MINUTES OF THE MEETING OF THE HOUSE AGRICULTURE, LIVESTOCK AND IRRIGATION COMMITTEE, FEBRUARY 18, 1983

The meeting was called to order by Vice-Chairman Holliday on Friday, February 18, 1983 at 12:30pm in Room 129, State Captiol. All members of the Committee were present with the exception of Chairman Jacobsen who was excused.

# **HEARINGS**

HOUSE BILL 864. REP. MARY ELLEN CONNELLY, District 15, Flathead County, testified as chief sponsor of the bill and told the Committee the bill would extend the forest extension program at Montana State University subject to public law, reading from prepared testimony (exhibit). She said the bill would affect 30,000 small landowners in the State and would require \$62,710 and \$56,713 for first and second year funding.

# PROPONENTS

MR. RANDY MOSLEY, Department of State Lands read from prepared testimony in support of the bill (exhibit).

MR. JOHN MCBRIDE, St. Regis Paper Company, stated his support of the bill.

MR. LEO CUMMINS, University of Montana, told the Committee there is a need for the bill and offered his support.

MR. KEITH OLSON, Montana Logging Association advised committee members of his support of the bill and statements made by Mr. Mosley, adding the investment would be returned 100 times over to the State.

### OPPONENTS

There were no opponents of the bill. IN CLOSING, Rep. Connelly urged the Committee to act favorable as the bill would provide jobs for Montanans.

### QUESTIONS

REP. SCHULTZ asked what program existed prior to last session. Rep. Connelly replied there was no prior program.

REP. SPAETH asked how many persons would benefit from the program on a one to one basis and what the ripple effect would be. Rep. Connelly said the program would involve approximately 4,000 persons.

REP. SPAETH asked if the program duplicated any other, to which Rep. Connelly replied it did not and said it was an extension program for research and information purposes.

REP. SPAETH asked Rep. Connelly what the cost of the program would be for the first year, to which she replied it would be between \$52,000 and \$58,000.

The hearing was closed on House Bill 864.

HOUSE BILL 743. REP. AUBYN CURTISS, District 20, Lincoln County, testified as chief sponsor of the bill which would amend the existing statute by reducing the amount of coniferous trees and boughs an individual may possess at one time.

# PROPONENTS

MR. JOHN MCBRIDE, Libby, Montana, said the industry has suffered extensive loss of Christmas trees and he could not see a need for ten trees per individual for personal use. Mr. McBride recommended the limit be dropped to five and boughs be added. He told the Committee the portion of the bill addressing highways was in need of clarification.

MR. KEITH OLSON, Executive Director, Montana Logging Association, explained the bill would afford protection for landowners who have invested in forest management and it deserves consideration.

## OPPONENTS

There were no opponents of the bill.

# QUESTIONS

REP. HANSON asked Rep. Curtiss if the language in the bill could be amended to state "any" highway. Rep. Curtiss advised she had access to such language which was used in a bill in Judiciary Committee.

REP. SPAETH asked why collection of boughs was a problem. Rep. Curtiss replied the fir bough market is increasing and sells for between \$85 and \$120 per ton.

REP. BACHINI asked Mr. McBride if there have been problems with individuals felling trees in a thinned area, to which Rep. Koehnke added it would be difficult to prosecute.

REP. CURTISS advised committee members anyone cutting trees on private land would be required to show a permit from the landowner, adding those cutting trees would not be stopped indiscriminately.

REP. LYBECK asked Rep. Curtiss if she would consider adding cones to the bill. Mr. McBride advised there is presently no problem with collection of green cones containing seeds but one could arise in the future with special seeds.

REP. LYBECK commented he has a problem with people cutting yellow pine boughs containing cones on his property. Rep. Curtiss stated she would have no objection to adding cones to the bill.

The hearing on House Bill 743 was closed.

HOUSE BILL 807. REP. RAY JENSEN, District 25, testified as sponsor of the bill which would change filing time for seed or grain furnished under crop liens from 30 to 90 days after the seed, grain or funds are furnished.

### PROPONENTS

There were no proponents of the bill.

### **OPPONENTS**

There were no opponents of the bill.

# QUESTIONS

There were no questions from the Committee and the hearing was closed.

HOUSE JOINT RESOLUTION 27. REP. JOHN SHONTZ testified as chief sponsor of the bill, telling committee members Montanan's are aware of agricultural research done in the State and making reference to that done by the USDA funded agricultural research service unit in Sidney, Montana. He said the unit is known as the Northern Plains Soil and Water Research Center and advised the Office of Management and Budget has recommended closure of the unit, although funding has increased. He explained the Sidney station is the only one in the United States doing saline seep research in addition to sugar beet research.

