

MINUTES OF THE MEETING OF THE HOUSE AGRICULTURE,  
LIVESTOCK AND IRRIGATION COMMITTEE, JANUARY 14, 1983

The meeting was called to order by Chairman Jacobsen on Friday, January 14, 1983 at 12:30pm in Room 129, State Capitol. All members of the Committee were present with the exception of Representatives Bengston, Roush and Ellerd, who were excused.

HEARINGS

House Bill 85. REP. Verner Bertelsen, District 27, Powell County testified as sponsor of the bill, which is a housekeeping measure to officially change funding of rodent control from the Department of Livestock to the Department of Agriculture. He stated original rodent control legislation enacted in 1975, to coordinate state and federal control was duplicated by both Departments until last year when funds were transferred from the Department of Livestock to the Department of Agriculture, promoting efficiency. He said the bill would substitute "vertebrate pest management" for "rodent control " and would add skunks, raccoons, bats and depredatory and nuisance birds, such as blackbirds, cowbirds, starlings, house sparrows and feral pigeons to the list of vertebrate pests, the birds being detrimental to such crops as sunflowers.

PROPONENTS

MR. LES GRAHAM, Administrator, State Brands Division, Department of Livestock, testified as a proponent of the bill and told the Committee the change is needed for appropriate use of funding.

MR. KEITH KELLY, Director, Department of Agriculture, provided amendments to the bill (exhibit) and said the name of the program would be changed to "Pest Management" to establish uniformity with similar programs in other states.

MR. KEN KNUTSON, Montana Wildlife Federation, said he had concerns with renaming and expanding the program, adding management of vertebrate pests was already controlled through federal legislation and language needs to be clarified as to intent. He suggested using "suppression instead of "management and "small pests" instead of "vertebrates" to alleviate possible overlap with other agencies (exhibit).

MR. PAT UNDERWOOD, Montana Farm Bureau, stated his support of the bill and the Department of Agriculture amendments.

Agriculture Committee Minutes  
January 14, 1983  
Page 2

MRS. JO BRUNNER, Women Involved in Farm Economics added her support of the bill and the proposed amendments.

MR. JIM FLYNN, Department of Fish, Wildlife and Parks told the Committee he supports the intent of the bill and the concept of identifying the species as it would serve to clarify existing legislation (exhibit).

OPPONENTS

MS. JANET ELLIS, Montana Audubon Council, said the Council opposes the bill in its present form as the intent of the bill would be lost in changing the "rodent control" program to a "vertebrate pest management" program. She said the Department of Agriculture should control vertebrates only when they become pests and otherwise vertebrates should be managed only by the Department of Fish, Wildlife and Parks. Ms. Ellis told the Committee skunks, raccoons and bats should not be considered "pests" since problems with these animals are individual in nature (exhibit).

MR. WILL SALZER, Lewis and Clark County Health Department, said he is concerned with the use of poisons in rodent control unless they are used solely for agricultural purposes and added his concern with removal of the word "health" from page 2, line 8 of the bill.

REP. BACHINI asked what means was to be used for rodent control. Mr. Kelly replied management techniques would be applied which may or may not include poisons.

REP. UNDERDAL asked Ms. Ellis where the duplication of effort presently exists in vertebrate management. Ms. Ellis referred to her statement (exhibit) pertaining to responsibilities of the Departments of Agriculture and Fish, Wildlife and Parks. Rep. Underdal asked who was responsible for rabid skunks and bats, to which Ms. Ellis replied it was the Department of Livestock.

REP. SCHULTZ asked why "health" had been removed from line 8, page 2 of the bill. Mr. Kelly said health was a basic consideration in administering the program.

IN CLOSING, Rep. Bertelsen told the Committee he saw no danger to any species in carrying out the program, adding the Department works closely with biologists and environmental agencies. He said research is on-going

Agriculture Committee Minutes  
January 14, 1983  
Page 3

and the program is managed in a manner beneficial to all. He asked the Committee to give the bill a Do Pass as Amended recommendation.

HOUSE BILL 111. REP. MARIAN HANSON, District 57, Powder River, testified as sponsor of the bill, which would change "moving" to "driving" animals to clarify and update its intent.

