

HOUSE BILL NO. 134

INTRODUCED BY HURWITZ, BURNETT, THOFT  
BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

IN THE HOUSE

January 12, 1979	Introduced and referred to Committee on Agriculture, Livestock, and Irrigation.
January 19, 1979	Committee recommend bill do pass and be placed on Consent Calendar. Report adopted.
January 20, 1979	Printed and placed on members' desks.
January 23, 1979	Third reading Consent Calendar passed. Transmitted to second house.

IN THE SENATE

January 24, 1979	Introduced and referred to Committee on Agriculture, Livestock, and Irrigation.
January 31, 1979	Committee recommend bill be concurred in. Report adopted.
February 2, 1979	Second reading, be concurred in.
February 5, 1979	Third reading, be concurred in.

IN THE HOUSE

February 6, 1979	Returned from second house. Concurred in. Sent to enrolling.  Reported correctly enrolled.
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1 *HOUSE* BILL NO. *134*  
 2 INTRODUCED BY *Dart Hewitt Summit*  
 3 BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE DEPARTMENT  
 6 OF LIVESTOCK TO CHARGE FEES FOR DIPPING, INSPECTING, AND  
 7 TESTING SERVICES WHEN THE SERVICES ARE PERFORMED UPON  
 8 LIVESTOCK NOT DISEASED OR EXPOSED; AMENDING SECTIONS  
 9 81-2-102 AND 81-2-109, MCA."

10  
 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:

15 (a) supervise the sanitary conditions of livestock in  
 16 this state, under the provisions of the constitution and  
 17 statutes of this state and the rules adopted by the  
 18 department. The department may quarantine a lot, yard, land,  
 19 building, room, premises, enclosure, or other place or  
 20 section in this state which is or may be used or occupied by  
 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  
 25 department may quarantine livestock in this state when the

1 livestock is affected with or has been exposed to disease or  
 2 disease-carrying medium. The department may prescribe  
 3 treatments and enforce sanitary rules which are necessary  
 4 and proper to circumscribe, extirpate, control, or prevent  
 5 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  
 13 perform any other acts and things as may be necessary or  
 14 proper in the fostering, promotion, or protection of the  
 15 livestock industry in this state;

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  
 24 earmarked revenue fund for the use of the animal health  
 25 functions of the department.

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  
 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  
 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  
 13 control of the standards and sanitary conditions of  
 14 slaughterhouses, meat depots, meat and meat food products,  
 15 dairies, 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  
 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,

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,  
 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  
 6 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.

16 (h) install an adequate system of meat inspection, at  
 17 any time and in such places as public welfare may demand,  
 18 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  
 21 in this state. As far as practicable, the rules shall  
 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

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 adopted by  
 12 the department under parts 1, 2, or 3 of this chapter,  
 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,  
 16 dairy products, or any byproducts thereof to furnish  
 17 statistics of the quantity and cost of the food and food  
 18 products produced or handled and the name and address of  
 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:

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  
 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  
 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  
 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  
 20 three public places in the county. The lien may also be  
 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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Approved by Committee  
on Agriculture Livestock  
& Irrigation

*HOUSE* BILL NO. *134*  
*Durt Hewitt Burnett*  
*HOET*  
BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

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12 products, curatives, and preventative agents, and may  
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15 livestock industry in this state;

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20 to be made by the department. In fixing these fees the  
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23 curatives, and agents. All fees shall be deposited in the  
24 earmarked revenue fund for the use of the animal health  
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 5 may adopt rules and orders necessary or proper governing  
 6 inspections and tests of livestock intended for importation  
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8 (e) adopt rules and orders which it considers  
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11 (f) adopt rules and orders which it considers  
 12 necessary or proper for the supervision, inspection, and  
 13 control of the standards and sanitary conditions of  
 14 slaughterhouses, meat depots, meat and meat food products,  
 15 dairies, milk depots, milk and its byproducts, barns, dairy  
 16 cows, factories, and other places and premises where meat or  
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 17 any time and in such places as public welfare may demand  
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 5 furniture, or personal property infected with any such  
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 7 when they cannot be thoroughly cleaned and disinfected and  
 8 the destruction is necessary to prevent the spreading of the  
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10 (j) indemnify the owner of any property destroyed by  
 11 order of the department or pursuant to any rules adopted by  
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 15 in the production or handling of meat, meat food products,  
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25 Section 2. Section 81-2-109, MCA, is amended to read:

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-End-

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