

MINUTES OF THE MEETING
AGRICULTURE COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

January 14, 1985

The meeting of the Agriculture Committee was called to order by Chairman Schultz on January 14, 1985 at 3:00 p.m. in room 317 of the State Capitol Building.

ROLL CALL: All members were present with the exception of Representative Ellerd who was excused by the Chairman.

CONSIDERATION OF HOUSE BILL NO. 110: Representative Schye, District 18, sponsor of the bill explained the history of the bill and stated that it was probably meant to protect some people in the years back. He spoke of a constituent who came to him and asked him to help repeal the bill. He also stated that this bill does not involve state lease land only private owned land. (Exhibit A attached hereto)

PROPOSERS: Representative Dave Brown, District 72, co-sponsor of the bill said he supported this bill with the same reasons as Representative Schye.

Robert McColly stated that he supported this bill and that he wanted it repealed because he felt that the law shouldn't be able to tell anyone what they can and can't do with their private owned land. (Exhibit B attached hereto)

Stuart Doggett from the Montana Stockgrowers Association and the Montana Association of State Grazing stated he supports this bill.

There being no further proponents or opponents Representative Schye closed.

DISCUSSION OF HOUSE BILL NO. 110: Representative Jenkins asked if this involved leases of agriculture land. John North, attorney for the Department of State Land, stated that no lease of agriculture land can be for more than ten years. Representative Fritz then asked what would happen to the people that already have leases for over ten years. Representative Schye replied by saying that there has been no enforcement so it would have no affect on the leases, but that the leases have to have a beginning and an ending date. It can't be indefinite. Representative Devlin asked if this bill was to be effective as of October 1, 1985. Representative Schye replied that the date was satisfactory to him. Representative Switzer asked if he found in his research other leases on private land. Schye stated this is the only thing on private land he found.

There being no further questions Chairman Schultz closed the

HOUSE AGRICULTURE
January 14, 1985
Page 2

hearing.

DISPOSITION OF HOUSE BILL NO. 110: Representative Devlin moved that HB NO. 110 DO PASS. Representative Fritz seconded the motion and HB NO. 110 PASSED UNANIMOUSLY.

Chairman Schultz then informed the committee about the hearing on January 22, 1985 at 7:00 in the Old Supreme Court with the Judiciary and the Fish and Game Committees. He also informed them of the hearing on HB NO.148 on Wednesday, January 16.

There being no further business before the committee, the meeting was adjourned at 3:55 p.m.


JAMES SCHULTZ, Chairman

DAILY ROLL CALL

Agriculture COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 1-14-85

NAME	PRESENT	ABSENT	EXCUSED
<u>James Schultz, Chairman</u>	X		
<u>Gay Holliday, V-Chairman</u>	X		
<u>Bob Bachini</u>	X		
<u>Dorothy Cody</u>	X		
<u>Duane Compton</u>	X		
<u>Gerry Devlin</u>	X		
<u>Robert Ellerd</u>			X
<u>Orval Ellison</u>	X		
<u>Harry Fritz</u>	X		
<u>Ramona Howe</u>	X		
<u>Loren Jenkins</u>	X		
<u>Vernon Keller</u>	X		
<u>Francis Koehnke</u>	X		
<u>John Patterson</u>	X		
<u>Bing Poff</u>	X		
<u>Paul Rapp-Svrcek</u>	X		
<u>Gary Spaeth</u>	X		
<u>Dean Switzer</u>	X		

STANDING COMMITTEE REPORT

January 14 19 35

MR. SPEAKER

We, your committee on AGRICULTURE

having had under consideration HOUSE Bill No. 110

FIRST reading copy (WHITE)
color

ELIMINATING 10-YEAR LIMIT ON AGRICULTURAL LEASES

Respectfully report as follows: That HOUSE Bill No. 110

DO PASS.

the parties gives notice to the other of his intention to terminate the hiring at least as long before the expiration thereof as the term of the hiring itself, not exceeding 1 month.

(2) Subsection (1) does not apply to real property leased under an arrangement governed by chapter 24 of this title.

History: En. Sec. 2625, Civ. C. 1895; re-en. Sec. 5231, Rev. C. 1907; re-en. Sec. 7746, R.C.M. 1921; Cal. Civ. C. Sec. 1946; Based on Field Civ. C. Sec. 995; re-en. Sec. 7746, R.C.M. 1935; R.C.M. 1947, 42-206; amd. Sec. 18, Ch. 115, L. 1979.

Cross-References

Tenancy at will — termination after notice,
70-27-104.

Holdover or collusion after notice — treble
rent, 70-27-207.

Holdover after tenant's notice to quit — treble
rent, 70-27-208.

70-26-206. Rights of tenant for years or at will. (1) A tenant for years or at will, unless he is a wrongdoer by holding over, may occupy the buildings, take the annual products of the soil, and work mines and quarries open at the commencement of his tenancy; and a tenant at will or for an indefinite term may cultivate and harvest the crops growing at the end of his tenancy.

