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# HOUSE BILL NO. 134

INTRODUCED BY HURWITZ, BURNETT, THOFT

BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

IN THE HOUSE

January 12, 19		Introduced and referred to Committee on Agriculture, Livestock, and Irrigation.
January 19, 19		Committee recommend bill do pass and be placed on Consent Calendar. Report adopted.
January 20, 19		Printed and placed on members' desks.
January 23, 19		Third reading Consent Calendar passed. Transmitted to second house.
	IN THE SENA	TE
January 24, 19		Introduced and referred to Committee on Agriculture, Livestock, and Irrigation.
January 31, 19		Committee recommend bill be concurred in. Report adopted.
February 2, 19	979	Second reading, be concurred in.
February 5, 19	979	Third reading, be concurred in.
IN THE HOUSE		
February 6, 19	979	Returned from second house. Concurred in. Sent to enrolling.

Reported correctly enrolled.

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A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE DEPARTMENT
OF LIVESTOCK TO CHARGE FEES FOR DIPPING, INSPECTING, AND
TESTING SERVICES WHEN THE SERVICES ARE PERFORMED UPON
LIVESTOCK NOT DISEASED OR EXPOSED; AMENDING SECTIONS
81-2-102 AND 81-2-109, MCA."

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

12 Section 1. Section 81-2-102, MCA, is amended to read: 13 #81-2-102. Powers of department. (1) The department 14 may:

(a) supervise the sanitary conditions of livestock in 15 this state, under the provisions of the constitution and 16 statutes of this state and the rules adopted by the 17 department. The department may guarantine a lot, yard, land, 19 building, room, premises, enclosure, or other place or 19 section in this state which is or may be used or occupied by 20 livestock and which in the judgment of the department is 21 22 infected or contaminated with an infectious, contagious, 23 communicable, or dangerous disease or disease-carrying medium by which the disease may be communicated. The 24 department may quarantine livestock in this state when the 25

livestock is affected with or has been exposed to disease or
 disease-carrying medium. The department may prescribe
 treatments and enforce sanitary rules which are necessary
 and proper to circumscribe, extirpate. control, or prevent
 the disease.

6 (b) foster, promote, and protect the livestock 7 industry in this state by the investigation of diseases and 8 other subjects related to ways and means of prevention. 9 extirpation, and control of diseases or to the care of 10 livestock and its products and to this end may establish and 11 maintain a laboratory, may make or cause to be made biologic 12 products, curatives, and preventative agents, and may perform any other acts and things as may be necessary or 13 14 proper in the fostering, promotion, or protection of the livestock industry in this state; 15

16 (c) impose and collect such fees as the department 17 considers appropriate for the tests and services performed 18 by it at the laboratory or elsewhere and for biologic 19 products, curatives, and preventative agents made or caused 20 to be made by the department. In fixing these fees the 21 department shall take into consideration the costs, both 22 direct and indirect, of the tests, services, products, 23 curatives, and agents. All fees shall be deposited in the earmarked revenue fund for the use of the animal health 24 25 functions of the department.

> -2- HB134 INTRODUCED BILL

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1 (d) adopt rules and orders which it considers z necessary or proper to prevent the introduction or spreading of infectious, contagious, communicable, or dangerous 3 4 diseases affecting livestock in this state and to this end 5 may adopt rules and orders necessary or proper governing inspections and tests of livestock intended for importation 6 7 into this state before it may be imported into this state; 8 (e) adopt rules and orders which it considers necessary or proper for the inspection, testing, 9 and 10 quarantine of all livestock imported into this state:

11 (f) adopt rules and orders which it considers 12 necessary or proper for the supervision, inspection, and control of the standards and sanitary conditions of 13 14 slaughterhouses, meat depots, meat and ment food products, 15 deiries, milk depots, milk and its byproducts, barns, dairy 16 cows, factories, and other places and premises where meat or 17 meat foods, milk or its products, or any byproducts thereof intended for sale or consumption as food are produced, kept, 18 19 handled, or stored. An authorized representative of the 20 department may take samples of a product so produced, kept, handled, or stored for analysis or testing by the 21 22 department. The records of the samples and their analysis 23 and test, when identified as to the sample by the oath of the officer taking it and verified as to the analysis or 24 25 test by the oath of the chemist or bacteriologist making it, are prima facie evidence of the facts set forth in them when offered in evidence in a prosecution or action at law or in equity for violation of part 1, 2, or 3 of this chapter, 81-9-201 through 81-9-207, 81-20-101, 81-21-102, 81-21-103,

5 or a rule or order of the board adopted thereunder. These 5 standards, insofar as they relate to dairies or milk and its 7 byproducts, may not include standards of weight or 8 measurement.

