MINUTES OF THE MEETING OF THE HOUSE AGRICULTURE, LIVESTOCK AND IRRIGATION COMMITTEE, FEBRUARY 9, 1983

The meeting was called to order by Chairman Jacobsen on Wednesday, February 9, 1983 at 12:30pm, in Room 129, State Capitol. All members were present with the exception of Reps. Holliday, Bengston, Lybeck and Roush who were excused.

HEARING

HOUSE BILL 617. REP. MELVIN UNDERDAL, District 12, Toole County, testified as chief sponsor of the bill, referring to Section 71-3-901 and page 1, line 21. He said the stricken language enforces a lien amount of \$1.50 per acre on wheat for crop dusting and doesn't change figures for any other crop.

REP. UNDERDAL suggested the Committee strike line 21 beginning with "exceed" and all of line 22. He said costs for dusting range from \$4 to \$25 per acre and recommended inserting "crop or grain lines for spraying or dusting" after "seed" on page 2, line 4 of the bill and Page 3, Section 4, lines 13-14.

PROPONENTS

MR. TOM MILLOTT, Brady, MT, told the Committee, as an aerial applicator he believed \$1.50 per acre was inadequate. He asked the Committee to raise the fees to cover costs incurred by the applicator.

OPPONENTS

MR. ROGER MCGLENN, Independent Insurance Agents, said his organization objected to the bill and would like to see hail insurance remain in its present order (exhibit).

MR. JAY CONLON, Manager, Montana-Wyoming Division of Rain and Hail Insurance Services, Inc., read from a prepared statement in opposition to the bill (exhibit).

MR. BOB LOWRY, Continental Insurance Company, Missoula, MT, reempahized information provided by other opponents of the bill.

CHAIRMAN JACOBSEN advised Rep. Underdal the prevailing price would apply to wheat if language on page 1, line 21 were stricken from the bill. He asked if this action would be acceptable to the Committee and whether the bill would need to be further amended.

REP. UNDERDAL commented crop dusting liens should be inserted after hail insurance in the bill instead of striking language on page 2, lines 5-7.

REP. SPAETH told the Committee it was his interpretation all lines on page 2, lines 5-7 receive the same priority.

CHAIRMAN JACOBSEN asked if priorities were based on the first in time theory when such a lien were filed. Mr. Conlon told him the crop insurance people want to remain the number one priority in the bill.

Legislative Council Attorney, John MacMaster told the Committee Section 1 of the bill seemed to conflict with Section 2 in establishing priorities.

REP. SPAETH advised the Committee lien laws are very complicated. Chairman Jacobsen told the Committee crop dusters would still be free to put a lien on their work if language pertaining to \$1.50 per acre were stricken and the remainder of the bill left intact.

REP. SPAETH said two parts of the bill need to be addressed and that he believed Chairman Jacobsen was on the right track.

REP. UNDERDAL restated his concern that crop dusters be properly compensated for costs incurred and asked the Committee to at least consider the first part of proposed changes in the bill.

The hearing on HOUSE BILL 617 was closed.

HOUSE BILL 667. REP. DEAN SWITZER, District 54, Dawson County, read from prepared testimony in support of the bill which would establish a crimestoppers program within the Department of Livestock and appropriate funds (exhibit). He said there were 266 cases of stolen livestock in 1981 and 344 in 1982 and told the Committee of 1,511 vehicle checks in 1981, 29,200 animals were recovered while recoveries in 1982 totalled 43,244 animals. He explained 789 animals were lost in 1981 and 1,012 in 1982.

REP. SWITZER told the Committee Colorado, North Dakota and New Mexico have implemented similar programs; Montana's most closely related to that of New Mexico, adding the bill would create a five member board funded by earmarked dollars and compensated for expenses from the estray fund.

MR. MONS TIEGEN, Montana Stockgrowers, Woolgrowers and Montana Cowbelles stated his support of the bill. He said there are too many restrictions on rewards for information on stolen cattle and told the Committee the estray fund was created from the sale of stray livestock.

MR. PAT UNDERWOOD, Montana Farm Bureau, stated his support of the bill as did MRS. JO BRUNNER, Women Involved in Farm Economics.

