

MINUTES OF THE MEETING
AGRICULTURE, LIVESTOCK AND IRRIGATION
MONTANA STATE SENATE

February 9, 1983

The Agriculture, Livestock & Irrigation Committee meeting was called to order on the above date, in Room 415 of the State Capitol Building, at 1:00 p.m., by Vice Chairman Kolstad.

ROLL CALL: All members present except Senators Aklestad and Lee.

HOUSE BILL 165: Representative Ron Miller, HD 42, told the committee that Montana law requires all dairies selling or giving away milk for public consumption to be licensed. With the license they are required to meet requirements in areas of facilities and equipment as far as health and safety are concerned and must follow the Pasteurized Milk Ordinance. Many dairies are not licensed and are operating without the Department's knowledge. Many are selling under the guise of saying "for pet use only", when they are actually selling for human consumption. This milk, in the raw form, which is not tested can carry dangerous diseases. Testimony attached Exhibit #1.

Doctor James Glosser, Administrator Animal Health Division, Department of Livestock, said there are two precise reasons for the Department's inability to enforce these problems pointed out by Representative Miller. This will allow the Department to be sure that the public is receiving a safe product. The intent is not to prohibit exchange within families, but only when the product is offered for sale or public consumption. The bill enforces the laws regarding those trying to circumvent the law. He did not feel raw milk should be taken off the market. There would be no increase in staff for monitoring as it is already the responsibility of the Department to investigate problems if they have a complaint. The bill only tightens the law. He urged the committee to give a favorable decision to the bill.

Jeanne Rankin, Montana Farm Bureau, went on record in support of HB 165. Exhibit #2.

There were no further proponents or opponents.

HOUSE BILL 258: Representative Gerry Devlin, HD 52 remarked that the bill was introduced to get a firmer handle on bringing diseased livestock into the state. The Department of Livestock is trying to accomplish this by administrative rule. This bill does just what administrative rule does now, but makes it law.

Doctor James Glosser, Animal Health Division Department of Livestock, said this was another bill at the request of the

Department. The bill tightens down legal requirements in regard to diseased livestock coming into the state. Montana is an exporting state. For every animal imported, 14 are exported. Montana has been free of blue tongue for years. The bill would allow the Department to escort diseased animals to the border and get rid of them. If animals were misrepresented, this would give the Department authority to get them out of the herd. He urged a do pass.

Jo Brunner, WIFE, supported the bill. Exhibit #3.

Jeanne Rankin, Montana Farm Bureau, said every year at their state convention they support the eradication program and urged support of the bill.

Senator Devlin, in closing, said the borders of Montana are being bombarded constantly and the Department of Livestock needs the codes to make this stick so that Montana can continue to have a healthy cattle industry.

Hearing closed on HB 258.

DISPOSITION OF SB 259: Senator Boylan moved to accept the Statement of Intent for SB 259. Motion carried.

Senator Boylan moved Montana Stock Growers Association amendments to SB 259. Motion carried.

Senator Conover moved Department of Livestock amendments to SB 259. Motion carried.

Senator Boylan moved SB 259, as amended DO PASS. Motion carried.

SENATE BILL 233: Senator Galt moved SB 233 be removed from the table for purposes of discussion and further action. A roll call vote was called and there were 3 Yes, 4 No, and two senators absent. The bill remains Tabled.

SENATE BILL 238: Senator Kolstad said there had been many calls in regard to this bill and asked the committee's feelings. Senator Boylan said they would have to go before the Appropriations Committee with 3 FTE's for pesticides. They already have 20 FTE's now and they get 70% of their budget from the general fund. He did not feel this was justifiable.

DISPOSITION OF SB 238: Senator Boylan moved SB 238 DO NOT PASS. Motion carried.

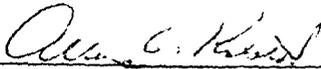
Senator Aklestad's letter to the ASC in regard to the checkoff for Wheat Research and Marketing was read to the committee. Exhibit #4. It was suggested the secretary add, at the end of the letter, "Members of the Senate Agriculture Committee" and have it signed by Senator Galt, as chairman. The committee approved sending the letter to ASC.