9 (g) adopt rules and orders which seem necessary or 10 proper for the supervision and control of manufactured and 11 refined foods for livestock and the manufacture. 12 importation, sale, and method of using a biologic remedy or 13 curative agent for the treatment of diseases of livestock. 14 However, as far as practicable the standards approved by the 15 United States department of agriculture shall be adopted.

(h) install an adequate system of meat inspection, at 16 any time and in such places as public welfare may demand, 17 16 under the rules which may provide fees for the maintenance 19 of such inspection and which shall provide ways and means 20 for shipping home-grown and home-killed meats into any city in this state. As far as practicable, the rules shall 21 22 conform with the meat-inspection requirements of the United 23 States department of agriculture.

24 (i) slaughter or cause to be slaughtered any livestock
25 in this state known to be affected with or which has been

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1 exposed to an infectious, contagious, communicable, or 2 dangerous disease, when such slaughter is necessary for the 3 protection of other livestock, and destroy or cause to be 4 destroyed all barns, stables, sheds, outbuildings, fixtures, 5 furniture, or personal property infected with any such 6 infectious, contagious, communicable, or dangerous disease 7 when they cannot be thoroughly cleaned and disinfected and 8 the destruction is necessary to prevent the spreading of the 9 disease:

10 (j) indemnify the owner of any property destroyed by 11 order of the department or pursuant to any rules adouted by the department under parts 1. 2. or 3 of this chapter. 12 13 81-9-201 through 81-9-207, 81-20-101, 81-21-102, 81-21-103; 14 (k) require persons, firms, and corporations engaged 15 in the production or handling of meat, meat food products. dairy products, or any byproducts thereof to furnish 16 17 statistics of the quantity and cost of the food and food products produced or handled and the name and address of 18 19 persons supplying them any of the products.

20 (2) When in the exercise of its powers or the 21 discharge of its duties it becomes necessary for employees 22 of the department to investigate facts and conditions, they 23 may administer oaths, take affidavits, and compel the 24 attendance and testimony of witnesses."

25 Section 2. Section 81-2-109, MCA, is amended to read:

"81-2-109. Expenses, how paid -- lien and foreclosure. 1 The expense of inspecting, testing, supervision of 2 3 quarantine, supervision of dipping, supervision of disinfection, and supervision of other treatment of diseased 4 or exposed livestock by the department and the sanitary 5 inspection of - 6 dairies, packinghouses, meat depots, 7 slaughterhouses, milk depots, and other premises shall be 8 paid for by the department. However, the owner of the 9 livestock or property is liable for all expenses, except the 10 salary of the supervising officer representing the 11 department, when the owner, agent, or person in charge of the livestock or property has violated the rules of the 12 13 department. These expenses are a lien on the livestock or other property, and the department may retain possession of 14 15 the livestock until the charges and expenses are paid. The 16 lien is not dependent on possession and may be foreclosed in 17 the name of the agent of the department by sale at public auction of the stock or as many as may be necessary to pay 18 19 the sum of the costs, after 10 days! notice by posting in three public places in the county. The lien may also be 20 21 foreclosed by an action in a court of competent jurisdiction 22 against the owner of the livestock to recover the amount of 23 charges and expenses."

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46th Legislature

LC 0741/01

Approved by Committee on Agrigulture Livestock & Irrigation

TULE BILL NON 134 1 INTRODUCED BY 2 BY REQUEST OF THE DEPARTMENT OF LIVESTOCK 3

5 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE DEPARTMENT 6 OF LIVESTOCK TO CHARGE FEES FOR DIPPING. INSPECTING. AND TESTING SERVICES WHEN THE SERVICES ARE PERFORMED UPON 7 8 LIVESTOCK NOT DISEASED OR EXPOSED: AMENDING SECTIONS 81-2-102 AND 81-2-109. MCA." 9

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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 12 Section 1. Section 81-2-102, NCA, is amended to read: 13 #81-2-102. Powers of department. (1) The department 14 may:

(a) supervise the sanitary conditions of livestock in 15 this state, under the provisions of the constitution and 16 17 statutes of this state and the rules adopted by the department. The department may guarantime a lot, yard, land, 18 building, room, premises, enclosure, or other place or 19 section in this state which is or may be used or occupied by 20 21 livestock and which in the judgment of the department is 22 infected or contaminated with an infectious, contagious, 23 communicable, or dangerous disease or disease-carrying 24 medium by which the disease may be communicated. The department may quarantine livestock in this state when the 25

1 livestock is affected with or has been exposed to disease or disease-carrying medium. The department may prescribe 2 3 treatments and enforce sanitary rules which are necessary and proper to circumscribe, extirpate, control, or prevent 4 5 the disease.

