

HOUSE AGRICULTURE, LIVESTOCK, AND IRRIGATION COMMITTEE

January 22, 1979

The meeting was called to order by Chairman Day at 1:30 p.m. with all members present except Representative Brand.

HOUSE BILL NO. 152

REPRESENTATIVE VICKI JOHNSON, Chief Sponsor, introduced the bill. This is a simple bill requiring the school food services to use Montana-produced beef whenever possible and to prohibit the use of foreign-produced meat.

The following amendment was proposed: Add a new section 2 to read as follows: "Section 2. The office of superintendent of public instruction through the school foods division shall enforce this act."

PROPONENTS:

STEVE DOHERTY, Northern Plains Resource Council, stated that agriculture is Montana's biggest industry and we support the intent of this bill. Farmers and ranchers are the long time residents of Montana. Their efforts and their taxes built and support our schools. The schools should, in turn, utilize the products of those farmers and ranchers. Urging a DO PASS recommendation. (Complete testimony attached)

BRIS SKILES, Office of Public Instruction, Manager of School Food Service Division. The Office of Public Instruction is in full support of House Bill No. 152. We make it a policy to have our schools use Montana-produced beef now, but with the passage of this bill we would be able to enforce that policy much better.

MONS TEIGEN, Montana Stockgrowers Association and the Montana Beef Council, rose in support of House Bill No. 152, recommending a DO PASS.

JIM STEPHENS, Montana Farmers Union, rose in support of the bill. We feel that the school systems should use Montana-produced beef. There is a large quantity and there should be no reason to go outside of the state for beef.

Several questions were asked by the committee. One question by Representative Ellerd asking why the bill was not made into a resolution instead of a bill? Representative Johnson replied that it is not a request but a requirement that they use Montana-produced beef. Representative Lien then proposed an amendment on line 14, following: "that", strike: "meat", insert: "beef". No objections were raised.

The hearing was closed on House Bill No. 152.

HOUSE BILL NO. 218

REPRESENTATIVE LES HIRSCH, Chief Sponsor, introduced the bill by stating that it would allow the Department of Livestock to charge expenses and set a minimum fee, for the holding and return of estray animals. The expenses incurred from estray animals that are not sold and are returned to the owner have to be payed by the Department of Livestock. If this

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bill is passed the owner will have to pay these expences and the department may charge the owner a minimum fee of \$25 for the return of each estray animal. The purpose of this bill is directed at the people who do not take care of their animals and let them run estray. The department then has to pick them up, notify the owners, and feed and care for them until they are claimed, which could be hours, days, or even weeks.

PROPOSERS:

CHARLES BROWN, Department of Livestock, was present in support of House Bill No. 218. He stated that this bill gave the department the authority to charge these people their expenses. This does not mean everytime they will charge the minimum fee of \$25. It would depend upon the circumstances. He closed urging a DO PASS recommendation.

HOUSE BILL NO. 231

REPRESENTATIVE GENE ERNST, Chief Sponsor, introduced the bill. This bill would allow landowners to receive an annual payment as compensation for use of land by a facility under the Montana Major Facility Siting Act.

Various individuals approached me with this problem, they feel a one time payment is not enough for the inconvenience of having the poles run across their land.

Representative Ernst also proposed the following amendment: Page 1, line 12 and 13, following: "to", strike: "make a", insert: "agree to", page 1, line 13 and 14, following: "use of", strike: the remainder of lines 13 and 14, insert: "of the land if and when the facility is located on the land".

PROPOSERS:

JIM STEPHENS, Montana Farmers Union, and as a private farmer rose in support of the bill. We feel this is only fair compensation for the farmers and ranchers to receive an annual payment for the easment.

STEVE DOHERTY, Northern Plains Resource Council, being aware of the problems that landowners face when transmission lines cross their land. The siting of such a facility affects the landowner in the following manner:

- 1) It forecloses the landowners options as to the use of the land. It directly affects what you want to do with your land.
- 2) It affects the property value of your land.
- 3) It may preclude such management practices as aerial spraying and seeding.
- 4) It may preclude the use of irrigation on the sections of land that are crossed.

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5) It affects the visual aesthetics of living on a farm or a ranch. In sum, the landowners are affected and they should be compensated for these effects.

The bill does not force annual payments but gives the landowner the option. We urge a DO PASS recommendation. (Complete testimony attached)

DON MACINTYRE, Department of Natural Resources and Conservation, in 1976 the Board of Natural Resources recommended an annual payment as compensation for use of land to Coalstrip. The feeling of the Board and the Department is a DO PASS recommendation.

OPPONENTS:

BOB GANNON, Montana Power Company, stated that about 5% of cases end up in condemnation. Present condemnation laws provide just compensation for any land acquired for facilities. If one does not comply they can take it to court.

If an annual premium was made there would be a lot of records that would have to be kept. Problems in the change of ownership of the lands that the facility is located on. For these reasons we are recommending a DO NOT PASS.

WARD SHANAHAN, Dreyer Brothers Railroad, explained the problems that would occur when selling the land, reserved rights and so forth. Who decides what is reserved? He also brought up the situation of taxes on the easements. Questions were asked later concerning this statement.

GENE PHILLIPS, Pacific Power & Light, stated that he felt the expense to keep track of all the landowners and change of ownership would be a very hard task with the vast amount of people they deal with.

LES LOBLE II, Montana, Dakota Utility Company, stated that they work with the landowners and if they wish to have an annual payment made to them that it could be arranged, and has been done in the past. With the present law it is negotiable with the landowner and we can do it either way. The passage of this bill will require us to pay an annual payment. For these reasons we recommend a DO NOT PASS.

REPRESENTATIVE ERNST, closed the hearing on House Bill No. 231. He stated that he was not aware or were the people in his area that an annual payment could be set if one was desired. As for the cost of administration, allowing a line through a persons ground they should bare that cost.

Questions were asked by the committee.

EXECUTIVE SESSION:

HOUSE BILL NO. 144

Chairman Day stated that there seemed to be a lot of questions on this bill, so we will put it in a subcommittee for further study.

Members on that committee will be Representative Bengtson, Chairman; Representative Dassinger, and Representative Ellerd.

HOUSE BILL NO. 218

Representative Hirsch moved a DO PASS.

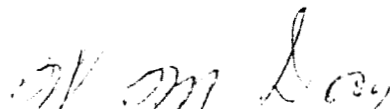
Representative Hand made a substitute motion, TO AMEND, line 8, following "ANIMALS", insert: "ALLOWING"; page 1, line 23, following: "owner." strike: the remainder of lines 23 through 25 in their entirety. The motion was passed with three members opposed, Representatives Dassinger, Hirsch, and Kanduch.

Representative Hand withdrew his motion.

Representative Lien moved, DO PASS AS AMENDED. The motion passed unanimously.

Representative Lien moved House Bill No. 218, be but on the consent calendar. After discussion the motion was withdrawn, for lack of a unanimous vote.

The meeting was adjourned at 2:50 p.m.



William M. Day, Chairman

Judy J. Mook, Secretary