

MINUTES OF THE MEETING OF THE HOUSE AGRICULTURE,
LIVESTOCK AND IRRIGATION COMMITTEE, JANUARY 24, 1983

The meeting was called to order by Chairman Jacobsen on Monday, January 24, 1983 at 12:30pm, in Room 129, State Capitol. All members of the Committee were present with the exception of Representatives Howe and Schultz who were excused.

HEARINGS

HOUSE BILL 324. REP. DENNIS VELEBER, District 98, Missoula, testified as sponsor of the bill, which would amend Sections 85-5-101 and 85-5-201, MCA, to include water users with permits and certificates issued by the Department of Natural Resources and Conservation, providing for the payment of fees and compensation to water commissioners. He told the Committee the bill was drafted to relate to statutes pertaining to district court decreed streams.

PROPONENTS

MR. LEO BERRY, Department of Natural Resources and Conservation, said the bill clarifies statutes enacted in 1979 on page 2, line 4, adding districts became involved in sharing water commissioner expenses when they were appointed.

MR. ROBERT ELLIS, Montana Water Development Association, stated his support of the bill.

OPPONENTS

There were no opponents of the bill.

QUESTIONS

REP. JENSEN asked how much jurisdiction was available to water commissioners. Mr. Berry replied it would depend upon the circumstances and the area.

REP. BENGSTON asked how many water users had decrees, permits and certificates and how much the proposed legislation would cost the districts. Mr. Ellis, told her salaries were determined when a water commissioner was appointed. Mr. Berry advised the Committee each situation is different, presenting difficulty in estimating costs to users.

REP. UNDERDAL asked for a definition of decrees, permits and certificates. Mr. Berry told him "decree" pertains to the 1973 Water Use Act, adding "permits" have been issued since that time. He said all rights established

Agriculture Committee Minutes
January 24, 1983
Page 2

both before and after 1973 are adjudicated to establish a basis for future appropriations.

REP. SPAETH said the cost would depend upon the length of time a permit allowed water to be used.

REP. BENGSTON said she wondered what length of time a water commissioner would be appointed for.

OPPONENTS

There were no opponents of the bill.

IN CLOSING, Rep. Veleber requested favorable consideration of the bill.

EXECUTIVE SESSION

HOUSE BILL 165. REP. BLISS moved the bill Do Pass. Rep. Ryan seconded the motion, which was unanimously approved.

HOUSE BILL 159. REP. UNDERDAL moved that amendments to the bill be approved and then withdrew his motion.

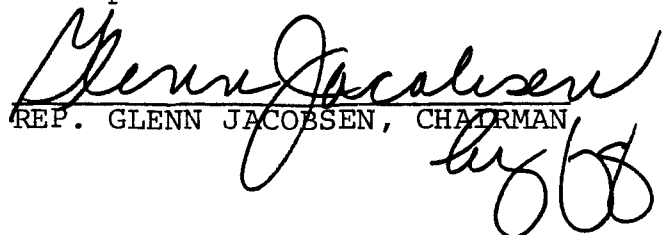
REP. SCHULTZ asked that the amendments be printed in bill form prior to being provided to committee members.

MR. JOHN MACMASTER, Legislative Council, said the amendments were presently in the form used for codification purposes. Chairman Jacobsen requested they be put in bill form if possible.

MR. GEORGE ALGARD, Department of Agriculture said the bill was originally two separate bills and later combined into the present one, which might serve to resolve some of the confusion.

Executive action on House Bill 159 was moved to January 26, 1983.

The meeting was adjourned at 1:15pm.


REP. GLENN JACOBSEN, CHAIRMAN

Joann T. Gibson, Secretary

STANDING COMMITTEE REPORT

JANUARY 24

83

19.....

MR. **SPEAKER:**

AGRICULTURE

We, your committee on

having had under consideration **HOUSE** Bill No. **165**

~~white~~ reading copy (white)
color

A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING THE PUBLIC
CONSUMPTION OF MILK OR CREAM TO MEAN THE USE OF MILK OR
CREAM BY THE PUBLIC FOR ANY PURPOSE; AMENDING SECTIONS
81-21-101, MCA."

