

MINUTES OF THE MEETING OF THE HOUSE AGRICULTURE,
LIVESTOCK AND IRRIGATION COMMITTEE, JANUARY 21, 1983

The meeting was called to order by Chairman Jacobsen on Friday, January 21, 1983 at 12:30pm in Room 129, State Capitol. All members were present with the exception of Rep. Jensen, who was absent, and Rep. Roush, who was excused.

HEARINGS

HOUSE BILL 258. REP. GERRY DEVLIN, District 52, Prairie County, testified as sponsor of the bill to control the entry of diseased livestock into the State. He told the Committee present administrative rules were subject to challenge and although a disease-free state could not be accomplished intirely, the bill was the best attempt to do so.

PROPONENTS

MRS. JO BRUNNER, Women Involved in Farm Economics stated her support of the bill in prepared testimony (exhibit).

DR. JAMES GLOSSER, Department of Livestock said the Department requested the bill to amend a recently implemented statute pertaining to the permit system. He advised the Committee the Department had to rely upon administrative rules four years ago during a scabies outbreak and said all decisions he makes as State Veterinarian are based on exports, adding Montana tends to be a brucellosis-free state. Dr. Glosser told the Committee the bill would allow Montana to work directly with the state from which the disease originated, rather than applying for special dispensation in Washington, D.C., adding the State would be in a better position to remove the accreditation of a veterinarian who falsifies animal health documents. He said the penalty for such falsification would be a fine from \$50 to \$500 and up to six months confinement. The federal penalty is \$1000 to \$1500, he said, asking the Committee to give the bill favorable consideration.

MR. MONS TIEGEN, Montana Stockgrowers and Montana Cowbelles Associations told the Committee scabies is present in Idaho now, which only reinforces the need for this legislation in Montana.

REP. RAY LYBECK, District 16, testified as a representative of the Montana Cattlemen's Association and stated his support of the bill.

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MR. WILL BROOKE, Montana Woolgrowers Association and
MRS. NORRIS COLE, stated their support of the bill.

OPPONENTS

There were no opponents of the bill.

QUESTIONS

CHAIRMAN JACOBSEN asked Dr. Glosser if the bill would change present rules to statutes, to which Dr. Glosser replied it would.

REP. SCHULTZ told the Committee he believes a statement of intent is necessary. Dr. Glosser told him there is no problem with legislative intent, adding the matter had been discussed with the Legislative Council staff attorney who drafted the bill.

REP. ELLERD asked if a permit would be required for all livestock entering the State. Dr. Glosser said a telephonic permit would be required in addition to technical judgment of tests in the originating state.

REP. SCHULTZ asked how Section 1. (7) related to statute. Dr. Glosser said waivers for health certificates would be available in certain instances where, for example, livestock were originating two miles from the Montana border. He advised the Committee the permit would never be waived, adding all cattle have a blanket permit, even when brought to market.

IN CLOSING, Rep. Devlin said the bill would clean up the livestock industry and promote a free flow of cattle from the State.

EXECUTIVE SESSION

HOUSE BILL 258. REP. SCHULTZ moved the bill Do Pass. The motion was seconded by Rep. Ryan and unanimously approved by the Committee.

REP. RYAN moved the bill be put on the Consent Calender. Rep. Lybeck seconded the motion, which failed, with Rep. Ernst voting no.

HOUSE BILL 113. REP. SPEATH moved the bill Do Pass.

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REP. BENGSTON said she was concerned with the cost of research involved in grant requests. Chairman Jacobsen explained testimony from the hearing in response.

REP. KOEHNKE told the Committee he was concerned with services in all agencies going to user fees.

REP. SPEATH told the Committee in this instance, the livestock industry has not been charged, only those making inquiries which require research, such as students, historians or the curious.

REP. HANSON seconded the motion made by Rep. Spaeth that the bill Do Pass. The bill was given unanimous committee approval.


HOUSE BILL 127. REP. HOLLIDAY moved the bill Do Pass and then moved the proposed amendments to the bill be approved. Rep. Schultz seconded the motion.

REP. SPAETH said the title would have to be amended, with which Legislative Council Attorney John MacMaster agreed.

REP. HOLLIDAY restated her motion to include the title. The motion was seconded by Rep. Schultz and unanimously approved by the Committee.

REP. HOLLIDAY moved the bill Do Pass as Amended. Rep. Bengston seconded the motion, which was unanimously approved.

The meeting was adjourned at 1:10pm.


