3) "Federal-state inspection agency" means any state  
agency, agent, association, or trade organization with which  
the United States department of agriculture has entered into  
a cooperative agreement for the purpose of providing  
inspection service for seed potatoes or other fresh fruits  
and vegetables or related products, pursuant to the federal  
Agricultural Marketing Act of 1946 (7 U.S.C. 1621, et seq.),  
as amended.

(4) "Inspection certificate" or "phytosanitary  
certificate" means any form of document, either written or

1 printed, used by the federal-state inspection agency or an  
 2 equivalent agency to certify ASSURE with respect to the  
 3 inspection, identification, class, grade, quality, size,  
 4 quantity, origin, or condition of the seed potato products  
 5 and their compliance with applicable specifications.

6 (5) "Montana certified seed potatoes" or "Montana  
 7 certified potato seed" means any part of a potato plant  
 8 known as *Solanum tuberosum* L. that has been produced in  
 9 compliance with the provisions of Title 80, Chapter 5, part  
 10 3 and [sections 1 through 8] and is shipped, sold, offered  
 11 for sale, used, or intended for use for seed, propagation,  
 12 planting, or reproduction purposes.

13 (6) "Person" means an individual, firm, partnership,  
 14 corporation, company, association, business, or legal  
 15 entity.

16 (7) "Seed potatoes" or "potato seed" means all  
 17 varieties of tubers, stems, cuttings, or any part of the  
 18 common herb plant known as *Solanum tuberosum* L. of the  
 19 nightshade family that is shipped, sold, offered for sale,  
 20 used, or intended for use for seed, propagation, planting,  
 21 or reproduction purposes.

22 (8) "Shipping-point inspection" means an official  
 23 federal-state inspection performed at the time of loading by  
 24 a federal-state inspection agency to investigate, sample,  
 25 inspect, analyze, test, and certify ASSURE to any interested

1 party the quality, identification, class, grade, variety,  
 2 size, quantity, or condition of the subject seed potatoes.  
 3 (9) "Standard grade" or "grade" means a common set of  
 4 qualities that results in uniformity.

5 NEW SECTION. Section 4. Standard grades for Montana  
 6 seed potatoes. THE DEPARTMENT, IN CONSULTATION WITH Montana  
 7 state university or its designated agent, may adopt rules as  
 8 provided in 80-5-302 TITLE 80, CHAPTER 27, PART 1 to  
 9 establish standard grades and tag colors for Montana  
 10 certified seed potatoes in accordance with the provisions of  
 11 [sections 1 through 7 §]. Standards so established are the  
 12 legal standards for this state.

13 NEW SECTION. Section 5. Imported seed potatoes --  
 14 restrictions. It is in order to control and prevent the spread  
 15 of contagious potato diseases, viruses, insects, or  
 16 dangerous plants that can affect the potato plant and its  
 17 growth.

18 It is not no potatoes, seed potatoes, equipment,  
 19 machinery, or container known to be diseased or contaminated  
 20 with bacterial ring rot, nematodes, or tuber moth may be  
 21 brought into this state for any purpose and.

22 It is not no seed potatoes of any variety or kind may  
 23 be imported or brought into this state for any purpose  
 24 unless such potato seed:

25 It is A is equivalent to or better than the United

1 States--Now--1--seed--potato--standard--grade---established  
 2 pursuant--to--the--federal--Agricultural--Marketing--Act--of--1946  
 3 ~~f7-B756-1621v-et-seq77-05-amended~~ ONE OF THE STANDARD  
 4 GRADES FOR MONTANA SEED POTATOES ESTABLISHED PURSUANT TO  
 5 [SECTION 4] AND IS TAGGED AND LABELED IN ACCORDANCE WITH  
 6 THIS STANDARD GRADE:

7 ~~f7f719~~ has been inspected at the Montana receiving  
 8 point at the time of unloading by the federal-state  
 9 inspection agency to verify that the shipment's contents  
 10 comply with this section; and

11 ~~f7f71C~~ is shipped, handled, and stored in clean,  
 12 disinfected containers, machinery, or storage areas.

13 ~~f2f713~~ The provisions of this section do not apply to  
 14 Montana state university or its designated agent when it is  
 15 importing or bringing into this state potato seed or other  
 16 matter that is intended for scientific, educational, or  
 17 research purposes.

18 NEW SECTION. Section 6. Enforcement -- adoption of  
 19 rules -- fees. (1) The department or the federal-state  
 20 inspection agency may for purposes of enforcing [sections 1  
 21 through 8] enter upon the premises where potatoes or seed  
 22 potato products are held, received, or stored, or where they  
 23 are loaded, unloaded, or transferred.

24 (2) The department may adopt necessary rules for the  
 25 enforcement of [sections 1 through 8] and may establish

1 reasonable fees for necessary inspections and for  
 2 enforcement of [sections 1 through 8]. All such fees shall  
 3 be deposited in an earmarked revenue fund account designated  
 4 for seed potato grade inspection and enforcement and are  
 5 subject to legislative appropriation.

