

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

January 11, 1985

The first meeting of the Agriculture, Livestock and Irrigation Committee was called to order on the above date in Room 415 of the State Capitol Building by Chairman Boylan at 1:00 P.M.

ROLL CALL: The following Senators are members of the Agriculture Committee: Gary Aklestad, Esther Bengston, Jack Galt, H. W. (Swede) Hammond, Allen Kolstad, Leo Lane, Ray Lybeck, Elmer Severson, Bob Williams, Max Conover, Vice Chairman and Paul Boylan, Chairman.

John MacMaster, Legislative Council Rita Tenneson, Secretary

All members were present.

CONSIDERATION OF SENATE BILL 68: Senator Judy Jacobson, District 36, sponsored the bill. She told the committee that it clarifies exceptions to the present law regarding the sale of baby animals. Many of these animals have died because of poor physical conditions and this bill will close the loophole now open. Sales have continued after the original bill was passed and this bill prevents the sale of these animals as pets or novelties. Retailers can now circumvent the law by purchasing a \$10 feed store license and continue to sell them. With this law, only bonafide sellers may sell the animals.

PROPOSERS: Robert VanDerVere, representing himself, agreed with the bill.

Doctor Don Ferlicka, State Veterinarian, Department of Livestock, said this bill will aid in the enforcement of the law. The loophole makes enforcement impossible. The impact of the practice is primarily in the humane handling of these animals. There are no responsibility factors available at the bureau level or purchasing level. It also puts family members at risk of salmonella and other diseases.

Senator Boylan introduced the "Big Chicken" and read a note from her saying, "I'm a proponent of SB 68. I'm against "chicken abuse" and if you dye my chicks, I won't recognize my little kids." Full testimony attached. Exhibit #1.

OPPOSERS: None.

Senator Hager, Senate District 48, said he was not appearing as an opponent but as a former operator of a hatchery. He had no concern about feed store promotions, like free chick day. That is when you buy 100 pounds of feed and get free chicks, etc. He wouldn't insert anything in the bill to restrict this because of it being a big source of meat and it does provide a market for unsalable chicks. He felt people in agriculture need that opportunity. He had contacted two other hatchery people within the state and they agreed with him.

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Senator Galt called Senator Hager's attention to Section 1 and wondered if hatcheries could sell chicks under this bill.

Senator Hager pointed out, under Section 1, where it says the sale of chicks or ducklings can be done for the purpose of agriculture.

The committee was assured of this by Doctor Ferlicka. He told them they did not in any way construe it to mean the bonafide production of food or fiber. It is for the novelty or pet store venders. He said the life expenctancy for these animals, which are colored or dyed, is usually two to four days and not long term. This is a survival provision.

Senator Lane then asked the chicken to testify.

Senator Boylan told him that the chicken wasn't able to make oral testimony and that was why he read the chicken's statement.

Senator Aklestad asked Senator Jacobson if there were any other statutes on the books already covering this.

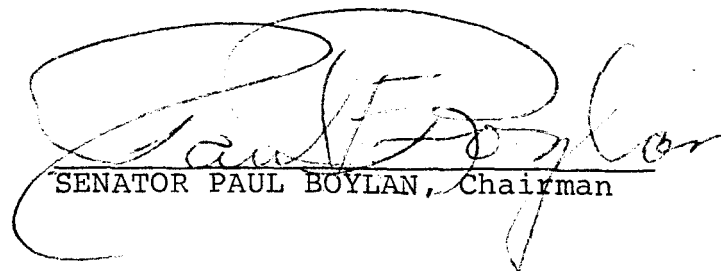
Clyde Peterson, Attorney for the Livestock Department, answered the question saying the Department is responsible for enforcing the bill. They saw a loophole and are attempting to close it. If there was an exhibition or giveaway the Department would recognize it as a related agricultural activity. The Department is only aiming at the animals being dyed and sold in places like the dime store.

Senator Jacobson replied that the bill is not new. The only thing new is that they are taking away the fact that venders can get a feed lot license for \$10 and circumvent the law.

Doctor Ferlicka said it covers one to two day old chicks. If birds were feathered out it wouldn't cover that.

DISPOSITION OF SB 68: Senator Conover recommended SB 68 DO PASS.
Motion carried unanimously.

There being no further business, the meeting was adjourned.



SENATOR PAUL BOYLAN, Chairman

ROLL CALL

AGRICULTURE, LIVESTOCK & IRRIGATION COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 1-11-85

SENATE
SEAT
#

	NAME	PRESENT	ABSENT	EXCUSED
1	SENATOR GARY AKLESTAD	✓		
27	SENATOR ESTHER BENGSTON	✓		
35	SENATOR JACK GALT	✓		
34	SENATOR H. W. (SWEDE) HAMMOND	✓		
10	SENATOR ALLEN KOLSTAD	✓		
38	SENATOR LEO LANE	✓		
48	SENATOR RAY LYBECK	✓		
31	SENATOR ELMER SEVERSON	✓		
39	SENATOR BOB WILLIAMS	✓		
29	SENATOR MAX CONOVER, V. CHMN.	✓		
50	SENATOR PAUL BOYLAN, CHAIRMAN	✓		

Each day attach to minutes.

DATE JANUARY 11, 1985

COMMITTEE ON AGRICULTURE

SB 68 - JACOBSON

VISITORS' REGISTER

[illegible]

Exhibit #1 SB68

Im a pro-ponent of SB 68
Im against "chicken-abuse"
a if you die my chicks
I won't recognize my little kids"



FOWL WITNESS - The Legislature, which has been visited by everything from belly dancers to singing children, took testimony Friday from a chicken. The giant yellow

bird hardly ruffled a feather on the agriculture committee, which was discussing Sen. Judy Jacobson's bill to outlaw the dyeing of baby chicks. Bird brains of course

can't talk, but this one submitted written comments claiming, "If you dye my eggs, I won't recognize my chicks." (Staff photo by Gene Fischer).

STANDING COMMITTEE REPORT

January 11

19 85

MR. PRESIDENT

We, your committee on AGRICULTURE, LIVESTOCK & IRRIGATION

having had under consideration SENATE BILL No. 68

first reading copy (white)
color

CLARIFYING EXCEPTIONS TO PROHIBITION ON SALE OF BABY ANIMALS

Respectfully report as follows: That SENATE No. 68

~~DO PASS~~

~~XXXXXXXXXX~~
~~DO NOT PASS~~

Chairman.