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EXHIBIT 1
DATE 1/19/2011
HB 191

To the Human Services Committee
In re: HB 191 Sponsored by Kelly Flynn and Terry Murphy
Testimony of Friday, January 14, 2011

I am joining Kelly Flynn in support of House Bill 191 which would make practical amendments to Sections 50-5-103 and 50-50-102, MCA to include nonaffiliated organizations and individuals from providing baked goods and preserves for charitable community purposes. I am a 20 year member of the Townsend Rotary Club and a 10 year member of the Broadwater County Development Corporation. I am also a coordinator of unaffiliated food fundraisers for community and youth activities such as medical benefits, talent shows, school trips, the senior class, etc. With four children in a small community, you are pretty much on the hook to help with everything. In Broadwater County, there is almost no fundraisers that do not include food as these events are also our social events. We are like most communities in Montana.

As currently written, Section 50-50-103 (2)(a) prohibits the department from adopting rules for selling baked goods and preserves by only a narrow segment of the Montana population that actually does so. Most of the organizations and individuals represented here today are neither tax registered *nonprofits* nor are they *farmers' markets*. The Broadwater CattleWomen, Senior Class Parents, etc are organizations that need to be included in the description of organizations referred to in this section of the statute so that their food related fundraising efforts are not illegal, nor are they so time consuming to organize and implement that the result is the elimination of all bake sales!

As you have/will hear from the other community members here testifying today, the current language of the statute is unnecessary red tape when trying to organize and support a charitable community activity. For example, last weekend the community hosted another medical benefit – a flyer is in your packet of information. This was the fifth benefit of its type in the past 9 months in our community, not sponsored by a registered nonprofit. The benefit included a bake sale. Donations for the bake sale came from over 40 individuals. Consider the coordination and scheduling that would need to take place for that many cooks to access a certified kitchen as required in the rules associated with the aforementioned Montana Code in advance, and still have a fresh product to sell?

The current statute language makes home cooks feel like criminals because they neither understand the rationale, nor the process for being in

compliance with the Montana Code. The proposed language to remove the requirement at 50-50-202(2) (b) removes the requirement that an exempt activity needs to go the local health officer and register. Thus, any cook who wants to provide a pie for a bake sale can do so without making time in their busy day for a visit to the county courthouse, only to be told they cannot make a pie with milk or eggs. How do you make a lemon meringue pie without eggs! The result at the local level is moving toward the elimination of the community bake sale..

I am asking this committee to get out of the business of regulating and permitting funeral meals, church bazaar luncheons and bake sales and other charitable community fundraising. I ask for your support of HB 191 and the changes to Montana Code 50-50-202 and 50-50-103.

[Handwritten Signature]

Signature, Organization

1-13-11

Date

*Townsend Rotary
Broadwater County Development Corp
Senior Parents
4H Parent*