REP. SHONTZ advised funds are proposed for water quality studies of soils in the New England states if the Sidney were closed and said the center has been working with the National Aeronautics and Space Administration to estimate crop production in other countries via satellite. He asked the Committee to support the resolution along with the Montana Congressional delegation in Washington, D.C.

# PROPONENTS

REP. GLENN ROUSH, District 13, Glacier County said there are more than 200,000 acres affected by saline seep in the State, adding the problem can be controlled. He stated the support of Montana agriculture and urged committee support of the bill.

REP. GLENN SAUNDERS, District 72, Stillwater County told the Committee he worked with the program during his 26 years with the Soil Conservation Service and said the program is important to the State.

REP. BOB BACHINI, District 7, Hill County stated his support of the bill.

# **OPPONENTS**

There were no opponents of the bill.

# QUESTIONS

REP. ELLERD commented this was the eighth session he has heard testimony on saline seep and has never received information on research completed or corrective measures taken. Rep. Shontz replied techniques to control the problem are being developed at the federal level which appear to work.

REP. ELLERD asked if any land had been put back into production. Rep. Shontz replied it had, to which Rep. Bliss added the program is working.

REP. ELLERD asked Rep. Roush what the appropriation would be. Rep. Roush said the total package is \$275,000 of which the State's portion is \$74,000.

REP. KOEHNKE commented Montana is the best state in the nation for use in satellite studies for crop comparisons.

REP. SHONTZ told the Committee the unit uses ultraviolet photography which presents a picture so clear, the crop can easily be identified as well as the salinity of the soil.

REP. UNDERDAL asked how many states were affected by the research. Rep. Shontz advised the research is internation in nature, and affects Montana, North Dakota, South Dakota, Texas, Oklahoma, Wyoming, Canada and Saudi Arabia. He said the unit also does research on alternative crop development such as safflowers.

### **OPPONENTS**

There were no opponents of the bill. IN CLOSING, Rep. Shontz asked that the Committee retain the research center where saline seep could be best addressed.

HOUSE BILL 851. REP. GLENN JACOBSEN, District 1, Plentywood, testified as chief sponsor of the bill which addresses discrepancies proposed by the Department of Revenue for rules changes in reclassification and assessment of agricultural land. He said the bill would create a provision for the addition of guidelines to existing statute to prevent the Department from implementing its proposed rule changes for a period of two years and would create an interim study committee comprised of legislative, agricultural and livestock interests, via house joint resolution.

REP. JACOBSEN told the Committee House Bill 851 and Rep. Manuel's related bill could be addressed by the Senate, who would have more time to look at them in depth. He cited continuously cropped land which is valued far above summer-fallowed land, as an example of assessment idiosyncrisies.

### PROPONENTS

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

MR. TERRY MURPHY, Montana Farmers Union, told the Committee his organization supports House Bill 851 as it is the best idea so far.

MR. WILLIE DAY told the Committee he liked the concepts presented in the bill and would support them.

MR. MONS TIEGEN, Montana Stock Growers Association and Montana Cowbelles said his organizations would support the bill until the concerns addressed are noticed by the Department of Revenue. He provided a copy of written testimony from Howard Lard which was presented at the Department of Revenue hearing on February 17, (exhibit).

MR. PAT UNDERWOOD, Montana Farm Bureau stated his support of the bill.

MRS. ESTHER RUUD, Montana Cattlemen's Association, said her organization supports the bill as the members feel they cannot afford the proposed increase in taxes.

# OPPONENTS

MR. GENE HUNTINGTON, appearing on behalf of the Governor stated his concern with delays since the overall responsibility for taxation policies rests with the legislature. He said the Governor directed the Department of Revenue to suspend any action on proposed rule changes until the 1983 legislative session comes to an end. He asked the Department be given clear guidance on the issue and consistent direction within the guidelines of the Montana Constitution and that the legislature treat agricultural land fairly in relation to other lands in Montana. Mr. Huntington advised the Department needs sufficient time for reappraisal of agricultural land, adding the process must be completed by January, 1986. He said the Governor expects legislative direction in a manner which can be met by the Department of Revenue and is requesting House Bill 851 be tabled.

