

HOUSE BILL NO. 84

INTRODUCED BY K. WALSH

BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE TREATMENT OF GARBAGE FED TO SWINE; PROHIBITING THE ACT OF GARBAGE FEEDING IN THE STATE; PROVIDING FOR AN EXCEPTION; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 81-2-501, 81-2-502, 81-2-504, AND 81-2-510, MCA; AND REPEALING SECTIONS 81-2-503, 81-2-505, 81-2-507, 81-2-508, AND 81-2-509, MCA."

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

**Section 1.** Section 81-2-501, MCA, is amended to read:

**"81-2-501. Definitions.** When used in this part, the following definitions apply:

(1) "Garbage" means wastes resulting from the handling, preparation, cooking, and consumption of animal products, including animal carcasses or parts of animal carcasses, or other refuse of any character that has been associated with any animal products, including animal carcasses or parts of animal carcasses. Waste products that do not contain animal products are not considered garbage for the purpose of garbage feeding.

(2) "Garbage feeder" means a person who handles, prepares, cooks, or otherwise treats garbage to feed to swine or other animals, as well as a person who feeds garbage to swine or other animals.

(3) "Person" means the state, any municipality, political subdivision, school district, institution, public or private corporation, individual, partnership, or other entity."

**Section 2.** Section 81-2-502, MCA, is amended to read:

**"81-2-502. Licenses Illegal to feed garbage to swine.** (1) It is unlawful to handle, prepare, cook, or otherwise treat garbage to feed to swine or other animals or to feed garbage to swine or other animals ~~without first securing a license for that purpose from the department. One license issued to the entrepreneur,~~

1 ~~corporation, or individual responsible for a particular garbage feeding enterprise covers all garbage feeders~~  
 2 ~~concerned with the enterprise. The license provided for in this section expires on December 31 of the year in~~  
 3 ~~which it is issued. The department shall establish a fee to be charged for all licenses issued under this part. All~~  
 4 ~~license fees collected must be paid into the state special revenue fund for the use of the department.~~

5 (2) This part does not apply to a person who feeds only the person's own household garbage to  
 6 swine or other animals under their ownership."

7

8 **Section 3.** Section 81-2-504, MCA, is amended to read:

9 **"81-2-504. Power to adopt rules.** The department shall administer and enforce this part ~~and may~~  
 10 ~~adopt and enforce rules or orders necessary for the supervision, control, and inspection of persons who handle,~~  
 11 ~~prepare, cook, or otherwise treat garbage to feed to swine or other animals or who feed garbage to swine or~~  
 12 ~~other animals, including the adoption and enforcement of rules or orders as necessary. The rules or orders~~  
 13 ~~shall apply to and govern the method of applying for a license, standards and methods of operation, sanitary~~  
 14 ~~conditions of premises where garbage is treated for feeding or fed, the control and inspection of equipment~~  
 15 ~~used to store, treat, or feed garbage, and equipment, including vehicles, used for the transportation of~~  
 16 ~~garbage."~~

17

18 **Section 4.** Section 81-2-510, MCA, is amended to read:

19 **"81-2-510. Garbage originating on or removed from airplanes not to be treated or fed.** Garbage  
 20 originating on or removed from airplanes landing in this state may not ~~be treated for feeding or~~ be fed to swine  
 21 or other animals. ~~The powers granted in 81-2-505 to the department to enter on private or public property for~~  
 22 ~~the purpose of inspecting and investigating conditions relating to the treating of garbage to be fed to swine or~~  
 23 ~~other animals or the feeding of garbage to swine or other animals include the inspection and investigation of~~  
 24 ~~garbage disposal methods employed at airports and all facilities at airports and aircraft."~~

25

26 NEW SECTION. **Section 5. Repealer.** The following sections of the Montana Code Annotated are  
 27 repealed:

28 81-2-503. Applications for licenses.

- 1 81-2-505. Entry of premises for inspection -- keeping of records.
- 2 81-2-507. Power of department and board to restrain operation of garbage feeder.
- 3 81-2-508. Power to revoke license of garbage feeder.
- 4 81-2-509. Cooking or other treatment of garbage.
- 5 - END -