

MINUTES OF THE MEETING  
AGRICULTURE, LIVESTOCK & IRRIGATION  
MONTANA STATE SENATE

March 7, 1979

The twenty-third meeting of the Agriculture, Livestock and Irrigation Committee was called to order on the above date in Room 415 of the State Capitol Building by Chairman Galt at 1:00 p.m.

ROLL CALL: All members were present with the exception of Senator Graham. Senator Kolstad was present at 1:30

The witnesses that were present to testify are attached.

CONSIDERATION OF HOUSE BILL 521: Representative Nathe, district #1. This bill deals with herd districts and raises the penalties for violations. He said this does not affect the open range. The law now states that in the formation of any herd district there must be 12 square miles and shall be symmetrical in shape. The bill states that the boundaries do not have to follow section lines. The fines are increased in the bill. The bill was drafted to show a penalty increase, the house committee lowered the fees from the original bill and they were raised again on second reading in the house. He felt if the penalties were higher people would think twice before committing a violation. If someone willfully lets animals run at large the penalty was increased to \$1000. He proposed an amendment on page 4, lines 2 and 7 to include the words "hogs" and "asses"

There were no further proponents and no opponents to the bill.

During discussion Representative Nathe said it would take a percentage of the people in a herd district to enforce the penalty.

CONSIDERATION OF HOUSE BILL 589: Representative Manuel, district #11, said this bill would increase the licensing and registration fees of pesticide-related activities.

Gordon McOmber, Department of Agriculture, said these increases are needed to bring them more in line with the governments cost of doing business with these people. These fees have not been increased for many years.

DISPOSITION OF HOUSE BILL 589: Senator Hager moved the House Bill 589 BE CONCURRED IN. Motion carried unanimously. Senators Graham and Kolstad absent.

Senator Hager moved the the bill be placed on the Consent Calendar. Motion carried unanimously. Senator Galt will carry it.

CONSIDERATION OF HOUSE BILL 875: Representative Kanduch, district #89, had introduced this bill at the request of the league of cities and towns. He would propose that on page 8, section 11 be deleted.

Dan Mizner, representing League of Cities and Towns, said this bill was drafted after the Minnesota law. There have been many complaints about the dutch elm disease in the past few years. Cities have no authority to get rid of a diseased tree on private property. This bill gives the local governments some authority, gives the department of agriculture the rule making authority and they will report back to the Legislature in 1981. He felt the state forestry had some money available that might be used for replacement and development of the program at the local level. The Agriculture Department may have to have additional funds to carry out the program.

Dave Goss, city of Billings, said they supported the bill. It does provide some financial assistance to cities that have dutch elm disease. A good program can curtail the loss of trees and the city of Billings has started a program. His testimony is attached, see exhibit #1.

Gordon McOmber, Department of Agriculture, said it would take a considerable amount of bookkeeping and rulemaking authority. If they were given this responsibility under the bill they would have to have money to fulfill the responsibility. With their present proposed budget he felt it would be very difficult to come up with the necessary funds.

There were no opponents to the bill.

During discussion Mr. Goss said at the present time the cities remove the tree from the private property but the property owner pays for it, and they have not faced a lot of hostility. Senator Boylan felt the inspection of the trees would be a minimal price compared to the removal of the trees. Senator Galt asked the department and the league of cities to work together to come up with something that would not be too much of a financial burden and that would not mandate the department to get involved to the extent of this bill.

DISPOSITION OF HOUSE BILL 521: Senator Conover moved that on page 4, lines 2 and 7 the words "asses, hogs" be inserted and that on line 11 the words "stallions, jackass" be inserted. Motion carried.

Senator Aklestad moved that the \$500 fee be changed back to \$250 throughout the bill and that the \$1000 fee be changed to \$500. Motion carried.

Senator Aklestad moved that House Bill 521 As Amended BE CONCURRED IN. Motion carried.