MR. LESS GRAHAM, Director, Department of Livestock, said funds not claimed within 2 years of the sale of a stray remain in the account, which totals approximately \$10-15,000 annually. He told the Committee his department worked with the Montana Peace Officers Association in preparing the bill and said as budgets tighten, investigative travel must decrease, adding a crimestoppers program would aid in dealing with problems such as 50 head of cattle stolen from a Billings stockyard last year.

MR. CHUCK O'REILLY, Lewis and Clark County Sheriff, said the program is operated simply by donation and to be successful, must be supported by the people, a phone number and law enforcement. He told the Committee 7-% of calls received are from individuals closely related to the crime in some manner, 20% are further removed and 10% are from citizens in the community who very seldom request a reward.

MR. O'REILLY stressed confidentiality as the key to the program and said the Commission determines rewards since the law enforcement officer must never bargain with a caller in exchange for information, adding the callers deal directly with the Commission or board.

MR. O'REILLY said 213 calls were received in 1982, relating to 49 cases and resulting in 57 arrests. \$2,050 was paid in rewards and \$39,543 was recovered in stolen merchandise from 17 burgleries, 22 felonies, 2 armed robberies and 1 gambling debt, for a return of \$19 for every \$1 expended. He told the Committee the program is the most successful of this nature in the U.S. and suggested the Committee eliminate the remainder of line 5 following "confidential" and all of lines 6-10 on page 4 of the bill.

OPPONENTS

There were no opponents of the bill.

IN CLOSING, Rep. Switzer endorsed amendmens proposed by Sheriff O'Reilly.

QUESTIONS

REP. BACHINI asked Sheriff O'Reilly how many crank calls were received through the Crimestoppers program, who replied only two had been received since implementation of the program, adding public support has been unanimous.

REP. SCHULTZ asked Mr. Graham how funds for the program are being used presently, who advised they are used for investigative purposes. Mr. Graham said his department would work with local officials in determining which reward program would take precedence, in the event both agencies became involved.

MR. O'REILLY advised the Livestock Crimestoppers program would be useful in providing general information to other law enforcement agencies.

The hearing on HOUSE BILL 667 was closed.

EXECUTIVE SESSION

HOUSE BILL 349. REP. SPAETH moved the bill Do Pass. Rep. Jensen seconded the motion.

REP. SPAETH moved lines 8 and 9 on page 2 of the bill be stricken in their entirety. The motion was seconded by Rep. Jensen and given unanimous committee approval.

REP. SPAETH moved the bill Do Pass as Amended. The motion was unanimously approved.

HOUSE BILL 509. Rep. Spaeth moved the bill Do Pass. Rep. Ryan seconded the motion, which was given unanimous committee approval.

CHAIRMAN JACOBSEN suggested the Committee visit the Department of Revenue at 1pm on Friday, February 11 and said the Committee would hear bills on Monday, February 14, relating to bonding and lien laws, requesting the presence of all members.

REP. JENSEN moved the Committee support him in introducing a Committee bill extending the present 30 day period for liens on seed sold to 90 days. An informal poll indicated full committee support.

CHAIRMAN JACOBSEN asked Legislative Council Attorney, John MacMaster to check for related bills. REP. KOEHNKE commented Washington State allows 90 days and Idaho, an unlimited filing period. He asked if there were a possibility of introducing a bill wherein 75% of the value of grain would be paid after receipt of a bill of lading, when grain is shipped via truck.

REP. ERNST responded, saying he thought the issue was addressed in the agricultural bonding bill to be heard February 14.

The meeting was adjourned at 1:45pm.

REP. GLENN JAGBSEN, CHAIRMAN

Joann T. Gibson, Secretary

STANDING COMMITTEE REPORT

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REP. GLENN JACOBSEN

Chairman.

STANDING COMMITTEE REPORT

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Be amended as follows:

1. Page 2, lines 8 and 9
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AND AS AMENDED

REP. GURNN JACOBSEN

Chairman

VISITOR'S REGISTER

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WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

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WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

REGARDING HOUSE BILL NO. 617

Because a priority list does exist for the Crop or Grain lien laws, the Independent Insurance Agents Association of Montana must object to hail insurance being moved down the list.