6 NEW SECTION. Section 7. Violations -- penalty. (1) No  
 7 person may ship, receive, sell, offer for sale, trade, or  
 8 deliver Montana certified seed potatoes in either interstate  
 9 or intrastate commerce unless such potato seed complies with  
 10 the standard grade GRADES and tag colors and the rules  
 11 established by Montana-state-university--or--its--designated  
 12 agent--or--by the department PURSUANT TO [SECTIONS 4 AND 6].

13 (2) No person may misrepresent or misuse by word, act,  
 14 mark, label, tag, statement, certificate, paper,  
 15 advertisement, or deed the grade, size, quality, quantity,  
 16 condition, class, generation, variety, maturity, source, or  
 17 origin of any seed potato product received, shipped, sold,  
 18 offered for sale, or traded in Montana in either interstate  
 19 or intrastate commerce.

20 (3) A person who violates [sections 1 through 8] is  
 21 guilty of a misdemeanor and shall be fined not less than  
 22 \$100 or more than \$500 for each offense.

23 NEW SECTION. Section 8. Injunctive relief. Montana  
 24 state-university--or--the THE department--or--both may seek  
 25 injunctive relief in district court against:

1 (1) any unauthorized use or alteration of any  
2 inspection certificate or phytosanitary certificate, report,  
3 or tag;  
4 (2) any person selling or offering for sale any  
5 potatoes as certified seed potatoes that are not such; or  
6 (3) any person not otherwise complying with the  
7 provisions of [sections 1 through 8] or rules adopted under  
8 [sections 1 through 8].  
9 Section 9. Section 80-3-101, MCA, is amended to read:  
10 "80-3-101. Definitions. (1) Unless the context  
11 requires otherwise, in this part the following definitions  
12 apply:  
13 (a) "Container" or "package" means cloth or fiber  
14 sack, barrel, box, crate, carton, hamper, or basket  
15 customarily used for the shipment of Montana farm products  
16 and other farm products.  
17 (b) "Montana farm products" means all products of the  
18 farm grown commercially in Montana or elsewhere and intended  
19 for table use such as potatoes, cherries, and dry beans.  
20 (c) "Other farm products" means all farm products  
21 which are not normally grown commercially in Montana such as  
22 grapefruit and oranges.  
23 (d) "Person" as used herein shall mean any grower,  
24 dealer, shipper, society, association, organization,  
25 corporation, or their agents or representatives.

1 (2) The terms defined in subsections (1)(b) and (1)(c)  
2 do not include livestock and its byproducts, poultry and its  
3 products, apiary products, dairy products, grain, or apples  
4 or seed potatoes."  
5 Section 10. Severability. If a part of this act is  
6 invalid, all valid parts that are severable from the invalid  
7 part remain in effect. If a part of this act is invalid in  
8 one or more of its applications, the part remains in effect  
9 in all valid applications that are severable from the  
10 invalid applications.  
11 Section 11. Codification instruction. Sections 1  
12 through 8 are intended to be codified as an integral part of  
13 Title 80, chapter 5, and the provisions of Title 80, chapter  
14 5, apply to sections 1 through 8.  
15 Section 12. ~~Effective date.~~ ~~This act is effective--on~~  
16 ~~passage and approval.~~

-end-

STATE OF MONTANA

REQUEST NO. 290-81

FISCAL NOTE

Form BD 15

In compliance with a written request received February 3, 19 81, there is hereby submitted a Fiscal Note for Senate Bill 349 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

Description of Proposed Legislation

Senate Bill 349 is an act to provide standard grades of seed potatoes for shipping to prevent and control potato diseases and insects.

Assumptions

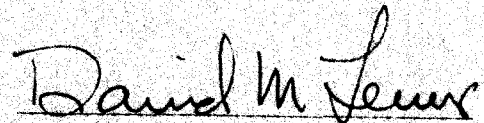
1. The act would be effective immediately upon passage and approval.
2. Costs associated with proposed legislation can be absorbed if existing procedures do not change.
3. The Department of Agriculture will be responsible for inspection and enforcement, except injunctions where both Agriculture and Montana State University would be involved.
4. The Department of Agriculture will continue on its formulating rules.

Revenue Impact

Collections presently deposited to General Fund; proposed legislation would deposit to Earmarked Revenue Fund Account.

Comments

No significant change in costs from existing law, however, Senate Bill 349 may require inspections exceeding qualification of current inspectors, cost of which cannot be determined.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-6-81

NAME Mike Koehnke BILL No. SB 349  
ADDRESS Townsend, Montana DATE 3-2-81  
WHOM DO YOU REPRESENT Montana Seed Potato Growers Ass  
SUPPORT \_\_\_\_\_ OPPOSE \_\_\_\_\_ AMEND ✓

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Proposed Amendment to Section 4  
and the "Statement of Intent."  
See: Attached copy



To: HOUSE AGRICULTURE COMMITTEE

Date: March 2, 1981

AMEND SENATE BILL 349

Page 4, lines 6 through 12

Following: "seed potatoes."