Respectfully report as follows: That **HOUSE** **165**
Bill No.

DO PASS

HOUSE Reg. Committee COMMITTEE

COMMITTEE

DATE 1/24/83

[illegible]

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

WITNESS STATEMENT

Name Robert R. Ellis Committee On H. Ag.
Address 1735 Sierra Date 1/24/83
Representing Mont. Water Develop. Support X
Bill No. HB 324 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. The Montana Water Development Assoc. at the last meeting voted to support HB 324.
- 2.
- 3.
- 4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

AMENDMENTS TO HOUSE BILL 159, (introduced copy)

1. Title, lines 4 through 10.

Following: "entitled: "AN ACT"

Strike: lines 4 through 10 in their entirety

Insert: "TO REVISE THE RODENT CONTROL LAW; TO AUTHORIZE THE GOVERNING BODY OF A COUNTY TO ESTABLISH A PROGRAM FOR THE MANAGEMENT AND SUPPRESSION OF VERTEBRATE PESTS; AMENDING SECTIONS 7-22-2207, 7-22-2215 AND 7-22-2216, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

2. Pages 1 through 10.

Strike: all of the bill following the encating clause

Insert: "Section 1. Section 7-22-2207, MCA, is amended to read:

"7-22-2207. Definitions. As used in this part, unless the context indicates otherwise, the following definitions apply:

(1) "Board" means the rodent control board for a district.

(2) "Department" means the department of livestock.

(3) "District" means a rodent control district created under the provisions of this part.

(4) "Fund" means the rodent control district fund authorized by 7-22-2221.

(5) "Governing body" means the governing body specified in the alternative form of government adopted by a county.

(6) "Rodent" means Columbia ground squirrel (~~Eitellus~~ Spermophilus columbianus), Richardson ground squirrel (~~Eitellus~~ Spermophilus richardsonii), Aramatus ground squirrel (~~Eitellus~~ Spermophilus aramatus), thirteen-striped ground squirrel (~~Eitellus~~ Spermophilus tridecemlineatus), pocket gopher (Thomomys, various species), and prairie dog (Cynomys ludovicianus)."

Section 2. Section 7-22-2215, MCA, is amended to read:

"7-22-15. Rodent control board. (1) A Governing body creating a rodent control district shall appoint a rodent control board composed of not less than three nor more than five members. The county extension agent is an ex officio member of the board. Each member of the board must be an elector and reside within the district.

(2) Board members serve 3-year staggered terms. Of the members first appointed to a board, at least one shall serve a 1-year term and at least one shall serve a 2-year term.

(3) Each member of the board is entitled to:

(a) a mileage allowance as provided in 2-18-503 for

AMENDMENTS TO HOUSE BILL 159

the distance actually and necessarily traveled to perform official duties; and

(b) per diem expenses established by the governing body.

(4) The county weed board appointed under 7-22-2103 shall may be appointed by the governing body to also serve as the rodent control board, in which case the qualifications, terms, compensation, mileage, and expenses of the rodent control board are the same as those of the county weed board and subsections (1) through (3) do not apply."

Section 3. Section 7-22-2216, MCA, is amended to read:

"7-22-2216. Board powers. (1) The board may:

{1} (a) develop and administer a program for the abatement and alleviation of rodent pest conditions within the district;

{2} (b) employ such assistants and employees as are necessary;

{3} (c) purchase or lease such equipment, material, or services to district landowners or residents as are considered necessary to implement the rodent abatement program;

{4} (d) sell or lease such equipment, material, or services to district landowners or residents as are considered necessary to implement the rodent abatement program;

{5} (e) cooperate with any corporation, association, group, individual, or state or federal agency in rodent abatement programs;

{6} (f) receive gifts or grants for the implementation of a rodent abatement program; and

{7} (g) enter district lands in order to survey and study conditions and to implement a rodent abatement program;

(2) The Board shall cooperate with the department in the management and suppression of rodent pests and may enter into written agreements with the department."

NEW SECTION. Section 4. Definitions. As used in [sections 4 through 9] the following definitions apply:

(1) "Department" means the department of livestock.