As the hail insurance protects all the creditors in the event the crop is destroyed by a named peril, we feel hail insurance should remain in its current place on the priority list. The agent is responsible for payment of the premium to the insurance company even if the premium is not paid by the person producing the crop. Without protection an agent is placed in a position of taking a large risk, as the premium is not due till after the risk has passed.

We ask this committee allow hail insurance to remain in its current position on the priority list.

Roger McBlenn

STATEMENT OF JAY G. CONLON

MANAGER OF THE MONTANA - WYOMING DIVISION OF

THE RAIN AND HAIL INSURANCE SERVICE, INC.

BEFORE THE

AGRICULTURE AND LIVESTOCK COMMITTEE

OF THE

MONTANA HOUSE OF REPRESENTATIVES

1983 LEGISLATIVE SESSION

FEBRUARY 9, 1983

COMMITTEE MEMBERS

THE HAIL INSURANCE INDUSTRY, OF WHICH THERE ARE APPROXIMATELY

22 COMPANIES SERVING MONTANA, IS NOT IN OPPOSITION TO MOST OF H.B. 617.

WE DO HOWEVER OBJECT TO THE PRIORITY SECTION OF THE BILL IN WHICH THE

PROPONENTS SEEK TO PLACE THEMSELVES IN 'SECOND PLACE' OR FOLLOWING

THE SEED LIEN IN ORDER OF PRIORITY OF PAYMENT FOR THEIR SERVICES.

THIS POSITION HAS BEEN ENJOYED BY THE CROP HAIL INSURANCE LIEN SINCE

ITS ESTABLISHMENT IN 1921. 7-3-711 THRU 71-3-713 OF THE MONTANA

CODE ANNOTATED STATES THAT THE HAIL LIEN BE PRIOR TO ALL OTHER

STATUTORY LIENS EXCEPT THE SEED LIEN.

WE RESPECTFULLY REQUEST THAT THE PRIORITY SECTION OF

H.B. 617 BE AMENDED. WE SUGGEST THE PRIORITY OF THE CROP SPRAYING

AND DUSTING LIEN AS PRESCRIBED IN THE 1953 BILL BE LEFT INTACT AND NOT

DELETED AS SUGGESTED BY THE NEW H.B. 617. OUR REASONS ARE STATED AS

FOLLOWS:

1) HAIL INSURANCE IS ONE OF A FEW IF NOT THE ONLY TYPE OF INSURANCE PAID FOR AFTER THE RISK HAS PASSED. THE PRODUCER PURCHASES HAIL INSURANCE DURING LATE SPRING OR EARLY SUMMER, BUT IS NOT REQUIRED TO PAY THE PREMIUM UNTIL AFTER HARVEST. THIS PUTS HIS AGENT AND THE COMPANY IN A SOMETIMES TENABLE POSITION OF NOT BEING PAID UNTIL THE INSURANCE RISK HAS BEEN USED UP! FOR THIS REASON, IT HAS BECOME NECESSARY IN SOME INSTANCES TO TAKE OUT A LIEN ON A CROP TO INSURE PAYMENT OF PREMIUM.

- 2) WE SUGGEST THAT HAIL INSURANCE ON A CROP PROTECTS NOT ONLY THE PRODUCER BUT HIS CREDITORS AS WELL. IF THE PRODUCER HAS NO INSURANCE AND GETS 'HAILED OUT', NO ONE MAY GET PAID! BECAUSE WE AFFORD HIM AND HIS CREDITORS THIS PROTECTION, WE BELIEVE WE SHOULD BE AFFORDED A LIKE TYPE OF PROTECTION BY HAVING A HIGH PRIORITY OF PAYMENT FOR OUR AGENTS AND THEIR LIENS.
- 3) IF THE CROP HAIL INSURANCE LIEN LOSES THE PRIORITY PAYMENT POSITION IT NOW HOLDS AND HENCE, LOSES ITS CLOUT, WE SUBMIT THAT LESS INSURANCE WILL BE WRITTEN BY AGENTS AND COMPANIES BECAUSE THEY QUITE SIMPLY WILL NOT WANT TO TAKE A CHANCE ON NOT RECEIVING PAYMENT OF PREMIUM. THIS SITUATION BRINGS US BACK TO POINT NUMBER 2 ABOVE--WITHOUT THE PROTECTION OF INSURANCE ON A CROP, OTHER AGRICULTURALY ORIENTED BUSINESSES MAY BE RELUCTANT TO EXTEND CREDIT TO THE PRODUCER.