6 (b) foster, promote, and protect the livestock industry in this state by the investigation of diseases and 7 8 other subjects related to ways and means of prevention, extirpation, and control of diseases or to the care of 9 10 livestock and its products and to this end may establish and maintain a laboratory, may make or cause to be made biologic 11 12 products, curatives, and preventative agents, and may 13 perform any other acts and things as may be necessary or 14 proper in the fostering, promotion, or protection of the livestock industry in this state: 15 

16 (c) impose and collect such fees as the department 17 considers appropriate for the tests and services performed 18 by it at the laboratory or elsewhere and for biologic 19 products, curatives, and preventative agents made or caused 20 to be made by the department. In fixing these fees the 21 department shall take into consideration the costs, both direct and indirect, of the tests, services, products, 22 23 curatives, and agents. All fees shall be deposited in the 24 earmarked revenue fund for the use of the animal health 25 functions of the department.

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H.B. 134 CONSENT CALENDAR

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1 (d) adopt rules and orders which it considers 2 necessary or proper to prevent the introduction or spreading 3 of infectious, contagious, communicable, or dangerous diseases affecting livestock in this state and to this end 4 5 may adopt rules and orders necessary or proper governing 6 inspections and tests of livestock intended for importation 7 into this state before it may be imported into this state: 8 (e) adopt rules and orders which it considers 9 necessary or proper for the inspection, testing, and quarantime of all livestock imported into this state; 10 11 (f) adopt rules and orders which it considers necessary or proper for the supervision, inspection, and 12 13 control of the standards and sanitary conditions of slaughterhouses, meat depots, meat and meat food products, 14 dairies, milk depots, milk and its byproducts, barns, dairy 15 16 cows, factories, and other places and premises where meat or 17 meat foods, milk or its products, or any byproducts thereof 18 intended for sale or consumption as food are produced, kept, 19 handled, or stored. An authorized representative of the 20 department may take samples of a product so produced, kept, 21 handled, or stored for analysis or testing by the 22 department. The records of the samples and their analysis 23 and test, when identified as to the sample by the oath of 24 the officer taking it and verified as to the analysis or 25 test by the oath of the chemist or bacteriologist making it,

are prima facte evidence of the facts set forth in them when 1 2 offered in evidence in a prosecution or action at law or in 3 equity for violation of part 1, 2, or 3 of this chapter, 4 81-9-201 through 81-9-207, 81-20-101, 81-21-102, 81-21-103, 5 or a rule or order of the board adopted thereunder. These standards, insofar as they relate to dairies or milk and its 6 7 byproducts, may not include standards of weight or A measurement.

9 (g) adopt rules and orders which seem necessary or 10 proper for the supervision and control of manufactured and 11 refined foods for livestock and the manufacture. importation. sale, and method of using a biologic remedy or 12 13 curative agent for the treatment of diseases of livestock. However, as far as practicable the standards approved by the 14 United States department of agriculture shall be adopted. 15 (h) install an adequate system of meat inspection, at 16 any time and in such places as public welfare may deman 17 18 under the rules which may provide fees for the maintenance of such inspection and which shall provide ways and means 19 for shipping home-grown and home-killed meats into any city 20 in this state. As far as practicable, the rules shall 21 22 conform with the meat-inspection requirements of the United States department of agriculture. 23 (i) slaughter or cause to be slaughtered any livestock 24

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1 exposed to an infectious, contagious, communicable, or 2 dangerous disease, when such slaughter is necessary for the protection of other livestock, and destroy or cause to be 3 destroyed all barns, stables, sheds, outbuildings, fixtures, 4 5 furniture, or personal property infected with any such infectious, contagious, communicable, or dangerous disease 6 when they cannot be thoroughly cleaned and disinfected and 7 the destruction is necessary to prevent the spreading of the 8 9 disease:

(j) indemnify the owner of any property destroyed by 10 11 order of the department or pursuant to any rules adopted by 12 the department under parts is at 3 of this chapter, 81-9-201 through 81-9-207. 81-20-101. 81-21-102. 81-21-103; 13 (k) require persons, firms, and corporations engaged 14 in the production or handling of meets must food products. 15 dairy products, or any byproducts thereof to furnish 16 statistics of the quantity and cost of the food and food 17 products produced or handled and the name and address of 18 persons supplying them any of the products. 19

20 (2) When in the exercise of its powers or the 21 discharge of its duties it becomes necessary for employees 22 of the department to investigate facts and conditions, they 23 may administer oaths, take affidevits, and compel the 24 attendance and testimony of witnesses."