Agriculture
February 9, 1983
Page 3

DISPOSITION OF HB 165: Senator Ochsner moved HB 165 BE CON-
CURRED IN. Motion carried. Senator Boylan asked to be re-
corded No. Senator Ochsner will carry the bill on the floor.

DISPOSITION OF HB 258: Senator Conover moved HB 258 BE CON-
CURRED IN. Motion carried. Senator Graham will carry the bill
on the floor.

There being no further business, the meeting adjourned.



SENATOR ALLEN C. KOLSTAD, Vice Chairman

ROLL CALL

AGRICULTURE COMMITTEE

48th LEGISLATIVE SESSION - - 19 83

Date 2-9-83

HB 165
HB 258

NAME	PRESENT	ABSENT	EXCUSED
GALT, Jack E.	✓		
KOLSTAD, Allen C.	✓		
AKLESTAD, Gary C.		✓	
OCHSNER, J. Donald	✓		
GRAHAM, Carroll	✓		
BOYLAN, Paul F.	✓		
CONOVER, Max	✓		
LANE, Leo	✓		
LEE, Gary			✓

Each day attach to minutes.

Exhibit #1
Agriculture Comm
2-9-83

BACKGROUND FOR HOUSE BILL 165

Montana law requires all dairies selling or giving away milk for public consumption to be licensed (81-21-102, M.C.A.)

★
With this license, a dairyman has the right to sell milk for commercial purposes. However, he also must meet certain requirements to be able to keep his license. These requirements are mainly in the area of facilities and equipment. The requirements come straight out of the Food and Drug Administration document known as the "Pasteurized Milk Ordinance" (P.M.O.) The P.M.O. is the bible for interstate milk shipment and has been adopted nationwide by all states for their internal use. Its requirements are based on testing programs which provide the dairyman the means of consistently producing a clean, wholesome product. The consumer is ensured of getting the same wholesome product because of a sample testing program which the Department of Livestock runs on all licensed dairies.

If the dairy is not licensed though and does not sell to a commercial outlet, it can operate for some time without the Department knowing about it. These type of dairies generally are small (10-15 cows) and usually are selling raw milk to people in the surrounding area. These dairies have sought to circumvent the "public consumption" aspect of the licensing law by selling under the guise of posted signs stating "for pet use only". However, it is no secret that most are selling to people with the full knowledge that it is for human consumption.

The sale of raw milk is allowed in Montana but under the strictest of requirements. However, there is no provision for the sale of retail raw milk in the P.M.O. Raw milk, if improperly handled or bottled, can be a carrier of some rather dangerous diseases. (See attached list). It must be carefully regulated and its sale from unlicensed dairies with improper facilities, and untested cows must be stopped. curtailed.

In the past year we have made 15 investigations on these types of dairies. At present we have two under restraining orders for selling unlicensed milk.

Dairies are defined in an Attorney General opinion (see attached).

The Bacteriological Standards for retail raw milk in Montana are as follows:

- Standard Plate Count - not more than 20,000 per ml.
- Coliform Count - not more than 10 per ml.

2000
Agriculture

WITNESS STATEMENT

Name Jeanne Rankin Committee On Agriculture
 Address 502 S. 19th Bowman Date Feb 9 1983
 Representing MT. FARM Bureau Support AX
 Bill No. HB 165 Oppose _____
 Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. The Montana Farm Bureau would like to go on record in support of HB 165. I have been supporting this bill through the house and the Senate agree with the stand taken by the Montana Farm Bureau.
2. Being A De Pass Recommendation for HB 165
- 3.
- 4.

Jeanne M. Rankin
 Feb. 9, 1983

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

Exhibit #3
Agriculture 2/9/83

WIFE Women Involved In Farm Economics



NAME OF ORGANIZATION _____ BILL NO. HB 258
 ADDRESS 563 3rd St. Helena _____ Date Feb. 9, 1983
 REPRESENTATIVE _____
 SUPPORT X _____

STATEMENTS:

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, FOR THE RECORD, MY NAME IS JO BRUNNER, AND I REPRESENT THE WOMEN INVOLVED IN FARM ECONOMICS ORGANIZATION. MR. CHAIRMAN, OUR ORGANIZATION STRONGLY SUPPORTS HOUSE BILL 258.

