

MINUTES OF THE MEETING OF THE HOUSE AGRICULTURE,  
LIVESTOCK AND IRRIGATION COMMITTEE, JANUARY 28, 1983

The meeting was called to order by Chairman Jacobsen on Friday, January 28, 1983 at 12:30pm in Room 129, State Capitol. All members were present with the exception of Representatives Bengston, Ernst, Hanson, Howe, Roush, Ryan and Schultz, who were excused.

HEARINGS

HOUSE BILL 432. REP. GERRY DEVLIN, District 52, Prairie County testified as sponsor of the bill which would delete conflicting language in a code section pertaining to terms of lease and cancellation thereof. Rep. Devlin told the Committee the bill would require a lessee to appeal for reinstatement of a cancelled lease and to pay a penalty and closed on this testimony.

PROPONENTS

MR. LYLE MANLEY, State Department of Lands attorney, testified in support of the bill, providing members with a prepared statement (exhibit), which included information on Supreme Court and Attorney General opinions on the matter of reinstatement of leases.

OPPONENTS

There were no opponents of the bill.

QUESTIONS

REP. UNDERDAL asked if preference rights would be lost should a lessee choose to sublet. Mr. Manley replied subletting activity of three or more years duration conducted for profit could cause loss of a lease, especially if done without Departmental approval. He referred the Committee to the Jerke and Skillman decisions, which he said were based on the Attorney General's opinion and rules of the Department of State Lands.

The hearing was closed on House Bill 432.

EXECUTIVE SESSION

HOUSE BILL 159. REP. SPEATH moved the bill Do Pass. Rep. Saunders seconded the motion. Rep. Spaeth then moved the amendments proposed in the brown committee draft of the bill. Rep. Lybeck seconded the motion.

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REP. SPAETH told the Committee the amendments have not changed the original intent of the bill and serve to further clarify the program at the county level. He said the language is compatible with that in House Bill 85 and asked the Committee to act favorably on the bill. The Committee voted unanimously to approve the amendments.

REP. ELLERD moved the bill Do Pass as Amended. Rep. Holliday seconded the motion, which was unanimously approved by the Committee.

HEARINGS

SENATE BILL 102. In the absence of the chief sponsor of the bill, Rep. Ellerd testified in support of the bill, which would extend the permit for transportation of rodeo stock to a calender year, in leiu of the present April-October permit period.

PROPOSERS

MR. LES GRAHAM, Director, Department of Agriculture, said originally when rodeos were limited to warmer months the six month permit was established, adding the 1974 regulation is now outdated with utilization of indoor arenas throught the year. Referring to page 6, line 9 of the bill, he told the Committee new language would cut expenses for inspections by eliminating the need for another permit in the November-March period.

OPPOSERS

There were no opposers of the bill and Rep. Ellerd closed.

QUESTIONS

There were no questions from the Committee.

REP. SPAETH advised the Committee he would check with the Legislative Council for coordination of the bill with House Bill 509.

The meeting was adjourned at 1:15pm.

  
REP. GLENN JACOBSEN, CHAIRMAN

Joann T. Gibson, Secretary

JANUARY 28

19 83

MR. SPEAKERWe, your committee on AGRICULTUREhaving had under consideration HOUSE Bill No. 159first reading copy ( white )  
color

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND CLARIFY THE LAWS RELATING TO RODENT CONTROL DISTRICTS; CHANGING THE NAME OF THE BOARD AND DISTRICTS; PROVIDING FOR THE TERM OF OFFICE FOR VERTEBRATE PEST MANAGEMENT BOARD MEMBERS; AMENDING SECTIONS 7-22-2207, 7-22-2209, 7-22-2210, 7-22-2214, 7-22-2215, 7-22-2221, 7-22-2222, 7-22-2224, AND 7-22-2225, MCA."

Respectfully report as follows: That HOUSE Bill No. 159

Be amended as follows:

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) Page 1.

Following: line 11

Strike: remainder of bill in its entirety

Insert: language as attached

DO PASS

REP. GLENN JACOBSEN

Chairman.

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 (~~Eitettus~~ Spermophilus columbianus), Richardson ground squirrel (~~Eitettus~~ Spermophilus richardsonii), Aramatus ground squirrel (~~Eitettus~~ Spermophilus aramatus), thirteen-striped ground squirrel (~~Eitettus~~ Spermophilus triacemlineatus), pocket gopher (Thomomys, various species), field mice (Microtus, various species), and prairie dog (Cynomys ludovicianus)."

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

"7-22-2215. Rodent control board. (1) A governing body creating a rodent control district shall appoint a rodent control board composed of not less than three or 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 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 as are considered necessary for an effective control 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 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 mills on the taxable valuation of all agricultural, 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.