IN CLOSING, THE CROP HAIL INSURANCE INDUSTRY WOULD APPRECIATE
YOUR CONSIDERATION OF OUR REQUEST TO HAVE THE PRIORITY POSITION OF
OUR LIEN LEFT WHERE IT IS BY NOT AMENDING THAT SECTION OF THE PRESENT
CROP SPRAYING AND DUSTING LIEN AS REQUESTED IN H.B. 617.

RESPECTFULLY SUBMITTED.

JAY . CONLON, MANAGER

KAIN AND HAIL INSURANCE SERVICE, INC.

A LIST OF COMPANIES HEREBY REPRESENTED IS ATTACHED.....

MONTANA LOSS REPORTING SERVICE 1982

THE CONTINENTAL INSURANCE COMPANIES CROP HAIL DEPARTMENT

ţ

Continental Insurance Co. P. O. Box 1587 Great Falls, Mt. 59403 Bob Lowry Office PH. 761-4200

HAIL UNLIMITED

Walter Streifel, Claims Supervisor 204身 First Ave. South Jamestown, North Dakota Ph. 701-252-9003 P. O. Box 452

GREAT AMERICAN INSURANCE COMPANY ÷

Spokane, Washington 99204 Off. Ph. 509-624-9241 Res. Ph. 509-534-5476 James W. Dameron, Field Supervisor Grop Hail Dept. Jefferson 400 Bldg., Room 380 4th Avenue & South Jefferson

RAIN AND HAIL INSURANCE SERVICE, INC. 5

Off. Ph. 406-452-1375 Res. Ph. 406-468-2675 The Aetna Fire Underwriters Ins. Co. The Century Indemnity Ins. Co. R. B. Murray, Vice President Montana-Wyoming Division The Aetna Insurance Co. Great Falls, MT 59403 210 Eklund Building . 0. Box 2003

FIREMAN'S FUND INSURANCE CO. . 9

P. O. Box 2446 Great Falls, MT 59403 Off. Ph. 406-727-2253 Res. Ph. 406-452-2484 American Ins. Co. Mike McQuirk, Farm Manager 1323 Ninth Ave. So. Fireman's Fund Ins. Co.

WESTERN CROP INSURANCE **.**

P. O. Box 6159 Telephone #761-8289 Hartford Accident & Indemnity Co. Iwin City Fire Insurance Co. 918 13th Ave. S. Suite D Fred Erickson, President Hartford Fire Insurance Hartford Casualty Co.

Walter Streifel, Loss Supervisor P. O. Box 452

OLD REPUBLIC INSURANCE CO.

Jamestown, North Dakota Ph. 701-252-9402 CIMARRON INSURANCE CO., INC.

Great Falls, MT 59403 Off. Ph. 406-761-8504 Res. Ph. 406-452-9225 Francis H. Gift, State Ag Tom Samsel, Special Agent 2325 loth Ave. S. . 0. Box 2291

Hes. Fh. 406-452-4322 DORNBERGER & COMPANY *35.

Uffice Ph. 259-7687 Home 652-1977 Sjoux Falls South Dakota 57101 Olf. Ph. 605-339-9660 Ken Bladow, Field Supervisor, MT P. 0. Box 21017 Billings, MT 59104 Dornberger & Co. Draver "D"

CROP HAIL MANAGEMENT *I+6.

Mutual Service Casualty Ins. Co. Farmers Alliance Mutual Ins. Mountain State Insurance Co. Alliance Insurance Co. Great Falls Office 1201 Central Avenue P. 0. Box 2645 Great Falls, MT ' Ph. 406-727-4111

AMERICAN AGRISURANCE *53.

Empire Fire & Marine Ins. Co. Guaranty Mational Ins. Co. lichard Gibson, President implement Dealers Mutual off. Ph. 509-466-089 P. 0. Box 1574 Council Bluffs, IA Ph. 712-328-3918 pokane, WA 99208 Charles E. Lassey P. 0. Box 18125

David M. Hovland, Claims Manager James Bergene, Supervisor 511 29th Ave. N. E. Eldon W. Wollmann, Staff Marion, IA 52302 Off. Ph. 319-373-1244 1123-22nd Ave. S. Moorhead, MN 56560 h. 406-727-2709 Great Falls, MT 3231 Armar Dr

*57. NATIONAL FARMERS UNION PROPERTY & CASUALTY CO.