MR. GREG GROEPPER, Division Administrator, Property Assessment Division, Department of Revenue stated his concern with the time factor involved. He said there are 1,303,000 million parcels of agricultural land in Montana which require 54 staff years at 5 minutes for each parcel with 108 persons working over a period of 6 months, for assessment notification. He told the Committee his staff presently consists of 78 persons and that a moratorium right now would not be reasonable.

REP. JACOBSEN told the Committee 20 years ago land classification was conducted by an agricultural services committee made up of three or four agricultural persons who set classes for land in their districts, adding classification was done equitably by those persons, who donated their time. He said the Legislature thought its rules were clear and commended the Department of Revenue for its efforts, adding legislative intent needs to be clarified and the Department needs greater knowledge of agricultural production.

REP. SPAETH asked what the shortest period of time would be in which an administrative rule could be adopted. Mr. Groepper replied 30 days notice must be provided to the Secretary of State prior to hearing and a decision could take 30 or more days.

REP. SPAETH asked why the Department wished to implement its rule changes now since they don't need to be adopted until January, 1986, and if the Department could hold its hearing in 1985 and still adopt the rules. Mr. Groepper responded, saying assessment notices must be mailed in April, requiring time to physicially put out values and said although his staff is nearly adequate now, appraisal could not be completed if there were any delays.

REP. BENGSTON said she thought the Governor was issuing an ultimatum and the Committee had no choice but to pass the moratorium. She commented there is a need for more agricultural input, but the time frame makes it impossible for the 1983 Legislature to accomplish necessary tasks.

REP. SPAETH asked Mr. Huntington if he could provide the Committee with a recommendation in the next 24 hours. Mr. Huntington replied he would like to have the Committee review proposed rules.

MR. GROEPPER told the Committee he did not intend to slip anything by them and said the proposal was first brought before the Governor's Ad Hoc Committee in April, 1981. He advised input has been sought from both the agricultural community and the Revenue Oversight Committee since that time, adding additional input is necessary in some areas of reclassification and assessment.

- REP. JACOBSEN asked who was on the Revenue Oversight Committee, to which Mr. Groepper relied Senators Towe, Turnage, Galt and Norman and Representatives Yardley, Fabrega, Shontz and Nortdvert were members in addition to Mell Williams, Robert Severtson, Pat Ryan and Herb Hunikans.
- REP. JACOBSEN asked if there were any agricultural persons on the Committee aside from Mr. Severtson and Senator Galt and if the Department had requested information from various agricultural groups. Mr. Groepper replied all agricultural organizations had been contacted.
- REP. ROUSH asked if industrial and commercial property owners would protest assessments if House Bill 851 were adopted, to which Mr. Groepper replied a problem could arise between agricultural and timber lands.
- REP. LYBECK told the Committee several agricultural organizations have been aware of Department of Revenue action for a period of time and asked if reclassification included land other than tillable acres. Mr. Groepper replied forests and grassland were also included.
- REP. LYBECK asked if forests and farmland were not two different studies and if the moratorium would affect forest land. Mr. Groepper commented there may be a constitutional problem because of differing time frames.
- REP. SCHULTZ asked how often agricultural land had been reappraised since the 1963 cycle, to which Mr. Groepper replied agricultural land was reappraised in the 1978 cycle with no change in valuation in accordance with statute established in 1973, adding the cycle should have terminated in 1983, but was extended to 1985 by the Legislature, creating a seven year cycle.
- REP. SCHULTZ asked where authorization existed for reappraisal operations. Mr. Groepper replied such authorization was provided by statute.
- REP. ERNST asked if figures shown by Mr. Saisbury during the Committee hearing on proposed rule changes were provided to agricultural organization. Mr. Groepper said the groups were sent updated information each time figures changed, adding there were three such changes.
- MR. MONS TIEGEN, Montana Stock Growers, Montana Wool Growers and Montana Farm Bureau said the groups joined

forces when the four proposed alternatives for reclassification and assessment were received from the Department and found only the net income approach to be somewhat acceptable. Mr. Tiegen told the Committee modifications were received from Mr. Saisbury on August 9, 1982, which provided little time for a response.

The hearing on House Bill 851 was closed.

# EXECUTIVE SESSION

REP. SCHULTZ moved <u>House Bill 851</u> Do Pass. Rep. Ryan seconded the motion, which was given unanimous approval by the Committee.

REP. ELLERD made a motion that House Joint Resolution 27 Do Pass, which was seconded by Rep. O'Connell and given unanimous committee approval.