(2) A tenant for years or at will has no other rights to the property than those given to him by the agreement or instrument by which his tenancy is acquired or by subsection (1).

(3) Subsection (2) does not apply to arrangements governed by chapter 24 of this title.

History: (1)En. Sec. 1271, Civ. C. 1895; re-en. Sec. 4519, Rev. C. 1907; re-en. Sec. 6761, R.C.M. 1921; Cal. Civ. C. Sec. 819; Based on Field Civ. C. Sec. 258; re-en. Sec. 6761, R.C.M. 1935; Sec. 67-702, R.C.M. 1947; (2)En. Sec. 1272, Civ. C. 1895; re-en. Sec. 4520, Rev. C. 1907; re-en. Sec. 6762, R.C.M. 1921; Cal. Civ. C. Sec. 820; Field Civ. C. Sec. 259; re-en. Sec. 6762, R.C.M. 1935; Sec. 67-703, R.C.M. 1947; R.C.M. 1947, 67-702, 67-703; (3)En. Sec. 19, Ch. 115, L. 1979.

70-26-207. Agricultural leases for more than 10 years void. No lease or grant of agricultural lands for agricultural purposes for a longer period than 10 years, in which shall be reserved any rent or service of any kind, shall be valid, provided that the foregoing shall not limit or affect leases with option to purchase made by the farm security administration of the United States department of agriculture, but leases or grants of lands lying outside the limits of cities and towns, for any purpose other than for agricultural purposes, may be for such period as may be agreed to by the parties to such leases or grants.

History: En. Sec. 1152, Civ. C. 1895; re-en. Sec. 4465, Rev. C. 1907; amd. Sec. 1, Ch. 172, L. 1919; re-en. Sec. 6707, R.C.M. 1921; Cal. Civ. C. Sec. 717; re-en. Sec. 6707, R.C.M. 1935; amd. Sec. 1, Ch. 151, L. 1941; R.C.M. 1947, 67-408.

Cross-References

Lease for more than 1 year to be in writing,
28-2-903.

CHAPTER 27

FORCIBLE ENTRY AND DETAINER UNLAWFUL DETAINER

Part 1 — Definitions and Preliminary Procedure

Section

70-27-101. Application and jurisdiction.

70-27-102. Forcible entry defined.

70-27-103. Forcible dete
70-27-104. Tenancy at
70-27-105. Remedies of
70-27-106. Reentry — v
70-27-107. Action for p
70-27-108. Unlawful de
70-27-109. General rule
70-27-110. Service of ne
70-27-111. Parties defe
70-27-112. Applicability
70-27-113. Complaint a
70-27-114. Summons —
70-27-115. Defendant's
70-27-116. Verification
70-27-117. Judgment b

70-27-201. Trial by jur
70-27-202. Actions in j
70-27-203. Showings re
70-27-204. Amendmen
70-27-205. Verdict, jud
70-27-206. Treble dam
70-27-207. Holdover or
70-27-208. Holdover af
70-27-209. Treble rent
70-27-210. Relief again
70-27-211. Appeal.
70-27-212. General pro

70-27-101. A
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History: En. Sec.
R.C.M. 1921; Cal. C.
L. 1973; R.C.M. 1947.

70-27-102.
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(2) after ent
by force, threats
History: En. Sec.
R.C.M. 1921; Cal. C.

Exhibit

WITNESS STATEMENT

Name ROBERT MCCOLLY Committee On _____
Address HUNSDALE, MONT Date 1-14-85
Representing MYSELF Support yes
Bill No. 110 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. The W. D. Smith repeated to avoid the violation that has
probably occurred many times from lack of knowledge of the
Bill's existence.

2. I see no justifiable reason for a law limiting what a
landowner can do with his land.

3.

4.

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

MONTANA ASSOCIATION OF STATE GRAZING DISTRICTS

420 North California St.

Helena, Montana 59601

Stuart H. Doggett, Executive Secretary/Treasurer

Phone (406) 442-3420

TESTIMONY TO HOUSE AG COMMITTEE ON HOUSE BILL 110

For the record, my name is Stuart Doggett. I am representing the Montana Stockgrowers Association and the Montana Association of State Grazing Districts.

We wish to express our support for House Bill 110 and feel that the existing law which prohibits agricultural leases from exceeding ten years is unfair. It is our feeling that private property owners in the agricultural community should have the right to do with their lands as they wish; this includes the right to lease their private property for periods exceeding ten years.

We feel that the existing ten year leasing provision may hinder long range planning that is necessary for modern day farmers and ranchers who need to line up credit or who wish to lease their property to another family member for a longer period than ten years.

It is our feeling that private property owners in the agricultural community should be given the same rights as those within the city limits who may for any period of time agree to a lease or grant of their land. We hope you will support Bill 110 and repeal the current provision that prohibits agricultural leases for a duration exceeding ten years.

VISITOR'S REGISTER

HOUSE

Agriculture

COMMITTEE

BILL

House Bill 110

DATE _____

1-14-85

SPONSOR

Schuyler

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.