REP. GLENN JACOBSEN, CHAIRMAN

Joann T. Gibson, Secretary

STANDING COMMITTEE REPORT

JANUARY 21

83

19.....

MR. **SPEAKER:**

We, your committee on ~~HIGHWAYS AND TRANSPORTATION~~ AGRICULTURE

having had under consideration **HOUSE** Bill No. **258**

reading copy (.....)
 Color

**A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT THE ENTRY
INTO MONTANA OF DIESASED LIVESTOCK, WITH CERTAIN EXCEPTIONS;
AMENDING SECTION 81-2-703, MCA."**

Respectfully report as follows: That..... **HOUSE** Bill No. **258**

DO PASS


REP. GLENN JACOBSEN

STANDING COMMITTEE REPORT

JANUARY 21

19 83

MR. **SPEAKER:**

We, your committee on **AGRICULTURE**

having had under consideration **HOUSE** Bill No. **113**

_____ reading copy (_____)
color

**A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE
DEPARTMENT OF LIVESTOCK TO RESEARCH LIVESTOCK MARK OR BRAND
HISORIES AND TO CHARGE A FEE: AMENDING SECTION 81-3-107,
NCA. "**

Respectfully report as follows: That **HOUSE** Bill No. **113**

DO PASS

REPL GLENN JACOBSEN

Chairman.

STANDING COMMITTEE REPORT

JANUARY 21

19 93

MR. **SPEAKER:**

We, your committee on **AGRICULTURE**

having had under consideration **HOUSE** Bill No. **127.**

First reading copy (white)
Color

A BILL FOR AN ACT ENTITLED: "AN ACT REDUCING THE PERIOD OF
TIME IN WHICH A PERSON TAKING POSSESSION OF TRESPASSING
LIVESTOCK MUST GIVE NOTICE TO THE OWNER; AMENDING SECTION
81-4-217, MCA."

Respectfully report as follows: That **HOUSE** Bill No. **127**

(1) Amend title

Title, lines 7 through 8.

Following: "OWNER;"

Insert: "DELETING A REQUIREMENT THAT NOTICE BE POSTED
WHERE THE ANIMAL WAS TAKEN;"

(2) Strike material only

1. Page 2, line 3 through 5

Following: "held;"

Strike: the remainder of line 3 and all of lines
4 and 5 in their entirety

AND AS AMENDED

DO PASS


REP. GLENN JACOBSEN

Chairman.

VISITOR'S REGISTER

HOUSE

COMMITTEE

BILL

DATE _____

SPONSOR

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

WITNESS STATEMENT

Name JEANNE RANKIN Date JAN 21, 83
Address 502 S. 19TH BOZEMAN, MT. 59715 Support ? ☒
Representing _____ Oppose ? _____
Which Bill ? HB 258 Amend ? _____

Comments:

THE MFBF SUPPORTS THIS
BILL AND GOES ON RECORD
AS SUCH

Jeanne M. Rankin

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

NAME Will Brooke BILL No. HB 258

ADDRESS 420 No Calif / Helena, MT DATE 1/21

WHOM DO YOU REPRESENT MT Wolfpackers / State Congress / interests

SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

WITNESS STATEMENT

NAME Mons Teigen BILL No. 258
ADDRESS Helena DATE 1/21/87
WHOM DO YOU REPRESENT Mont. Stockgrowers & Cowbellers
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

*We believe this legislation is badly
needed in view of present potential
disease problems lurking in adjoining
states*

WIFE Women Involved In Farm Economics



WITNESS STATEMENT

NAME Jo Brunner

BILL NO. HB 258

ADDRESS 563 3rd St, Helena

DATE January 21/83

REPRESENT Women Involved in Farm Economics

SUPPORT X

OPPOSE

ABEND

Mr. Chairman, members of the committee, for the record, my name is Jo Brunner and I represent the Women Involved in Farm Economics Organization. Mr. Chairman, our organization strongly supports House Bill 258.

For years the state of Montana, ~~both~~ our livestock officials, our livestock organizations, our ranch and farm families, have worked diligently toward eradicating the costly and heartbreaking diseases from our livestock herds. Not too long ago our women heard people from the Department of Livestock tell us that our state could be considered as brucellosis free as is humanly possible. And our people in our livestock communities should be very proud of this accomplishment. I guess if you have never seen or experienced the heartbreaking, and costly loss of a complete herd of cattle, you might not understand our enthusiasm over such news. I can remember when whole herds of dairy cattle were lost to ~~the~~ ^{brucellosis} disease.