REP. LYBECK moved that <u>House Bill 743</u> Do Pass and then moved to amend the title and page 1, line 14 to include ten pounds of pine cones. Rep. Holliday opposed the motion and Rep. Spaeth told the Committee the amendment should not be considered in view of the limited time remaining to pass the bill out of the House. Rep. Bengston said she agreed with Rep. Spaeth. The motion failed with all members voting no except Representatives Lybeck and Jensen.

REP. ROUSH moved line 14 on page 1 be amended to state "10" trees instead of "5".

REP. BENGSTON made a substitute motion to Table the bill. Rep. Ellerd advised the bill should not be tabled even if time were a problem, as it is not the fault of those who introduced the bill. Rep. Schultz concurred with Rep. Ellerd. The motion failed with all members voting no except Representatives Bengston and Roush.

The motion made by Rep. Roush failed with all members voting no except Representatives Bengston and Roush.

REP. SCHULTZ moved the bill Do Pass in its original state. The motion was approved will all members voting aye except Representatives Roush and Bliss who voted no.

REP. SPAETH moved the Committee put the bill on the Consent Calender. The motion was unanimously approved by the Committee.

REP. ROUSH moved that <u>House Bill 864</u> Do Pass. Rep. Bachini seconded the motion.

REP. SPAETH asked why the bill was not in Appropriations Committee since it is close to \$100,000.

The motion was approved with all members voting aye except Representatives Ellerd, Schultz and Ryan who voted no.

The Committee agreed the bill would be referred to Appropriations Committee by either Rep. Bengston or Rep. Manuel.

REP. JENSEN moved that <u>House Bill 807</u> Do Pass. Rep. Schultz seconded the motion, which was unanimously approved.

REP. JENSEN moved the bill be placed on the Consent Calender. The motion was seconded by Rep. Bengston and unanimously approved by the Committee.

The meeting was adjourned at 2:40pm.

KEP. GLENN JACOBSEN, CHAIRMAN

Joann T. Gibson, Secretary

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STATE PUB. CO. Helena, Mont.

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REP. GLENN JACOBSEN

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REP. GLENN JACOBSEN

PEBRUARY 18

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(CONSENT CALENDER)

REP. GLENE JACOBSEN

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Randy Moray	Helene	Dept. State Lands	X	
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IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

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	HOUSE Agriculture	COMMITTEE
BILL	HB 851	DATE 2-18-83
SPONSOR	Jacobsen	

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

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# Montana Association Of Conservation Diction

7 Edwards Helena, Montana 596 Ph. 406-443-5711

February 18, 1983

Mr. Chairman, Members of the Committee:

For the record my name is Steve Meyer, representing the Montana Association of Conservation Districts.

We feel that it is important to have technical assistance available to owners of small tracts of forestland so that timber production can be combined with proper conservation practices. We support HB 864

Thank you.

Steven R. Meyer

SRM:dv

# WITNESS STATEMENT

Name Panan Mosley	Committee on Agricoline
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# DEPARTMENT OF STATE LANDS TESTIMONY ON HOUSE BILL 864 BEFORE THE HOUSE AGRICULTURE, LIVESTOCK, AND IRRIGATION COMMITTEE

The Department of State Lands supports House Bill 864.

For almost 20 years the Department's Forestry Division has provided needed technical and practical advice on forestry related matters to Montana's farmers, ranchers, and forest landowners through its private forestry assistance programs. This is provided on a one to one basis through request.

The Department has provided this service because it recognizes the importance Montana's privately owned forests and watersheds have on the economy and well being of the state and because of the interest Montana's citizens have shown for this service.

Lacking throughout most of this period, however, has been the services of a Forestry Information Specialist, who, working in close cooperation with our Department's Service Foresters, the U.S. Forest Service, the Montana School of Forestry, and the Cooperative Extension Service, can develop and disseminate the needed educational materials, such as booklets, brochures, public service announcements, and newsletters, for the promotion of good forestry practices on private lands. This informational and educational effort will greatly assist the public in reaching our Service Foresters and receiving needed forestry advice.

The Department feels that forestry education is a much better approach to good forest management than regulation and hopes that through educational efforts such as this, a Forestry Practices Act will never be needed.



# Montana WOOD PRODUCTS ASSOCIATION

316 Savings Center Building 110 East Broadway Missoula, Montana 59801 406-728-3650

February 18, 1983

STATEMENT OF MONTANA WOOD PRODUCTS ASSOCIATION ROBERT N. HELDING, EXECUTIVE DIRECTOR

THE MONTANA WOOD PRODUCTS ASSOCIATION HEARTLY ENDORSES THE PASSAGE OF HB-743. THE GROWING OF CONIFEROUS (OR XMAS TREES) IS AN EXPENSIVE AND LONG TERM PROGRAM.