*Galt*

Date 3-7

ROLL CALL

AGRICULTURE COMMITTEE

46th LEGISLATIVE SESSION - 1979

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NAME	PRESENT	ABSENT	EXCUSED
SEN. KOLSTAD	✓ 1,30		
SEN. AKLESTAD	✓		
SEN. BOYLAN	✓		
SEN. CONOVER	✓		
SEN. GRAHAM		✓	
SEN. HAGER	✓		
SEN. NELSON	✓		
SEN. GALT, Chairman	✓		

Each Day Attach to Minutes.





## CITY OF BILLINGS

220 NORTH 27TH STREET  
P. O. BOX 1178  
BILLINGS, MONTANA 59103  
PHONE (406) 248-7511

Mr. Chairman:

I am Dave Goss representing the City of Billings. The City is in support of House Bill 875 because it does provide uniform regulations, establishes a technical assistance and information program and provides some financial assistance to communities suffering the effects of Dutch Elm Disease. The City Forester of Billings has prepared a letter to you and the Committee outlining in some detail the reasons for our support of this bill. With your permission, I would like to distribute that letter and rather than take your time now, I would ask that this letter be considered the technical basis for our support of this much needed legislation.

I would like to point out, however, that it has been determined from the past experiences of other communities to the east and south of Montana that an effective Dutch Elm Disease program can reduce total expenditures by 34 to 76 percent of the amount that would be spent were the trees just removed as they die. Losses cannot be completely halted, but can be limited to an annual rate of less than 2% of the total elm tree population with well planned and conscientiously applied control measures. Such measures would result from House Bill 875.



## CITY OF BILLINGS

Senator Jack E. Galt  
Chairman

Senate Agriculture Committee  
Montana State Senate

220 NORTH 27TH STREET  
P O BOX 1178  
BILLINGS, MONTANA 59103  
PHONE (406) 248-7511

As City Forester of the City of Billings, and the official primarily responsible for developing and implementing Dutch Elm Disease control measures within the City, I wish to make the following comments with regard to House Bill 875.

Dutch Elm Disease represents unavoidable costs to both individual property owners and to communities wherever Elms have been planted. To the extent that Elms constitute a portion of the tree population within a community, to that extent also will costs be incurred. If nothing more is done than the mere removal of the Elms as they die, the economic impact for a given community or area will be equal to the number of Elms growing there times the average cost for the removal and disposal of the individual trees. Billings, with a population of approximately 8,000 Elms, then, stands to lose in direct costs close to \$900,000.00 over a 15 to 20 year period. Indirect costs, such as loss of property value, aesthetic qualities and liveability in a community, come to considerably more than this sum. Total losses to a community, then, go far beyond just the costs of removing dead trees.

With active control efforts, however, dramatic reductions in the rate of infection can be achieved. It has been determined from the past experiences of other communities to the east and south of Montana that, and depending on effectiveness of the control program, costs can be reduced from 34% to 76% of the amount that is spent if the trees are just removed as they die, over a 25 year period. Losses can be limited to less than 2% or 1% of the total Elm population each year with well planned and conscientiously

State aid to local governments, communities, and individuals if tied to the implementation of effective control programs will save significant amounts throughout Montana. In the case of Billings (where staff and personnel have the technical training and expertise to deal with the problem) the basic difficulty is finding the money to adequately fund the initial effort needed to catch up to the disease and bring it under control. State aid would assure the quick and effective control of Dutch Elm Disease within the city. Without it, no guarantee can be made at this point that we can indeed bring it under control because, without adequate funding, we are dealing to a great extent with half-measures and stop-gap steps.

To give up on the problem and resign ourselves to the destruction of our Elms and the loss of a large part of the beauty and liveability to large areas within our cities and towns would be a sad failure of both state and local levels of government. Because of the isolation of our Elm populations, Montana is in a situation unlike that which has faced most areas where the disease has been found. We do not have to contend with large populations of native Elm trees outside of municipal and local control which serve as reservoirs for both the disease and the beetles which carry it. The problem is pretty much limited to the areas within city and town boundaries. Control measures applied within those areas, because of this fact, stand a very good chance of being quite successful. Also, overall numbers are not the same in Montana as they are in other regions of the country.