FOR MANY YEARS THE STATE OF MONTANA, OUR LIVESTOCK OFFICIALS, OUR LIVESTOCK ORGANIZATIONS, OUR RANCH AND FARM FAMILIES HAVE WORKED DILIGENTLY TO ERADICATE THE COSTLY AND HEARTBREAKING DISEASES FROM OUR LIVESTOCK HERDS. WE HAD FINALLY REACHED THE POINT WHERE THE STATE OF MONTANA WAS CONSIDERED AS BRUCELLOSIS FREE AS IS HUMANLY POSSIBLE.

I SUPPOSE IF YOU HAVE NEVER SEEN OR EXPERIENCED THE TREMENDOUS LOSS OF A COMPLETE HERD OF CATTLE, OR EVEN THE PROBLEMS ASSOCIATED WITH AN OUTBREAK OF THE DISEASE, YOU MIGHT NOT UNDERSTAND THE RANCHERS FEELINGS WHERE THE DREADED BANGS DISEASE IS CONCERNED.

WE HAVE RECENTLY EXPERIENCED A NEW OUTBREAK OF THE DISEASE IN OUR STATE. WE UNDERSTAND THAT MANY LIVESTOCK PEOPLE DO NOT CONSIDER IT A NECESSITY TO VACINATE FOR BRUCELLOSIS, AND WHILE WE CERTAINLY DO NOT INTEND TO SUGGEST ANYTHING BENEFICIAL COMING FROM THAT OUTBREAK IT IS OUR HOPE THAT THE VACINATION PROCESS WILL PICK UP NOW.

WE CERTAINLY DO CONCUR WITH HB 258 AND ANY TIGHTENING OF RESTRICTIONS CONCERNING IMPORTATION OF DISEASED OR INFECTED ANIMALS INTO OUR STATE.

We ask a do pass.

THANK YOU.

STANDING COMMITTEE REPORT

February 9 19 83

MR. **PRESIDENT**

We, your committee on **AGRICULTURE, LIVESTOCK & IRRIGATION**

having had under consideration **SENATE** Bill No. **259**

Respectfully report as follows: That **SENATE** Bill No. **259**

be amended as follows:

1. Page 1, line 7.

Strike: "ADDING A PUBLIC MEMBER TO THE BOARD;"

Insert: "REMOVING THE BOARD OF LIVESTOCK FROM PERIODIC AGENCY
EVALUATION;"

2. Page 1, line 16.

Following: "MARKET;"

Insert: "ELIMINATING THE SALE OF FIVE OR LESS HEAD OF LIVESTOCK AS
AN EXEMPTION FROM BRAND INSPECTION;"

3. Page 1, line 18.

Strike: "81-3-216,"

4. Page 2, lines 12 and 13.

Following: "rules"

Strike: The remainder of line 12 and line 13 through "2-8-122"

XXXXX
DO PASS

(Continued)

5. Page 6, lines 23 through 25.
Strike: lines 23 through "." on line 25 in their entirety.
6. Page 7, line 1 through line 4 on page 8.
Strike: Section 3 in its entirety.
Renumber: subsequent sections.
7. Page 10, line 14.
Strike: "general fund of this state"
Insert: "earmarked revenue fund for the use of the department"
8. Page 16, lines 14 through 16.
Following: "when" on line 14
Strike: The remainder of line 14 through "(b)" on line 17 in their entirety.
9. Page 16, line 22.
Strike: "(i)"
Insert: "(a)"
10. Page 16, line 23.
Strike: "(ii)"
Insert: "(b)"
11. Page 16, line 25.
Strike: "(iii)"
Insert: "(c)"
12. Page 22, line 13 through line 2 on page 23.
Strike: Section 13 in its entirety.
Renumber: subsequent sections.
13. Page 24, line 1.
Following: line 25 on page 23.
Insert: "Section 14. Section 81-7-504, MCA, is amended to read:
"81-7-504. Duration of permit - fee. Each The department of livestock shall establish a fee for the permit and each permit shall be valid for a period set by the department of livestock not to exceed 3 years and shall cost \$50 or portion thereof if a period of less than a year is set. All fees for permits shall be paid to the department of livestock for deposit in the state treasury to the credit of the earmarked revenue fund for predatory animal control."
Renumber: subsequent sections.
14. Page 26, line 1.
Strike: "general fund"
Insert: "earmarked revenue fund for the use of the department"

