

MINUTES OF THE MEETING
AGRICULTURE COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

March 6, 1985

The meeting of the Agriculture Committee was called to order by Chairman James Schultz on Wednesday, March 6, 1985 at 3:10 p.m. in Room 317 of the State Capitol.

ROLL CALL: All members were present.

CONSIDERATION OF SENATE BILL NO. 68: Senator Judy Jacobson, District #36, sponsor of the bill, appeared and offered testimony in support of it. She said this bill is a bill to amend the law that was passed a couple years ago. It prevents the sale of baby animals as pet or novelties. This amendment would restrict the sale of baby animals to only those operations who were actually bonafide hatcheries or breeders. Her testimony was marked as Exhibit A and is attached hereto.

PROPOSERS: Don Ferlicka, Doctor of Veterinary Medicine for the Department of Livestock, stated this amendment would allow for greater clarification of the language which would further clarify the intent of the bill. He then asked Dave Cogley, committee researcher, to explain what the amendment was.

Dave Cogley informed the committee that the existing language refers to avicultural breeding and raising; avicultural has nothing to do with rabbits; therefore, strike "avicultural".

There being no further proponents and no opponents, Senator Jacobson closed saying that she was sorry the chicken couldn't be able to be here, but that it spoke in favor of the bill when it was introduced in the Senate.

There were no questions from the committee and the hearing on Senate Bill No. 68 was closed.

CONSIDERATION OF SENATE BILL NO. 157: Senator Ray Lybeck, District #4, sponsor of the bill, appeared and offered testimony in favor of the bill. He stated that this is a bill that deals with another aspect of cruelty to animals. In the area that he represents it is a problem of the care and feeding of the animals.

PROPOSERS: Ken Kelly, representing the Veterinary Medical Association, offered testimony in support of the bill. He said the reason being that people do not realize what prevalent cruelty to animals is. People in his area shouldn't be allowed to own animals because of overfeeding

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and underfeeding their animals.

Les Graham, representing the Department of Livestock, stated that the sheriff is the chief humane officer and he has seen some of the problems they have run into.

There were no further proponents and no opponents to the bill. Senator Lybeck closed saying that he appreciates the opportunity to be able to present the bill and Representative Holliday will carry the bill on the house floor.

DISCUSSION OF SENATE BILL NO. 157: Representative Bachini asked Mr. Graham if the Department of Livestock would be under the jurisdiction of the sheriff. Mr. Graham informed him that they are not under the jurisdiction of the sheriff and they only help out when the sheriff calls and asks them to help with the problem.

Representative Rapp-Svrcek asked Senator Lybeck what do the counties do with the animals after they are forfeited over to the counties. Senator Lybeck referred the question to Les Graham who stated that the law provides that the animals can be sold or auctioned off if they are designated as a stray or ordered by the court.

Representative Patterson asked what if a banker holds a mortgage on the animals. Les Graham informed him that any animals sold the secured party's name is on the check. However, all of the decisions are in the hands of a judge.

Representative Jenkins asked Mr. Graham if the open range animals are covered under this bill. He stated they were not.

EXECUTIVE SESSION

DISPOSITION OF SENATE BILL NO. 68: Representative Bachini moved to amend the bill by striking "avicultural". The motion carried unanimously.

Representative Bachini made a motion to BE CONCURRED IN AS AMENDED SB No. 68. A second was received by Representative Rapp-Svrcek. Discussion of the bill was held.

Representative Cody asked what is to prevent people, such as the Ben Franklin Stores, from saying they are breeding and raising these animals. Representative Schultz said

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that there is no sex related characteristics in baby chicks. Once the animals are born they are dyed. Dave Cogley said that the Ben Franklin stores would not clearly come under "breeding or raising purposes" since they do not have the facilities to do so. He also informed the committee that it is fairly easy to establish who is selling the baby animals as pets, novelties, etc. and who is selling them for breeding or raising purposes.

There being no further discussion, the question was called for on Senate Bill No. 68 for a BE CONCURRED IN AS AMENDED motion, and it PASSED UNANIMOUSLY.

DISPOSITION OF SENATE BILL NO. 157: Representative Ellerd stated that there is no way to tell who owns the animals that don't carry a brand, so if no one claims the animal it becomes the property of the state of Montana.

Representative Devlin moved to amend SB 157. The amendment is:

1. Page 2, line 8.

Following: "affected"

Insert: "This provision does not affect the interest of any secured party or other person who has not participated in the offense."

The amendment carried.

Representative Jenkins moved to BE CONCURRED IN AS AMENDED Senate Bill No. 157. The question was called and the motion PASSED UNANIMOUSLY.

ADJOURN: There being no further business before the committee, the meeting was adjourned at 4:00 p.m.


JAMES SCHULTZ, Chairman

JS/lcb

DAILY ROLL CALL

~~Agriculture~~ COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 3-6-85

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

STANDING COMMITTEE REPORT

March 6

19 85

MR. ~~SPEAKER~~.....

We, your committee on AGRICULTURE.....

having had under consideration SENATE..... Bill No. 63.....

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color

CLARIFYING EXCEPTIONS TO PROHIBITION ON SALE OF BABY ANIMALS

Respectfully report as follows: That SENATE..... Bill No. 63.....
BE AMENDED AS FOLLOWS:

1. Page 2, line 3.
Strike: "avicultural"

AND AS AMENDED.
BE CONCURRED IN

~~XXXXXX~~
DO PASS

STANDING COMMITTEE REPORT

March 6

35

19

MR. Speaker

We, your committee on Agriculture

having had under consideration Senate

Bill No. 157

Third

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AUTHORIZES FORFEITURE OF ABUSED ANIMALS

Respectfully report as follows: That Senate

Bill No. 157

BE AMENDED AS FOLLOWS:

1. Page 2, line 3.

Following: "affected."

Insert: "This provision does not affect the interest of
any secured party or other person who has not
participated in the offense."

**AND AS AMENDED,
BE CONCURRED IN**

~~67788~~
DO PASS

SB 68

Amendment of Section 81-8-401, SALE OF BABY ANIMALS

Amendment: Clarifies the exceptions granted to bonafide hatcheries or breeders.

Rationale: Before the passage of this law, hundreds of baby chicks and rabbits were dyed various colors and sold as Easter pets. Many of them died soon after Easter. Most probably died from over handling and disease caused by being in poor physical condition. The final result was either a dead animal or a diseased one which could infect either other animals or even humans themselves.

The purpose of the law is to prevent the sale of these chicks and rabbits as pets or novelties. When first passed, it appeared to restrict the sale of animals to those operations who were actually selling to the agricultural community. However, the law contained a loophole allowing a store to simply purchase a \$10 license to operate as a feed store, and then legally sell this class of animals. This amendment would restrict the sale of baby animals to only those operations who were actually bonafide hatcheries or breeders.

VISITORS' REGISTER

AGRICULTURE

COMMITTEE

BILL NO. SB 157 and SB 68DATE March 6, 1985SPONSOR Senator Jacobson & Senator Lybeck

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
<i>Les Graham</i>	<i>Dept of Livestock</i>	<i>SB 68 HB 157 V</i>	
<i>DON FERLICKA</i>	<i>" "</i>	<i>" "</i>	
<i>A.M. Kelly</i>	<i>Mt. Veterinary Medical Assn.</i>	<i>SB 157</i>	
<i>Ray Lybeck</i>	<i>Legislature</i>	<i>SB 157</i>	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.