

SENATE BILL 16

Introduced by Burnett, et al.

11/30	Introduced
11/30	Referred to Finance & Claims
11/30	First Reading
11/30	Fiscal Note Requested
12/01	Fiscal Note Received
12/01	Fiscal Note Printed
12/03	Hearing
12/03	Tabled in Committee

1 Senate BILL NO. 16
2 INTRODUCED BY BURNETT *Don* 1/17
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

health functions of the department.

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

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

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

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, 81-20-101, 81-21-102, 81-21-103, or a rule or order of the board ~~adopted--thereunder~~. These standards, insofar as they relate to dairies or milk and its byproducts, may not include standards of weight or measurement.

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

~~(h)--install--an--adequate--system-of-meat-inspection-in accordance--with--81-9-216--through--81-9-228--and--81-9-226 through--81-9-236--which--shall--provide--ways--and--means--for shipping--home-grown--and--home-killed--meats--into--any--city--in this--state--As--far--as--practicable,--the--rules--shall--conform with--the--meat--inspection--requirements--of--the--United--States department--of--agriculture--~~

~~††~~(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, or 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. Reduction of appropriation.**
 2 The appropriation to the department of livestock for the
 3 operation of the meat and poultry inspection program, as
 4 specified under item 7, page 2640, section 15, Chapter 623,
 5 Laws of 1993, except for the appropriation from the state
 6 special revenue fund for the department of health and
 7 environmental sciences meat inspection contract for meat
 8 inspection at the retail level under item 7b, is reduced by
 9 the total amount appropriated for fiscal 1995.

10 NEW SECTION. **Section 3. Repealer.** Sections 81-9-216,
 11 81-9-217, 81-9-218, 81-9-219, 81-9-220, 81-9-226, 81-9-227,
 12 81-9-228, 81-9-229, 81-9-230, 81-9-231, 81-9-232, 81-9-233,
 13 81-9-234, 81-9-235, and 81-9-236, MCA, are repealed.

14 NEW SECTION. **Section 4. Effective date.** [This act] is
 15 effective July 1, 1994.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0016, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act eliminating the state meat and poultry inspection program; and providing an effective date.


ASSUMPTIONS:

1. This bill eliminates the state meat/poultry inspection program and relieves the Department of Livestock from any requirement to inspect meat/poultry products, effective July 1, 1994.
2. The program is funded with 50% federal funds and 50% general fund match.
3. The \$35,500 of federal special revenue supporting the Centralized Services program will be replaced in HB2 with state special revenue in FY95.
4. U. S. Department of Agriculture will assume responsibility for all meat/poultry inspection in the state.

FISCAL IMPACT:

Department of Livestock (Pgm 10)

	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>
<u>Expenditures:</u>						
FTE	15.50	15.50	0	15.50	0	(15.50)
Personal Services	415,813	415,813	0	424,667	0	(424,667)
Operating Expenses	180,829	180,829	0	184,920	0	(184,920)
Equipment	<u>3,618</u>	<u>3,618</u>	<u>0</u>	<u>1,937</u>	<u>0</u>	<u>(1,937)</u>
Total	600,260	600,260	0	611,524	0	(611,524)
<u>Funding:</u>						
General Fund	270,365	270,365	0	276,042	0	(276,042)
State Special	29,559	29,559	0	29,277	0	(29,277)
Federal Special	<u>300,336</u>	<u>300,336</u>	<u>0</u>	<u>306,205</u>	<u>0</u>	<u>(306,205)</u>
Total	600,260	600,260	0	611,524	0	(611,524)
<u>Revenues:</u>						
Federal Special	334,836	334,836	0	341,705	0	(341,705)


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


 JAMES BURNETT, PRIMARY SPONSOR DATE

Fiscal Note for SB0016, as introduced

SB 16