Strike: remainder of lines 6 through 12

Insert: "The standard grades for Montana seed potatoes shall be those established pursuant to Title 80, Chapter 5, Part 3; and thus shall be accepted as the legal standards for the state of Montana."

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HOUSE AGRICULTURE COMMITTEE  
March 2, 1981

AMEND STATEMENT OF INTENT: SENATE BILL 349

Page 1, line 7  
Following: "Agriculture in"  
Strike: "sections 4 and"  
Insert: "section"

Page 1, line 9  
Following: "section"  
Strike: "4"  
Insert: "6"

Page 1, line 16  
Following: "Department in"  
Strike: "sections 4 and"  
Insert: "section"

Page 1, line 19  
Strike: "grades, and seed tag colors"

Page 1, line 21  
Following: "regulations,"  
Strike: "grades and seed tag colors"

Page 1, line 23 and 24  
Following: "rules,"  
Strike: "grades, and tag colors"

Page 2, line 4 and 5  
Following: "rules,"  
Strike: "grades, and tag colors"

Page 2, line 7  
Following: "rule,"  
Strike: "grade, and seed tag descriptions"

-END-



NAME Jim Gorman BILL No. 520-100  
 ADDRESS Waco, TX DATE 8/3/84  
 WHOM DO YOU REPRESENT Mr. Dyer  
 SUPPORT X OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

See Exhibit A - Statement Outlining The Background  
 & History For The Enactment of SE 158 - Export Right

Opponents there are 22 states opposing the enactment  
 of private, 17 of which are western states.

STATEMENT OUTLINING THE BACKGROUND AND RATIONALE  
FOR THE ENACTMENT OF SENATE BILL 158 - THE IMPORT BILL

Prior to 1978 the Department of Livestock issued permits on animals entering Montana on a very limited basis, i.e. special disease conditions or emergency conditions. It relied totally on the receipt of health certificates from the state of origin for knowledge of shipment and health status of the consignments. The average number of consignments entering Montana amounted to approximately 5,000 per year based on health certificate information.

This system was not adequate since several consignments per year did not meet the Animal Health requirements as outlined in Montana law or rules. Moreover, the Department did not receive these health certificates from other states for at least two weeks and in some instances up to three months before knowledge of their entry was known.

In the spring of 1978, when cattle scabies was spreading uncontrolled through out the western United States, the Board of Livestock adopted a rule requiring that a permit must be obtained from the Department before any animal was allowed to enter the state. This rule was adopted under the Montana Administrative Procedures Act under the provisions outlined in the Montana Administrative Act and is in force today. The rationale for the permit requirement was based upon two important factors:

1. It would allow the Department to notify the importer of Montana's Animal Health requirements before entry. This would greatly reduce the number of violations which required correction by the Department through inspection treatment or other means, this results in a reduction in the Department's costs.
2. It would allow the Animal Health Division staff to require treatment of animals for a disease condition, such as cattle exposed to scabies, before they entered the state and mixed with native animals. Thereby helping to eliminate the spread of disease.

STATEMENT OUTLINING THE BACKGROUND AND RATIONALE FOR THE ENACTMENT OF SENATE  
BILL 158 - THE IMPORT BILL

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January 22, 1981

This program has been very successful to date, in that Montana has remained scabies free while the adjoining states have experienced one or more outbreaks of scabies during the time that Montana implemented the permit system. Moreover, the Department has approved the surveillance of animals entering the state since it has issued on the average of 6,350 permits per year since 1978.

In general, compliance with this rule has been very good. However, in five instances, violations have resulted in court cases. In four of these, the violator was found innocent on the basis that this requirement was an administrative rule which poorly outlined the responsibilities of the importer in obtaining the permit and it was not the intent of the citizenry of Montana since it was not a statute.

Specific provisions in this bill are as follows:

1. In the instance of biologics, any biologic licensed by the USDA are exempt from the requirement of permits.
2. Semen permits are presently required on all semen intended for distribution and sale in the State of Montana. Semen collected for an individual and used in his own herd is exempt from this requirement.
3. The proposed bill clearly outlines the responsibility for acquiring a permit to the consignee who must be in Montana to receive the shipment.
4. The bill clearly outlines the Departmental powers for collecting fees when a consignment illegally enters the state, ie. inspection, dipping or other procedures.
5. There is an immediate effective date to allow for the heavy import season which commences in April each year.

JWG:nh

WITNESS STATEMENT

NAME Wm. H. H. H. BILL No. 158

ADDRESS 445 W. 10th St. W. Minn. DATE 3/2/81

WHOM DO YOU REPRESENT Mont. Farmers & Ranchers + Stockmen

SUPPORT X OPPOSE        AMEND       

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

## VISITORS' REGISTER

HOUSE COMMITTEE

FILE

Date \_\_\_\_\_

SPONSOR \_\_\_\_\_

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.