(2) "Governing body" means the governing body specified by the form of government adopted by a county.

(3) "Management of vertebrate pests" means the correct identification of a vertebrate pest; recognition of its biological and environmental needs; assessment of the pest's damage, injury or nuisance to agriculture, industry or the public prior to selecting and implementing

AMENDMENTS TO HOUSE BILL 159

any integrated or individual control methods to reduce, prevent or suppress such damage, nuisance or injury; and evaluating the effects of these control methods.

(4) "Vertebrate pests" means jackrabbits, prairie dogs, ground squirrels, pocket gophers, rats, mice, skunks, raccoons, bats, and the following depredatory and nuisance birds: blackbirds, cowbirds, starlings, house sparrows, and feral pigeons, when such animals and birds are injurious to agriculture, other industries, or the public.

NEW SECTION. Section 5. Management of vertebrate pests. (1) A governing body may establish a program to manage and suppress vertebrate pests.

(2) A governing body that establishes a program under subsection (1) must cooperate with the department in the management and suppression of vertebrate pests, including cooperation in regard to the department's organized and systematic plans covering methods and procedures to be followed in the management and suppression of vertebrate pests.

(3) A governing body, in cooperation with the department, may enter into cooperative agreements with state and federal governmental agencies, counties, rodent control districts, associations, corporations, or individuals when cooperation is necessary to promote the management and suppression of vertebrate pests.

NEW SECTION. Section 6. Agreements with department. A governing body, when cooperating with the department, may enter into written agreements with the department of livestock covering the methods and procedures to be followed in the management and suppression of vertebrate pests, the extent of supervision to be exercised by the governing body, and the use and expenditures of state and county money.

NEW SECTION. Section 7. County vertebrate pest management fund. A governing body that establishes a program to manage and suppress vertebrate pests must establish a county vertebrate pest management fund, from which the governing body may appropriate money for the operation of the program.

NEW SECTION. Section 8. Financing of vertebrate pest management program-tax. (1) A governing body may:

(a) appropriate from the county general fund an amount not in excess of \$10,000 annually and transfer it to the county vertebrate pest management fund; and

(b) levy a vertebrate pest management tax not to exceed 2 mils on the taxable valuation of all agricultural,

AMENDMENTS TO HOUSE BILL 159.

horticultural, grazing, and timber lands and their improvements. Land within a rodent control district may not be taxed in any given year under both 7-22-2222 and this section for the control of rodents as defined in 7-22-2207. Land within a rodent control district may be taxed under this section only a dollar amount that is proportional to part of the vertebrate pest program's projected fiscal year budget which is allocated to the management and suppression of vertebrate pests other than rodents.

(2) The tax provided for in subsection (1) must be collected as other county taxes and credited to the county vertebrate pest management fund.

NEW SECTION. Section 9. Expenditures for supplies and services authorized. A governing body may make necessary expenditures from the county vertebrate pest management fund for equipment, materials, supplies, personal services, and other expenses. A governing body may also purchase vertebrate pest management supplies and equipment for use by cooperating governmental agencies, counties, rodent control districts, associations, corporations, or individuals in the management of vertebrate pests if the governing body charges such users the approximate cost of the supplies and equipment. Receipts from the resale of such supplies and equipment to the cooperating users must be credited to the county vertebrate pest management fund.

NEW SECTION. Section 10. Coordination instruction. If House Bill No. 85, transferring vertebrate pest management responsibility from the department of livestock to the department of agriculture, is passed and approved, references to "the department of livestock" in this act are amended to read "department of agriculture".

NEW SECTION. Section 11. Effective date. This act is effective on passage and approval.

-END-

EXCUSE

DATE 1-24-83

REPRESENTATIVE Bob Ellard

IS EXCUSED FROM COMMITTEE HEARING.

REP. GLENN JACOBSEN, CHAIRMAN
AGRICULTURE COMMITTEE

PROXY VOTE

Date 1-24-83

REPRESENTATIVE _____

BILL NO. _____

INSTRUCTIONS _____

HB	85	Yes
HB	165	
HB	159	

Robert A. Ellard
SIGNATURE