WHEAT GROWERS FARM MUTUAL INSURANCE UC. *63.

Ph. 218-233-7663

rancis H. Gift, Crop Hail Manager Tom Samsel Special Agent Great Falls, MT 5940 Off. Ph. 406-761-8504 Res. Ph. 406-452-9225 Res. Ph. 406-452-4322 2325 10th Ave. S. P. 0. Box 2291

STATEWIDE INSURANCE MANAGEMENT

406-277-3545 Westland Farm Mutual Insurance Co. Great Falls, MT 59406 Off. Pb. 406-452-3123 Res. Ph. Don L. Cass, Manager P. O. Box 6847

STATE FARM INSURANCE

om Saunders 1600 25th Ave. N. E. Salem, Oregon 97303 Northwest Office

MOUNTAIN WEST FARM BUREAU MUTUAL INS. CO. *****68

Robert E. Murdock 406 South 21st Street P. O. Box 1348 Laramie, WY 82070 Off. Ph. 307-745-4835 Res. Ph. 307-745-9485

GREAT NORTHWESTERN GENERAL INSURANCE AGENCY Glacier General Assurance Company N. F. Russell, Manager *****78.

Nolan F. Russell Asst. Manager 1100 7th Street South - Suite Great Falls, MT 59403 Off. Ph. 406-453-6581 P. O. Box 2352

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NAME: Pat UN DERWOOD DATE: 2-9-83
ADDRESS: 502 5.1976 QUE, BOZEMAN, MT. 597/
PHONE: 406-587-3153
REPRESENTING WHOM? MONTANA FARM BUPCAN
APPEARING ON WHICH PROPOSAL: #B 667
DO YOU: SUPPORT? OPPOSE?
COMMENTS: The MFBF has Been Briefel on
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Jeony Divine

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

WIFE Women involved in Farm Economics

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COMMENTS:

REPRESENT THE MEMBERS OF THE COMMITTEE, MY NAME IS JO BRUNNER AND I REPRESENT THE MEMBERS OF THE WOMEN INVOLVED IN FARM ECONOMICS ORGANIZATION TODAY.

CRIME IN RURAL MONTANA IS BECOMING ONE OF OUR GREATEST PROBLEMS. WE CAN NO LONGER LEAVE OUR TRACTORS OUT IN THE FIELD, OUR TOOLS OF TRADE, OUR DRILLS, DUCKFOOT, ANY PIECE OF MACHINERY MUST BE BROUGHT INTO OUR BUILDING AREAS OR WE TAKE THE RISK OF LOOSING PART OR ALL OF THEM.

LIVESTOCK THEFT IS ON THE INCREASE. ITS A HARD FACT OF LIGHT THE WORSE THE ECONOMY GETS, THE WORSE THE PROBLEM OF LIVESTOCK THEET GETS. MANY OF SS HAVE PASTURES FAR FROM OUR BUILDINGS AND ARE UNABLE TO KEEP A 24 HOUR A DAY WATCH ON THEM. WE APPRECIATE NEIGHBORS WHO ARE WILLING TO KEP AN EYE OUT FOR ANY UNUSUAL OCCURANCES FOR US, BUT WE RECOGNIZE THAT TOO OFTEN MANY PEOPLE JUST PLAIN DO NOT WANT TO GET INVOLVED IN STICKY SITUATIONS.

WE ARE HOPEFUL THAT THIS PROGRAM WILL ENCOURAGE THOSE CITIZENS TO PARTICIPATE IN KEEPING LAW AND ORDER AND IN REPORTING INCIDENTS TO THE PROPER OFFICIALS. WE HAVE TO ADMIT THAT WE WISH THAT IT WAS A NORMAL WAY OF LIFE TO BE CONCERNED WITH YOUR NEIGHBORS PROBLEMS, BUT OFTEN THAT IS NOT TRUE AND WE HAVE TO TAKE MEASURES SUCH AS THIS. WE ARE HOPEFUL THAT THIS WILL EXPAND INTO OTHER AREAS. PERSONALLY, I TALKED WITH OUR COUNTY SHERRIFF ANDHE FELT THAT IT WAS A GOOD PROGRAM AND THAT IT SHOULD BE EXPANDED FURTHER AS SOON AS POSSIBLE. WE CONCUR WITH HOUSE BILL 667.

