

SENATE BILL 48

Introduced by Burnett

12/23	Introduced
12/23	Referred to Agriculture, Livestock & Irrigation
1/04	First Reading
1/04	Fiscal Note Requested
1/08	Hearing
1/08	Fiscal Note Received
1/09	Fiscal Note Printed
1/13	Tabled in Committee

1 SENATE BILL NO. 48

2 INTRODUCED BY BURNETT

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE STATE
5 MEAT AND POULTRY INSPECTION PROGRAM; AMENDING SECTION
6 81-2-102, MCA; REPEALING SECTIONS 81-9-216, 81-9-217,
7 81-9-218, 81-9-219, 81-9-220, 81-9-226, 81-9-227, 81-9-228,
8 81-9-229, 81-9-230, 81-9-231, 81-9-232, 81-9-233, 81-9-234,
9 81-9-235, AND 81-9-236, MCA; AND PROVIDING AN EFFECTIVE
10 DATE."
11

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

13 Section 1. Section 81-2-102, MCA, is amended to read:

14 "81-2-102. Powers of department. (1) The department
15 may:

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

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

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

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

1 health functions of the department.

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

9 (e) adopt rules and orders which that it considers
10 necessary or proper for the inspection, testing, and
11 quarantine of ~~all~~ livestock imported into this state;

12 (f) adopt rules and orders which that it considers
13 necessary or proper for the supervision, inspection, and
14 control of the standards and sanitary conditions of
15 slaughterhouses, ~~meat--depots, meat-and-meat-food-products,~~
16 dairies, milk depots, milk and its byproducts, barns, dairy
17 cows, factories, and other places and premises where ~~meat-or~~
18 ~~meat--foods,~~ milk or its products, ~~or-any~~ byproducts thereof
19 intended for sale or consumption as food are produced, kept,
20 handled, or stored. An authorized representative of the
21 department may take samples of a product so produced, kept,
22 handled, or stored for analysis or testing by the
23 department. The records of the samples and their analysis
24 and test, when identified as to the sample by the oath of
25 the officer taking it and verified as to the analysis or

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

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

18 ~~(h)--install--an--adequate--system-of-meat-inspection-in~~
19 ~~accordance--with--81-9-216--through--81-9-220--and--81-9-226~~
20 ~~through--81-9-236--which--shall--provide--ways--and--means--for~~
21 ~~shipping--home-grown--and--home-killed-meats-into-any-city-in~~
22 ~~this-state--As-far-as-practicable, the rules--shall--conform~~
23 ~~with--the--meat-inspection-requirements-of-the-United-States~~
24 ~~department-of-agriculture.~~

25 ~~(i)~~(h) slaughter or cause to be slaughtered any

1 livestock in this state known to be affected with or which
 2 that has been exposed to an infectious, contagious,
 3 communicable, or dangerous disease, when such slaughter is
 4 necessary for the protection of other livestock, and destroy
 5 or cause to be destroyed ~~all~~ the barns, stables, sheds,
 6 outbuildings, fixtures, furniture, or personal property
 7 infected with ~~any---such~~ an infectious, contagious,
 8 communicable, or dangerous disease when they cannot be
 9 thoroughly cleaned and disinfected and the destruction is
 10 necessary to prevent the spreading of the disease;

11 ~~†j†~~(i) indemnify the owner of any property destroyed by
 12 order of the department or pursuant to any rules adopted by
 13 the department under part 1, 2, or 3 of this chapter,
 14 81-20-101, 81-21-102, 81-21-103;

15 ~~†k†~~(j) require persons, firms, and corporations engaged
 16 in the production or handling of meat, meat food products,
 17 dairy products, or any byproducts thereof to furnish
 18 statistics of the quantity and cost of the food and food
 19 products produced or handled and the name and address of
 20 persons supplying them any of the products.

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

1 NEW SECTION. **Section 2. Repealer.** Sections 81-9-216,
 2 81-9-217, 81-9-218, 81-9-219, 81-9-220, 81-9-226, 81-9-227,
 3 81-9-228, 81-9-229, 81-9-230, 81-9-231, 81-9-232, 81-9-233,
 4 81-9-234, 81-9-235, and 81-9-236, MCA, are repealed.
 5 NEW SECTION. **Section 3. Effective date.** [This act] is
 6 effective July 1, 1993.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0048, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act eliminating the state Meat and Poultry Inspection Program.

ASSUMPTIONS:

1. This bill eliminates the state Meat and Poultry Inspection Program and relieves the Department of Livestock from any requirement to inspect meat/poultry products.
2. The program is funded with 50% federal revenues and a 50% general fund match.
3. In addition to the direct program revenue, \$31,000 in FY 94 and \$32,000 in FY 95 of the federal special revenue is budgeted in the Centralized Services Program (included in fiscal impact).

FISCAL IMPACT:

	FY '94			FY '95		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
FTE:	15.50	0	(15.50)	15.50	0	(15.50)
Expenditures:						
General Fund	308,509	0	(308,509)	310,945	0	(310,945)
Federal Special Revenue	<u>339,509</u>	<u>0</u>	<u>(339,509)</u>	<u>342,945</u>	<u>0</u>	<u>(342,945)</u>
Total Expenditures:	648,018	0	(617,018)	653,890	0	(653,890)
Revenue:						
Federal Special Revenue	339,509	0	(339,509)	342,945	0	(342,945)

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

Although federal meat/poultry inspection is available, many processing establishments may not or cannot qualify for federal inspections. This would cause these businesses to close or revert back to custom exempt plants that do personal use meat/poultry processing only and not products for retail sales.

David M. Lewis 1-7-93

DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

James Burnett
JAMES BURNETT, PRIMARY SPONSOR

DATE

Fiscal Note for SB0048, as introduced

SB 48