(Continued)

M.C.

15. Page 26, line 23.

Strike: "general fund of this state"

Insert: "earmarked revenue fund for the use of the department"

And, as so amended,
DO PASS

Statement of Intent Attached

AK

STANDING COMMITTEE REPORT

FEBRUARY 9 19 83

MR. **PRESIDENT**

We, your committee on **AGRICULTURE, LIVESTOCK & IRRIGATION**

having had under consideration **STATEMENT OF INTENT** **SENATE** Bill No. **259**

Respectfully report as follows: That **STATEMENT OF INTENT, SENATE** Bill No. **259**
be adopted.

STATEMENT OF INTENT RE: SB 259

A statement of intent is required for Senate Bill 259 because section 5 grants the Department of Livestock authority to charge fees commensurate with costs and section 14 grants authority to establish rules for handling estrays.

The Legislature intends that the fees be set in an amount sufficient to provide funds to administer the function for which the fee is charged. Fees shall not be set so high as to generate revenue in

(Continued)

~~XXXXX~~
58-1733

M.C.

excess of expenses.

The Department is required by law to process estrays at livestock markets. Section 14 specifically grants the Department authority to establish rules for the handling of estrays. It is the intent of the Legislature that the rules provide for collecting, holding, advertising and selling of estrays in an expeditious manner while facilitating the movement of livestock and also protecting the property interests of the owner of the livestock.

First adopted by the Senate Agriculture, Livestock & Irrigation Committee on the 9th day of February, 1983.

AK

SENATE COMMITTEE AGRICULTURE

Date 2-9-83 Bill No. SB233 Time 1:38 PM

NAME	YES	NO
SENATOR KOLSTAD	✓	
SENATOR AKLESTAD	Absent	
SENATOR BOYLAN	✓	
SENATOR CONOVER		✓
SENATOR GRAHAM		✓
SENATOR LANE		✓
SENATOR LEE	Absent	
SENATOR OCHSNER		✓
SENATOR GALT, Chairman	✓	

Rita Tenneson
Secretary

Jack E. Galt
Chairman

Motion: SB 233 Be Removed from the Table
for further Consideration

Motion Failed

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

FEBRUARY 9 19 83

MR. **PRESIDENT**

We, your committee on **AGRICULTURE, LIVESTOCK AND IRRIGATION**

having had under consideration **SENATE** Bill No. **238**

Respectfully report as follows: That **SENATE** Bill No. **238**

DO NOT PASS

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STANDING COMMITTEE REPORT

February 9 19 83

MR. PRESIDENT

We, your committee on AGRICULTURE, LIVESTOCK AND IRRIGATION

having had under consideration HOUSE Bill No. 165

Miller (Ochsner)

Respectfully report as follows: That HOUSE Bill No. 165

third reading (blue)

BE CONCURRED IN

DOORSEK

Alfred C. Kellogg, Vice Chairman.

M.C.

STANDING COMMITTEE REPORT

FEBRUARY 9

19 **83**

MR. **PRESIDENT**

We, your committee on **AGRICULTURE, LIVESTOCK AND IRRIGATION**

having had under consideration **HOUSE** Bill No. **258**

Devlin (Graham)

Respectfully report as follows: That **HOUSE** Bill No. **258**

third reading (blue)

BE CONCURRED IN

XXXXXX

D.R.W.