PROPOSERS

MR. LES GRAHAM, Department of Livestock, said the law was unclear as to the actual method of transporting animals, resulting in numerous phone calls to his agency from concerned individuals.

MR. PAT UNDERWOOD, Montana Farm Bureau told the Committee his group supports the bill.

MRS. JO BRUNNER, Women in Volved in Farm Economics, stated her support of the bill.

OPPOSERS

There were no opposers of the bill.

QUESTIONS

There were no questions from the Committee.

IN CLOSING, Rep. Hanson asked the Committee to give the bill a favorable report.

CHAIRMAN JACOBSEN advised action on the bill would be deferred until next week.

The meeting was adjourned at 1:05pm.

  
REP. GLENN JACOBSEN, CHAIRMAN

Joann T. Gibson, Secretary

# VISITORS' REGISTER

HOUSE

COMMITTEE

BILL

Date 1/14/83

SPONSOR

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

WITNESS STATEMENT

NAME Ken Knudson BILL No. HB 85  
ADDRESS Helena, MT DATE 1/14/83  
WHOM DO YOU REPRESENT MT Wildlife Federation  
SUPPORT X OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: Prepared statement will be left with the  
Chairman

WITNESS STATEMENT

NAME KEITH KELLY BILL No. 85  
ADDRESS DEPARTMENT OF AGRICULTURE DATE 14 JAN 83  
WHOM DO YOU REPRESENT AGRICULTURE  
SUPPORT X OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

WITNESS STATEMENT

NAME Pat Underwood BILL No. HB 85  
ADDRESS 502 S 19<sup>th</sup> Bozeman, MT. 59715 DATE 14 Jan 83  
WHOM DO YOU REPRESENT Montana Farm Bureau  
SUPPORT X OPPOSE \_\_\_\_\_ AMEND X

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

The MFBF SUPPORTS THE  
DEPARTMENT ON HB 85.  
AND DEPT OF AG amendment.

WITNESS STATEMENT

NAME PAT Underwood BILL No. HB 111  
ADDRESS 502 S. 19th Bozeman MT <sup>59713</sup> DATE 14 Jan 83  
WHOM DO YOU REPRESENT Montana Farm Bureau  
SUPPORT ☒ OPPOSE ☐ AMEND ☐

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

The MFBF SUPPORTS THE  
DEPARTMENT OF LIVESTOCK  
AND AG ON HB 111



WITNESS STATEMENT

NAME

*Les Graham*

BILL No.

*HB 111*  
*HB 85*

ADDRESS

DATE

WHOM DO YOU REPRESENT

*Mont Dept of Livestock*

SUPPORT

☒

OPPOSE

AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

*HB 85 Support as amended*  
*by Dept of Agriculture*

*HB 111 as Introduced*

MONTANA WILDLIFE FEDERATION

Testimony on HB 85

January 14, 1983

B

Mr. Chairman, Members of the Agriculture Committee:

My name is Ken Knudson and I'm here today representing the Montana Wildlife Federation, in support of the sections of HB 85 that transfer rodent control functions from the Department of Livestock to the Department of Agriculture. We do, however, have some concerns about renaming and expanding the program. The most notable is the request to change the scope of the proposed program from "rodent control" to "management of vertebrate pests."

The MWF feels that the management of vertebrates is already statutorily covered by state and federal wildlife agencies and that the term "vertebrate pests" may be too all-encompassing, and thereby enhance the potential for overlap of responsibilities that are already within the realms of wildlife agencies. We feel that the language within this proposed legislation needs to be changed to better clarify its intent.

Wildlife agencies always consider management to include the protection and enhancement of animal populations. We are quite certain that the Department of Agriculture is not interested in applying this portion of the definition to its programs. Rather, it is interested in suppressing, usually on a case-by-case basis, certain populations of small mammals and birds that are found to be harmful to agricultural production. We would therefore suggest in the wording of this bill that the term suppression be used instead of management, and that the phrase "birds and small mammals demonstrated to be harmful to agricultural production" be used instead of vertebrate pests.

