

SENATE BILL 512

IN THE SENATE

February 14, 1979

Introduced and referred to
Committee on Agriculture,
Livestock and Irrigation.

February 20, 1979

Committee recommend bill,
do not pass.

On motion, Senate reconsider
its action taken on Adverse
Committee report and order
printed and placed on second
reading. Motion failed.

1 *Amended* BILL NO. *512*
 2 INTRODUCED BY *Boyle - Collier*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT COMBINING THE STATE
 5 ANIMAL DIAGNOSTIC LABORATORY AND THE STATE VETERINARY
 6 RESEARCH LABORATORY; PROVIDING THAT SUCH LABORATORY BE
 7 ADMINISTERED BY THE AGRICULTURAL EXPERIMENT STATION;
 8 AMENDING SECTIONS 20-25-222 AND 81-2-102, MCA."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 NEW SECTION. Section 1. Combined laboratories. (1)
 12 The state animal diagnostic laboratory of the department of
 13 livestock located at Bozeman and the state veterinary
 14 research laboratory located at Bozeman are combined as one
 15 laboratory that shall perform the duties of both
 16 laboratories.

17 (2) The combined laboratory shall be under the
 18 administration of the agricultural experiment station of
 19 Montana state university.

20 (3) Whenever feasible, diagnostic work shall be given
 21 priority over research work.

22 Section 2. Section 20-25-222, MCA, is amended to read:

23 "20-25-222. Agricultural experiment station --
 24 establishment and purpose. (1) There is established at the
 25 state university at Bozeman and under its direction an

1 agricultural experiment station, by virtue of the Hatch Act
 2 approved by congress on March 2, 1887. The provisions,
 3 donations, and benefits contained in that act and all acts
 4 supplementary thereto or amendatory thereof are accepted and
 5 adopted by the state of Montana.

6 (2) The purpose of the agricultural experiment station
 7 shall be to conduct and promote studies, scientific
 8 investigations, and experiments relating to agriculture,
 9 natural resources, and rural life and to diffuse information
 10 thereby acquired among the people of Montana.

11 (3) The agricultural experiment station shall include,
 12 in addition to the central location at Bozeman, the
 13 designated research centers and other affiliated testing and
 14 research facilities.

15 ~~(4) The agricultural experiment station shall~~
 16 ~~administer the combined animal diagnostic laboratory and the~~
 17 ~~state veterinary research laboratory provided for in~~
 18 ~~[section 1]."~~

19 Section 3. Section 81-2-102, MCA, is amended to read:

20 "81-2-102. Powers of department. (1) The department
 21 may:

22 (a) supervise the sanitary conditions of livestock in
 23 this state, under the provisions of the constitution and
 24 statutes of this state and the rules adopted by the
 25 department. The department may quarantine a lot, yard, land,

1 building, room, premises, enclosure, or other place or
 2 section in this state which is or may be used or occupied by
 3 livestock and which in the judgment of the department is
 4 infected or contaminated with an infectious, contagious,
 5 communicable, or dangerous disease or disease-carrying
 6 medium by which the disease may be communicated. The
 7 department may quarantine livestock in this state when the
 8 livestock is affected with or has been exposed to disease or
 9 disease-carrying medium. The department may prescribe
 10 treatments and enforce sanitary rules which are necessary
 11 and proper to circumscribe, extirpate, control, or prevent
 12 the disease.

13 (b) foster, promote, and protect the livestock
 14 industry in this state by the investigation of diseases and
 15 other subjects related to ways and means of prevention,
 16 extirpation, and control of diseases or to the care of
 17 livestock and its products and to this end ~~may establish and~~
 18 ~~maintain a laboratory~~ may make or cause to be made biologic
 19 products, curatives, and preventative agents, and may
 20 perform any other acts and things as may be necessary or
 21 proper in the fostering, promotion, or protection of the
 22 livestock industry in this state;

23 (c) impose and collect such fees as the department
 24 considers appropriate for ~~the tests and services performed~~
 25 ~~by the laboratory and for~~ biologic products, curatives, and

1 preventative agents made or caused to be made by the
 2 department. In fixing these fees the department shall take
 3 into consideration the costs, both direct and indirect, of
 4 the tests, ~~services~~, products, curatives, and agents. All
 5 fees shall be deposited in the earmarked revenue fund for
 6 the use of the animal health functions of the department.

7 (d) adopt rules and orders which it considers
 8 necessary or proper to prevent the introduction or spreading
 9 of infectious, contagious, communicable, or dangerous
 10 diseases affecting livestock in this state and to this end
 11 may adopt rules and orders necessary or proper governing
 12 inspections and tests of livestock intended for importation
 13 into this state before it may be imported into this state;

14 (e) adopt rules and orders which it considers
 15 necessary or proper for the inspection, testing, and
 16 quarantine of all livestock imported into this state;

17 (f) adopt rules and orders which it considers
 18 necessary or proper for the supervision, inspection, and
 19 control of the standards and sanitary conditions of
 20 slaughterhouses, meat depots, meat and meat food products,
 21 dairies, milk depots, milk and its byproducts, barns, dairy
 22 cows, factories, and other places and premises where meat or
 23 meat foods, milk or its products, or any byproducts thereof
 24 intended for sale or consumption as food are produced, kept,
 25 handled, or stored. An authorized representative of the

1 department may take samples of a product so produced, kept,
 2 handled, or stored for analysis or testing by the
 3 department. The records of the samples and their analysis
 4 and test, when identified as to the sample by the oath of
 5 the officer taking it and verified as to the analysis or
 6 test by the oath of the chemist or bacteriologist making it,
 7 are prima facie evidence of the facts set forth in them when
 8 offered in evidence in a prosecution or action at law or in
 9 equity for violation of part 1, 2, or 3 of this chapter,
 10 81-9-201 through 81-9-207, 81-20-101, 81-21-102, 81-21-103,
 11 or a rule or order of the board adopted thereunder. These
 12 standards, insofar as they relate to dairies or milk and its
 13 byproducts, may not include standards of weight or
 14 measurement.

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

22 (h) install an adequate system of meat inspection, at
 23 any time and in such places as public welfare may demand,
 24 under the rules which may provide fees for the maintenance
 25 of such inspection and which shall provide ways and means

1 for shipping home-grown and home-killed meats into any city
 2 in this state. As far as practicable, the rules shall
 3 conform with the meat-inspection requirements of the United
 4 States department of agriculture.

5 (i) slaughter or cause to be slaughtered any livestock
 6 in this state known to be affected with or which has been
 7 exposed to an infectious, contagious, communicable, or
 8 dangerous disease, when such slaughter is necessary for the
 9 protection of other livestock, and destroy or cause to be
 10 destroyed all barns, stables, sheds, outbuildings, fixtures,
 11 furniture, or personal property infected with any such
 12 infectious, contagious, communicable, or dangerous disease
 13 when they cannot be thoroughly cleaned and disinfected and
 14 the destruction is necessary to prevent the spreading of the
 15 disease;

16 (j) indemnify the owner of any property destroyed by
 17 order of the department or pursuant to any rules adopted by
 18 the department under parts 1, 2, or 3 of this chapter,
 19 81-9-201 through 81-9-207, 81-20-101, 81-21-102, 81-21-103;

20 (k) require persons, firms, and corporations engaged
 21 in the production or handling of meat, meat food products,
 22 dairy products, or any byproducts thereof to furnish
 23 statistics of the quantity and cost of the food and food
 24 products produced or handled and the name and address of
 25 persons supplying them any of the products.

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

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