But today things are a little gloomier than they were yesterday. And perhaps if you do not remember when brucellosis was a terrible problem to our livestock people, you won't understand that I doubt I could have felt worse had I been told that there was a small pox out break, instead of the sad fact of one rancher who did not, would not---vaccinate his herd; that somehow or other cattle were imported from a state that was not brucellosis free; that these two herds were mixed, and now nearly a year later, out of a herd of 129 cows, so far 37 are bangers--so far that is. ^{as of August only 4} ~~So far~~ ^{several} have aborted--so far. And what of the neighboring herds??? Are they all vaccinated? I guess we can imagine any number of problems that may come out of this one instance---but needless to say, today, even more than yesterday or the day before---W.I.F.E. concurs with HB 258 and urges your passage of that bill. Thank you.

"Hell has no fury like a woman scorned"

1 *Bohem* *House* BILL NO. *127*
 2 INTRODUCED BY *James Smith*
 3 BY REQUEST OF THE DEPARTMENT OF LIVESTOCK *Case*
 4 *Ellis* *Shelley*

5 A BILL FOR AN ACT ENTITLED: "AN ACT REDUCING THE PERIOD OF
 6 TIME IN WHICH A PERSON TAKING POSSESSION OF TRESPASSING
 7 LIVESTOCK MUST GIVE NOTICE TO THE OWNER; AMENDING SECTION
 8 81-4-217, MCA."
 9 *(add)* *delete a reg. that*

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 11 *notice be posted*
 12 *where the animal was*
 13 *taken;*

14 Section 1. Section 81-4-217, MCA, is amended to read:
 15 "81-4-217. Retention of trespassing stock. (1) If an
 16 animal breaks into an enclosure surrounded by a legal fence
 17 or is wrongfully on the premises of another, the owner or
 18 occupant of the enclosure or premises may take into his
 19 possession the trespassing animal and keep the animal until
 20 all damages, together with reasonable charges for keeping
 21 and feeding the animal, are paid. The person who takes the
 22 animal into his possession shall, within 72 24 hours after
 23 he takes possession, give written notice to the owner or
 24 person in charge of the animal, stating that he has taken
 25 the animal. The notice shall also give the date of the
 taking, the description of the animal taken, including marks
 and brands, if any, the amount of damages claimed, the
 charge per head per day for caring for and feeding the

1 animal, and the description, either by legal subdivisions or
 2 other general description, of the location of the premises
 3 on which the animal is held. In all cases a copy of the
 4 notice shall also be posted at a point where the animal was
 5 taken.

6 (2) The notice shall be given to the owner or person
 7 in charge only when the owner or person in charge of the
 8 animal is known to the person taking the animal and resides
 9 within 25 miles of the premises on which the animal was
 10 taken. If the owner or person in charge of the animal
 11 resides more than 25 miles from the place of the taking, the
 12 notice shall be mailed to him. In this case or if the owner
 13 is unknown, a similar notice shall be mailed to the
 14 department of livestock and the sheriff of the county in
 15 which the animal has been taken. On receipt of the notice,
 16 the sheriff shall post a copy of the notice at the
 17 courthouse and shall send by certified mail a copy of it to
 18 the owner of the stock, if known to him. If unknown to him,
 19 the sheriff shall send a copy of the notice to the nearest
 20 state livestock inspector.

21 (3) If the parties within 5 days thereafter do not
 22 agree to the amount of damages, the claimant must within 10
 23 days thereafter institute a civil action to collect his
 24 claim in a court of competent jurisdiction. Pending the
 25 outcome of the suit, the person taking the stock may, at the

-2- INTRODUCED BILL

A.B. 127

1-21-83

delete

1 expense of the owner, retain a sufficient number of animals
2 to cover the amount of damages claimed by him. The defendant
3 may, after the institution of the action, on filing a bond
4 executed by two or more sureties and approved by the court
5 in double the sum sued for, conditioned upon the payment to
6 the plaintiff of all sums, including costs that may be
7 recovered by the plaintiff, have all livestock returned to
8 him. The claimant is liable to the owner for any loss or
9 injury to the stock occurring through his fault or neglect.
10 If the claimant fails to recover in the action a sum equal
11 to that offered him by the owner of the stock, the claimant
12 bears the expense of keeping and feeding the stock while in
13 his possession.

14 (4) A person who takes or rescues an animal from the
15 possession of the person taking the animal, without his
16 consent, is guilty of a misdemeanor and shall be fined not
17 less than \$100 or more than \$500."

-End-