A LARGE AMOUNT OF MONEY AND TIME ARE INVESTED OVER A PERIOD OF MANY YEARS. THIS BILL WILL GIVE PROTECTION TO THE OWNERS AGAINST THE THEFT OF THESE GROWING TREES. BY REQUIRING A BILL OF SALE FOR BOTH TREES AND BOUGHS WHEN THERE ARE MORE THAN 5 TREES OR 200 POUNDS OF BOUGHS, THIS MEASURE WILL NOT UNDULY HAMPER THE HONEST DEALER IN THESE GOODS.

THE MWPA RECOMMENDS THE PASSAGE OF HB-743.

YOURS TRULY,

ROBERT N. HELDING

316 Savings Center Building 110 East Broadway Missoula, Montana 59801 406-728-3650

February 18, 1983

STATEMENT OF ROBERT N. HELDING, EXECUTIVE DIRECTOR OF THE MONTANA WOOD PRODUCTS ASSOCIATION.

HB-864 DESERVES TO BE PASSED BY THIS LEGISLATURE BECAUSE IT
WILL PROVIDE THE NECESSARY LEGISLATIVE DIRECTION AND FUNDING FOR THE
POSITION OF EXTENSION FORESTER WITHIN THE FORESTRY DIVISION OF THE
MONTANA DEPARTMENT OF STATE LANDS. THERE ARE SOME 25,000 PRIVATE
OWNERS OF TIMBERLANDS AND GRASSLANDS WITHIN THE STATE. MOST OF THESE
LANDOWNERS DO NOT HAVE READY ACCESS TO THE SERVICES OF PROFESSIONALS
TRAINED IN THE VARIOUS DISCIPLINES SUCH AS FORESTRY, RANGE MANAGEMENT
AND ETC.

WITH THE CURRENT WITHDRAWAL OF MANY THOUSANDS OF ACRES OF PUBLIC TIMBERLANDS SUCH AS THE U.S. FOREST SERVICE FROM THE STATE'S TIMBER-BASE, THE NEED FOR PROFESSIONAL ASSISTANCE TO THE PRIVATE TIMBERLAND OWNER BECOMES INCREASINGLY NECESSARY.

THE TIMBER INDUSTRY HAS LONG RECOGNIZED THIS NEED AND HAS IN PLACE THE AMERICAN TREE FARM SYSTEM. THIS SYSTEM SEEKS TO HELP THE PRIVATE TIMBERLAND OWNER. HOWEVER, THE NEED IS FAR GREATER THAN WHAT INDUSTRY CAN PROVIDE.

HB-864 WILL FUND THE POSITION OF EXTENSION FORESTERS AND WILL BE OF IMMENSE VALUE TO THE BETTERMENT OF OUR STATE'S ECONOMIC BASE.

ACCORDINGLY, THE MONTANA WOOD PRODUCTS ASSOCIATION HEARTLY ENDORSES THE PASSAGE OF HOUSE BILL 864.

YOURS TRULY.

ROBERT N. HELDING

Supports X JU18/83 WIFEWomen Involved in Farm Economics JR 27 -W.I.F.E. apports this Resolution to continue the funding by the Monthen Mains Soil and water remark Center I've Relieve this ind very important facility to our agriculture communit.

# UIFEWomen involved in Farm Economics

HOUSE BILL # 851

My name is Mary Nielsen, and I represent W.I.F.E.

Our organization is very supportive of the intent of this Bill.

It is vital that an interim committee undertake a complete study on the valuation of agricultural lands, and the effects of such valuation on agricultural producers.

W.I.F.E. urges that agricultural producers from different geographical areas of the State be included on the committee, since such producers are familiar with the actual costs of production.

"Hell has no fury like a woman scorned	a",	_
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# MONTANA FARM BUREAU FEDERATION

502 SOUTH 19th

Dial 587-3153

BOZEMAN, MONTANA 59715

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NAME Patrick R. Underwood, Dir. of Information & Public Affairs. COMMENTS:

The MFBF fully supports HB 851. We, along with other agricultural organizations have followed the Department of Revenue's proposals since early last Spring. and we are in full agreement with the legislation proposed in HB 851. Our Tax Committee will be most happy to work with the proposed appropriate interim committee that may study this issue in detail. The Agricultural community made it's case quite well yesterday I think that gives you members of this committee clear direction this bill has wide and clear support. We recommend a do pass on MB 851.

AGRICULTURE

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