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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-

AND AS AMENDED  
DO PASS

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REP. GLENN JACOBSEN

## VISITOR'S REGISTER

HOUSE

# Agriculture

COMMITTEE

BILL HB 432

DATE 1-28-83

SPONSOR

Devlin

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## VISITOR'S REGISTER

HOUSE Day-lives/bed-

COMMITTEE

BILL SB 102

DATE 1-28-83

SPONSOR Osher

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

WITNESS STATEMENT

Name Lyle Manley Committee On H. Agric. & I  
Address Dept. of State Lands Date 1/28/82  
Representing Dept of State Lands Support X  
Bill No. HB 432 Oppose \_\_\_\_\_  
Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: See Prepared Testimony  
1.

2.

3.

4.

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

WITNESS STATEMENT

NAME Les Graham BILL No. S13102  
ADDRESS Helena DATE \_\_\_\_\_  
WHOM DO YOU REPRESENT Dept of Livestock  
SUPPORT ✓ OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

*Will Answer questions*

Ex. A

1-28-83

DEPARTMENT OF STATE LANDS TESTIMONY ON HOUSE BILL #432

BEFORE THE HOUSE AGRICULTURE, LIVESTOCK AND IRRIGATION COMMITTEE

The Department of State Lands supports HB 432; however, it wishes to caution the members of the committee that this bill does not solve the problem created by the Supreme Court decisions of Jerke v. State Department of Lands and Skillman v. Department of State Lands. These cases hold that the preference right to renew state leases is unconstitutional in the case where a lessee has allowed someone other than himself to use state land. Since these decisions were based on the constitution, they cannot be overturned by statute.

What this bill will do is allow the Board of Land Commissioners to cancel a lease and, if the reason for cancellation is not of a serious nature, restore the lease and the preference right. However, if a lessee has allowed someone else to use the land, the preference right cannot be restored because of constitutional reasons.

It should be noted that the Attorney General's Office has issued an opinion which states that the Board of Land Commissioners can reinstate the preference right after cancellation. Therefore, this bill is consistent with current policies, but would ensure that the policy is set by the legislature rather than the courts.

EXCUSE

DATE 1-28-83

REPRESENTATIVE John Ryan

IS EXCUSED FROM COMMITTEE HEARING.

Glenn Jacobsen  
REP. GLENN JACOBSEN, CHAIRMAN  
AGRICULTURE COMMITTEE

PROXY VOTE

Date 1-28-83

REPRESENTATIVE Ryan

\* BILL NO. HB 159

INSTRUCTIONS Yes on do pass as amended

\* HB 324 Yes on do pass

John Ryan  
SIGNATURE

EXCUSE

DATE Jan 28, 1982

REPRESENTATIVE Gene Ernst

IS EXCUSED FROM COMMITTEE HEARING.

Glenn Jacobsen  
REP. GLENN JACOBSEN, CHAIRMAN  
AGRICULTURE COMMITTEE

PROXY VOTE

Date Jan 28

REPRESENTATIVE Gene Ernst

BILL NO. 159

INSTRUCTIONS vote yes as amended  
on HB 159

HB 324 - DP

Gene Ernst  
SIGNATURE



EXCUSE

DATE Nov 28, 1983

REPRESENTATIVE James M. Schulz

IS EXCUSED FROM COMMITTEE HEARING.

Glenn Jacobsen  
REP. GLENN JACOBSEN, CHAIRMAN  
AGRICULTURE COMMITTEE

PROXY VOTE

Date \_\_\_\_\_

REPRESENTATIVE \_\_\_\_\_

BILL NO. 159

INSTRUCTIONS ~~Do~~ Do Pass as amended - Yes

HB-324 - DP

SIGNATURE

EXCUSE

DATE 1/28/83

REPRESENTATIVE Marian W. Hanson

IS EXCUSED FROM COMMITTEE HEARING.

Glenn Jacobsen  
REP. GLENN JACOBSEN, CHAIRMAN  
AGRICULTURE COMMITTEE

PROXY VOTE

Date 1-28-83

REPRESENTATIVE Hanson

BILL NO. \_\_\_\_\_

INSTRUCTIONS \_\_\_\_\_

HB 159 - DP as a

HB 324 - DP

Marian W. Hanson  
SIGNATURE

EXCUSE

DATE 1/28/83

REPRESENTATIVE Ramona E. Howe

IS EXCUSED FROM COMMITTEE HEARING.

Glenn Jacobsen  
REP. GLENN JACOBSEN, CHAIRMAN  
AGRICULTURE COMMITTEE

PROXY VOTE

Date 1-28/83

REPRESENTATIVE Howe

BILL NO. \_\_\_\_\_

INSTRUCTIONS \_\_\_\_\_

HB 159 - DP as A

HB 324 - DP

Ramona E. Howe  
SIGNATURE

EXCUSE

DATE 1-28-83

REPRESENTATIVE Bengtson

IS EXCUSED FROM COMMITTEE HEARING.

Glenn Jacobsen  
REP. GLENN JACOBSEN, CHAIRMAN  
AGRICULTURE COMMITTEE

PROXY VOTE

Date \_\_\_\_\_

REPRESENTATIVE \_\_\_\_\_

BILL NO. \_\_\_\_\_

INSTRUCTIONS Do pass HB 159 as amended

HB 324 Yes

HB 329 Yes

Esther G Bengtson  
SIGNATURE