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Section 2. Section 81-2-109, MCA, is amended to read:

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#81-2-109. Expenses, how paid -- lien and foreclosure. 1 2 The expense of inspecting, testing, supervision of 3 quarantine, supervision of dipping, supervision of 4 disinfection, and supervision of other treatment of diseased or exposed livestock by the department and the senitary 5 6 inspection of dairies, packinghouses, meat depots, 7 slaughterhouses, milk depots, and other premises shall be 8 paid for by the department. However, the owner of the œ livestock or property is liable for all expenses, except the 10 salary of the supervising officer representing the department, when the owner, agent, or person in charge of 11 12 the livestock or property has violated the rules of the 13 department. These expenses are a lien on the livestock or 14 other property, and the department may retain possession of the livestock until the charges and expenses are paid. The 15 16 lien is not dependent on possession and may be foreclosed in the name of the agent of the department by sale at public 17 18 auction of the stock or as many as may be necessary to pay the sum of the costs, after 10 days, notice by posting in 19 three public places in the county. The lien may also be 20 foreclosed by an action in a court of competent jurisdiction 21 22 against the owner of the livestock to recover the amount of

23 charges and expenses."

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20 (2) When in the exercise of its powers or the 21 discharge of its duties it becomes necessary for employees 22 of the department to investigate facts and conditions, they 23 may administer oaths, take affidavits, and compel the 24 attendance and testimony of witnesses."

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Section 1. Section 81-2-102. HCA. is amended to read:
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(a) supervise the sanitary conditions of livestock in 15 this state, under the provisions of the constitution and 16 statutes of this state and the rules adopted by the 17 department. The department may guarantine a lot, yard, land, 18 19 building, room, premises, enclosure, or other place or section in this state which is or may be used or occupied by 20 livestock and which in the judgment of the department is 21 infected or contaminated with an infectious, contagious, 22 communicable, or dangerous disease or disease-carrying 23 medium by which the disease may be communicated. The 24 department may guarantine livestock in this state when the 25

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## -2- HOUSE CONSENT CALENDAR H9 134 SENATE REFERENCE BILL

1 (d) adopt rules and orders which it considers 2 necessary or proper to prevent the introduction or spreading 3 of infectious, contagious, communicable, or dangerous 4 diseases affecting livestock in this state and to this end 5 may adopt rules and orders necessary or proper governing inspections and tests of livestock intended for importation 6 7 into this state before it may be imported into this state: 8 (e) adopt rules and orders which it considers 9 necessary or proper for the inspection, testing, and 10 quarantine of all livestock imported into this state;

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1 are prima facie evidence of the facts set forth in them when 2 offered in evidence in a prosecution or action at law or in 3 equity for violation of part 1, 2, or 3 of this chapter, 81-9-201 through 81-9-207, 81-20-101, 81-21-102, 81-21-103, 4 or a rule or order of the board adopted thereunder. These 5 standards, insofar as they relate to dairies or milk and its ٨ byproducts, may not include standards of weight or 7 measurement. 8

(g) adopt rules and orders which seem necessary or a proper for the supervision and control of manufactured and 10 refined foods for livestock and the manufacture. 11 12 importation, sale, and method of using a biologic remedy or 13 curative agent for the treatment of diseases of livestock. However, as far as practicable the standards approved by the 14 15 United States department of agriculture shall be adopted. (h) install an adequate system of meat inspection. at 16 any time and in such places as public welfare may demand, 17 18 under the rules which may provide fees for the maintenance of such inspection and which shall provide ways and means 19 for shipping home-grown and home-killed meats into any city 20 in this state. As far as practicable, the rules shall 21

22 conform with the meat-inspection requirements of the United

23 States department of agriculture.

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discharge of its duties it becomes necessary for employees
of the department to investigate facts and conditions, they
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25 Section 2. Section 81-2-109, MCA, is amended to read:

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1 #81-2-109. Expenses, how paid -- lien and foreclosure. 2 The expense of inspecting, testing, supervision of 3 quarantine, supervision of dipping, supervision of 4 disinfection, and supervision of other treatment of diseased 5 or exposed livestock by the department and the sanitary 6 inspection of dairies, packinghouses, meat depots, 7 slaughterhouses, milk depots, and other premises shall be я paid for by the department. However, the owner of the 9 livestock or property is liable for all expenses. except the 10 salary of the supervising officer representing the 11 department, when the owner, agent, or person in charge of 12 the livestock or property has violated the rules of the department. These expenses are a lien on the livestock or 13 other property, and the department may retain possession of 14 15 the livestock until the charges and expenses are paid. The 16 lien is not dependent on possession and may be foreclosed in 17 the name of the agent of the department by sale at public 18 auction of the stock or as many as may be necessary to pay 19 the sum of the costs, after 10 days, notice by posting in three public places in the county. The lien may also be 20 21 foreclosed by an action in a court of competent jurisdiction 22 against the owner of the livestock to recover the amount of charges and expenses." 23

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