Yet, the fact remains that Elms make up a large part of the trees planted in parks, on streets, and in other public places within our towns and communities. These trees, if lost, can effect the overall appearance and environments of our towns and communities to a far greater extent than their numbers would at first indicate. With effective control measures, such losses could be held to a minimum. Many trees could be saved

indefinitely, losses could be pared down to a level more handleable by most municipal budgets, and replanting can take place in step with the losses to allow for gradual replacement of trees as they are lost while the appearance and physical comfort of our cities and towns is maintained.

It is my opinion, then, that the State has three basic roles that it should play in Dutch Elm Disease control in Montana. It can, through financial assistance to communities, to other units of local government, and to individuals, lessen the economic impact in specific communities and assure the taking of whatever steps are necessary to effectively control the spread of the disease to other trees and to other communities. Secondly, it can provide a statewide set of regulations through which and under which individual units of local government can attack the problem when and where it is found. Thirdly, it can make available to units of local government and to the public the technical expertise and information that is so essential to initiating any kind of workable Dutch Elm Disease Control Program.

What will such a program cost the state? Personnel and their equipment would account for a portion of the costs. Cost-share payments to units of local government would account for another large chunk, and the administrative costs of collecting and disseminating data and information would account for most of the remainder. To help out with this question, I will try to give an approximate idea of the amounts the City of Billings would qualify for under House Bill 875. (All costs listed are based on current rates of tree loss and replacement at current prices):

1. Tree trimming, current		Negligible
2. Tree trimming, needed	1000 trees/yr	\$ 20,000.00
3. Removals, Elms	450 trees/yr	33,750.00
4. Trees sprayed, current (for DED)		NONE



5. Trees sprayed, needed	3500 trees/yr	\$ 15,000.00
6. Trees replaced, needed	300 trees/yr	16,500.00
	-----	
	TOTAL PROGRAM COSTS	\$101,000.00

State funding, if cost-shared:

1. For needed Elm tree trimming		\$ 9,000.00
2. For removals		15,188.00
3. For tree replacements	-----	
	TOTAL	\$ 32,328.00/yr

The Dutch Elm Disease situation in Billings could get worse, although it is not likely to, considering the effort that is being made to control the problem. At current levels of infection, the City would qualify for approximately \$40,000.00 in state-aid as it is set up in House Bill 875. Other communities would receive aid depending on how severe their problem is or how actively they are working to prepare for its arrival.

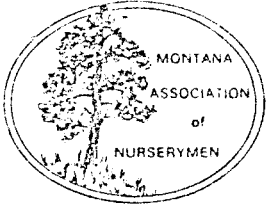
As regards House Bill 875, I basically support its adoption because it does provide financial assistance, uniform regulation, and technical assistance and information. These are the three essential elements in any effective control effort. House Bill 875 is similar to legislation passed in many other states and would help considerably to cut the losses we otherwise would have to sustain in Montana.

Sincerely yours,



E. G. Blackwell  
City Forester  
Billings

cc: Members of Senate Agricultural Committee



RECEIVED

# Montana Association of Nurserymen

February 26, 1979

Mr. Oran Roy Bjornson, Administrator  
Plant Industry Department  
Department of Agriculture  
Scott-Hart Building, 6th & Roberts  
Helena, Montana 59601

RE: HB 875 (Dutch Elm Disease Control)

Dear Mr. Bjornson:

The Montana Association of Nurserymen would like to have entered for the record their opposition to HB 875.

Let me say at the beginning of this letter, so that there can be no misunderstanding, that the membership of our association strongly supports treatment and eradication of Dutch Elm Disease from Montana's trees. We have been fighting to get good prevention and maintenance programs started in Montana since the disease was discovered by one of our members in the Missoula area, over six (6) years ago.

While our association name indicates one of nurserymen, this is not the case. Our membership is made up of nurserymen, landscapers, garden center owners and arborists, and pesticide applicators. I, therefore, consider our membership well qualified to speak on Dutch Elm Disease.

The program going before the Senate of the state of Montana will be both prohibitively expensive and largely ineffective.