"Hell	has	nΛ	furv	lika	2	woman	scorned"

SERVING HELENA AND
LEWIS AND CLARK COUNTY



2-9-83 Exhibit HB667

P.O. Box 1212 Helena, Montana 59624

CRIMESTOPPER YEARLY REPORT JANUARY 1, 1982 - DECEMBER 31, 1982

The Crimestopper Program had a very successful year in 1982. We received 213 calls, solved 49 cases, arrested 57 persons and recovered a total of \$39,543.13 in stolen merchandise and illegal drugs. The following is a break down of the type of cases solved:

Burglaries - 17
Felony Theft - 22
Misdemeanor Theft - 3
Armed Robbery - 2
Gambling - 1
Robbery - 1
Drugs - 3
TOTAL 49

There were a total of 57 persons arrested. Of this 57 arrested, 53 have been convicted, leaving 4 cases pending. The arrests are as follows:

Adults - 30 Juveniles - 27

The total dollar amount in recovery was \$39,543.13.

The Crimestopper Board paid out \$2,050.00 in rewards which means that for every dollar spent in 1982 for rewards we recovered

\$19.29 in stolen merchandise and illegal drugs.

CRIMESTOPPER YEARLY REPORT JAN. 1, 1982-DEC. 31, 1982

The following are comparisons between 1981 and 1982.

1981		1982		
Calls -	114	Calls	_	223
Arrests -	17	Arrests	-	5 7
Cases Solved -	27	Cases Solved	_	49
Recovery -	\$12,276.80	Recovery	-	\$39,543.13
Rewards -	\$ 1,550.00	Rewards	_	\$ 2,050.00

A comparison of cases solved is:

<u>1981</u>		1982	
Burglary	- 7	Burglary	- 17
Welfare Fraud	- 1	Welfare Fraud	- 0
Felony Theft	- 11	Felony Theft	- 22
Misd. Theft	- 5	Misd. Theft	- 3
Aggravated Assault	- 1	Aggravated Assault	- 0
Hit & Run	- 1	Hit & Run	- 0
Armed Robberies	- 0	Armed Robberies	- 2
Gambling	- 0	Gambling	- 1
Robbery	- 0	Robbery	- 1
Drugs	- 0	Drugs	- 3
TOTAL	- 26	TOTAL	- 49

Respectfully submitted,

Sergeant Bud Carbis

Crimestopper Coordinator Helena Police Department

BC:bf

cc: Bob Erickson, City Manager
Bill Ware, Chief of Police
Chuck O'Reilly, Sheriff
Crimestopper Board of Directors
File

PROPOSED AMENDMENT TO INTRODUCED COPY OF HB 667

1. Page 4, line 11.

Following: "instruction. Section"

"2" Delete:

Insert:

"3"

AMENDMENT HB 667

Page 4, Line 16

strike:

\$10,000.00

insert:

\$20,000.00

NAME Des Liche	lm	BILL NO. <u>667</u>	
ADDRESS / Jelena		DATE	,
WHOM DO YOU REPRESENT_	Dept D	Leverboch	
SUPPORT	OPPOSE	AMEND	
PLEASE LEAVE PREPARED S	TATEMENT WITH	SECRETARY.	
Comments:			

Chal testimon - Cinsur Geestion

FORM CS-34 1-81

EXCUSE

DATE 2/1/83 REPRESENTATIVE Glonn A Rus 4
REPRESENTATIVE Glenn A Kous H
IS EXCUSED FROM COMMITTEE HEARING.
REP. GLENN CACOBSEN, CHAIRMA AGRICULTURE COMMITTEE
PROXY VOTE
Date 2-9-83 REPRESENTATIVE G. A. Pares #
BILL NO
INSTRUCTIONS
HB 349 - Yes (AS AMENDED)
HB 509 - YES (AS AMENDED)
SIGNATURE