Also, since the responsibilities for the management of many of the species that are specifically mentioned in section 2 of this bill are already handled by other state and federal agencies, we would suggest striking the list of additional species by name from this bill.

The MWF does not feel that our suggested changes would in any way interfere with the abilities of the Department of Agriculture to perform its duties to landowners who have problems with harmful animals. We do, however, hope that it will clarify the intent of HB 85 and prevent any potential for overlap of responsibilities with other agencies.

HB 85

Testimony presented by Jim Flynn, Department of Fish, Wildlife & Parks

January 14, 1983

Mr. Chairman, committee members, I am here today in support of HB 85. We support the intent of this bill to transfer responsibility for rodent control from the Department of Livestock to the Department of Agriculture.

In our initial review of the bill, we were somewhat concerned by the potential management conflict caused by the expansion of the program from control of rodents to the management of a number of vertebrate species. In discussing this bill with the Department of Agriculture, however, we understand that they are proposing amendments which will specifically identify the context in which their management will occur. It is our belief that those amendments will adequately address our concern about the potential conflict in management responsibility.

Further, we endorse the idea of specifically identifying the species which are defined as pests. Under the previous law the definition was left open so that it was difficult to define what might qualify as a pest. This bill, with an amendment proposed by the Department of Agriculture will close that gap.

Thus, with the amendments proposed by the Department of Agriculture we support this bill.

# Montana Audubon Council

Testimony for HB85

Mr. Chairman and Members of the Committee,

My name is Janet Ellis and I am here today representing the Montana Audubon Council. The Council is composed of eight chapters of the National Audubon Society and represents 2600 people in Montana.

The Council opposes HB85 in its present form. We support the transfer of responsibility for the rodent control program from the Dept. of Livestock to the Dept. of Agriculture. However, we believe that this program should carry with it the intended policies <sup>of that program</sup>.

The purpose of the rodent control program is to control rodents and other animals when they become problems for agriculture, industry and the public health. One ground squirrel is not a problem for a rancher. One blackbird does not eat much seed. But when ~~these~~ populations of these animals are concentrated or when their populations explode, there is a need to control these animals as their numbers can affect the industry involved.

By changing the "rodent control" program to a "vertebrate pest management" program, we feel that the intent of the program is lost. The "vertebrates" defined as "vertebrate pests" are not always problem animals. We feel that the Dept. of Agriculture should control these animals when <sup>and only when,</sup> they become pests. Otherwise, these animals are under the jurisdiction of another state department, the Department of Fish, Wildlife & Parks. State agency budgets do not have room for duplications in efforts—nor does the public deserve such duplications. Present law clearly gives the Dept. of Fish, Wildlife & Parks the authority to manage all of the animals listed in HB85 when their populations are not causing problems.

The Montana Audubon Council would also like this Committee to reconsider the list of animals included in this bill as "pests." We do not feel that skunks, raccoons and bats should be considered with the other animals in this control program. Problem with these 3 animals result from individual animals and not population explosions. A skunk

# Montana Audubon Council — Testimony for HB85

under someone's trailer--or in someone's chicken coop is altogether a different matter than a flock of 10,000 blackbirds descending on a farmer's field. ~~XXXXXXXXXX~~ <sup>already</sup> Current law <sup>^</sup> sets up a program for the control of skunks, raccoons, bats--and any other animals--that may have rabies or other diseases. As far as these animals posing problems to agriculture or industry because of population numbers, we feel the control of one skunk or one bat can be handled through the programs already functioning within the Department of Fish, Wildlife & Parks.

In summary the Montana Audubon Council is asking this committee to reconsider HB85 with several changes:

1) Please define the meaning of when the pests included in this program are to be "managed". We want to assure that there is no duplication of efforts between state Departments and we feel that the intended purpose of a pest control program is for control only--and <sup>is</sup> not <sup>intended for</sup> the management of healthy populations.

2) Please <sup>as</sup> reconsider what animals are to be "managed" under this program. We feel that current law ~~s~~ allows the Department of Fish Wildlife and Parks to deal with problems concerning individual animals. <sup>Hence,</sup> We request the removal of skunks, raccoons and bats ~~far~~ from the pest control program.

Thank you for your time and consideration.

--Janet Ellis