I see the same effectiveness with this program as in the County Weed Control Programs. In most counties the weed control program has turned out to be worse than no program, and it is costing hundreds of thousands of dollars to accomplish nothing. Dutch Elm Disease and Weed Control are two areas that require highly trained personal at all levels. You cannot expect your County Commissioners to have this type of expertise and training. And you can't expect counties to either obtain or maintain such experts on the payroll of the county.

In the name of our association members I strongly urge defeat of the HB 875.

Sincerely,

Jane R. Barry (Mrs)  
Executive Secretary



For the Plant Industry Division of the Department of Agriculture to carry out the administrative responsibilities assigned the department in this bill would require additional personnel, a Plant Pathologist and a Clerk-typist III; additional space, about 750 square feet; additional equipment, both office and laboratory; additional travel funds; and other additional support funds. A minimum budget follows:

	<u>79-80</u>	<u>80-81</u>
<b>Personal services</b>		
Plant Pathologist, Grade 14	\$15,206	\$15,206
Clerk-typist III, Grade 7	8,374	8,374
Employee benefits	<u>3,160</u>	<u>3,160</u>
	26,740	26,740
<b>Operating Expenses</b>		
Contracted Services	\$ 750	\$ 850
Supplies and Materials	1,000	1,500
Communication & Tras.	500	750
Travel	7,000	7,500
Rent	125	125
Other expenses	<u>150</u>	<u>150</u>
	9,525	10,875
<b>Equipment</b>		
Office	\$ 1,850	0
Laboratory	<u>1,500</u>	<u>2,000</u>
	3,350	2,000
<b>TOTALS:</b>	<b>\$39,615</b>	<b>\$39,615</b>

# STANDING COMMITTEE REPORT

March 7

19 79

MR. President

We, your committee on Agriculture, Livestock & Irrigation

having had under consideration House Bill No. 251

Respectfully report as follows: That House Bill No. 251,  
third reading bill, be amended as follows:

1. Title, line 8.

Following: ";"

Insert: "AND REQUIRING THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL  
SCIENCES TO REPORT ON ENFORCEMENT EFFORTS TO THE LEGISLATURE;"

2. Page 1, line 24.

Following: "who"

Insert: "knowingly"

3. Page 2.

Following: line 4

Insert: "Section 3. THERE IS A NEW MCA SECTION THAT READS:  
Biennial report. The department of health and  
environmental sciences shall report to the legislature on all  
efforts taken to enforce compliance with the provisions of  
[this act] at the beginning of each regular legislative session."

~~DO PASS~~

# STANDING COMMITTEE REPORT

..... March 7 ..... 19 79 .....

MR. President .....

We, your committee on Agriculture, Livestock & Irrigation .....

having had under consideration ..... House ..... Bill No. 589 .....

Manuel (Galt)

Respectfully report as follows: That ..... House ..... Bill No. 589,  
was unanimously passed and was unanimously placed on the Consent  
Calendar.

BE CONCURRED IN  
DO PASS *MG*

# STANDING COMMITTEE REPORT

March 7 1979

MR. President

We, your committee on Agriculture, Livestock & Irrigation

having had under consideration House Bill No. 521

Nathe (Aklestad)

Respectfully report as follows: That House Bill No. 521,

third reading bill, (second printing) be amended as follows:

1. Page 4, line 2.  
Following: "sheep,"  
Insert: "asses, hogs,"
2. Page 4, line 6.  
Following: line 5  
Strike: "\$500"  
Insert: "\$250"
3. Page 4, line 7.  
Following: "sheep,"  
Insert: "asses, hogs,"
4. Page 4, line 11.  
Following: "bull"  
Insert: ", stallion, or jackass"

XDXPASS

(continued)

5. Page 4, line 15.  
Following: "\$250"  
Strike: "\$500"  
Insert: "\$250"

6. Page 4, line 25.  
Following: "\$500"  
Strike: "\$1,000"  
Insert: "\$500"

7. Page 5, line 13.  
Following: "\$250"  
Strike: "\$500"  
Insert: "\$250"  
Following: "\$500"  
Strike: "\$1,000"  
Insert: "\$500"

2nd, as amended,  
BE CONCURRED IN

*J.E.*