

MINUTES OF THE MEETING
AGRICULTURE, LIVESTOCK AND IRRIGATION
STATE CAPITOL BUILDING

March 18, 1985

The Agriculture, Livestock and Irrigation Committee meeting was called to order on the above date in Room 415 of the State Capitol Building at 1:00 p.m. by Chairman Boylan.

ROLL CALL: All members present.

HB 786: Representative Dennis Nathe, HD 19. HB 786 is a bill taking us back to 1977 when the State Legislature passed a law saying if I were to bid on a tract of State farm land, I would have to put up a dollar an acre in order to bid against someone who had the lease. In other words, I put up about 20% of the grazing fee to bid against someone else. If I didn't get the lease the money is refunded back to me. The problem was with farmers or ranchers who had it in for their neighbors. A man could be bid up to 50% a crop share on his land by a neighbor with a grudge and be run out. If the rancher wanted to keep his lease, he had to match the bid, then request a hearing before the Department to prove his bid is detrimental to the State of Montana. This usually calls for getting a lawyer and getting your maximum figures together because, if you don't have everything in order, you are going to lose that bid. The neighbor picks up his \$1 an acre and walks home scott free. The guy who has the lease which has been run up is stuck with all the costs. In several instances this has been done out of pure spite. This bill, in instances where it is a clear bona fide case of bad bids, the fees will be reverted to the Department of State Lands. The Department also has expenses as it has to go through the hearing process in these cases.

PROPONENTS: Kelly Blake, Department of State Lands, Lands Division Administrator, representing Dennis Hemmer. In support. Testimony, Exhibit #1.

Senator Max Conover testified that this happened in his community. A bid was placed on several parcels of land which were very far apart. The person who made the bid didn't exist. A fictitious name was used. Luckily it was brought to the State's attention. The person who originally owned the land had to sell some of his cattle to meet the fictitious bid. In this case the money was sent back to the party who made the fictitious bid. He asked the committee to support this bill.

OPPONENTS: None.

DISPOSITION OF HB 786: Senator Kolstad moved HB 786 BE CONCURRED IN. Motion carried. Senator Ed Smith will carry the bill on the Senate floor.

HB 486: Representative Fred Thomas, HD 62, Stevensville and Florence area. This bill adds three weeds to the noxious weed list for the State of Montana. These weeds are spotted knapweed, diffuse knapweed, and dalmation toadflax.

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PROPONENTS: Dave Donaldson, Montana Association of Conservation Districts. Testimony, Exhibit #2.

Alan Eck, Montana Farm Bureau, in support. Exhibit #3.

Ralph Peck, Montana Department of Agriculture, on record in support.

OPPONENTS: None.

Committee questions: Senator Williams submitted a picture he said one of his kids took in the Butte fairgrounds at a dog show. He commented that you could hardly see the dogs for the knapweed.

Senator Galt asked what this would do to HB 716 the committee had just passed and whether the same things were listed in that bill. Dave Donaldson told the committee it would allow the Department of Agriculture to set a State weed list. If HB 716 passed, the Department of Agriculture would determine what the list would be. If the bill didn't pass, then these three weeds would be added with this bill.

John MacMaster, Legislative Research, said HB 716 went into the definition of noxious weeds and took out the whole long list of weeds considered noxious and replaced them with a statement that either the Department or a Weed Board could state which weed was noxious. Coming out of the House we have one bill which got rid of the whole list then another bill starting the list all over again.

Senator Lybeck - In regard to what our researcher says, it would be wise to wait on this bill until we see what happens to HB 716.

John - In talking to the staff person, the House Agriculture Committee did not intend both bills should pass. This bill is in case the major weed bill doesn't pass. The bills wouldn't conflict with each other. The idea of HB 716 is not to have specific weeds listed. This one does have names listed. They just took out the list of specific weeds. The only ones you would have are the ones in this bill.

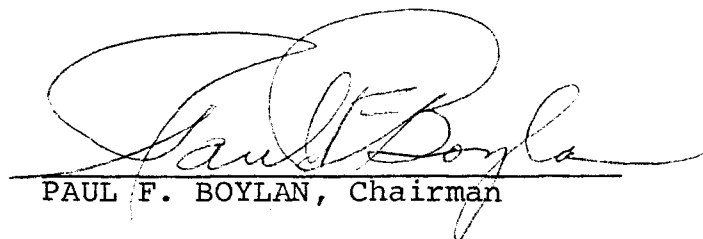
Representative Thomas - These weeds would be added only if the weed list was retained. If both bills passed, these would not go on the list. If 716 did not pass, these would be definitely added to the list.

Ralp Peck - The Department's understanding was the same. Should the other bill not pass they would be adding these weeds to the list. If the other bill passes, they have Legislative intent to add.

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Representative Thomas, in closing. If we pass this bill we are giving Legislative intent these weeds be included. They want to be sure knapweed is added to the list. Under HB 716 you can put them on the list. In HB 716 you can have different lists in different areas.

There being no further business, the meeting adjourned.



PAUL F. BOYLAN, Chairman

ROLL CALL

AGRICULTURE, LIVESTOCK & IRRIGATION COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 2/18/85

SENATE
SEAT
#

NAME	PRESENT	ABSENT	EXCUSED
1 SENATOR GARY AKLESTAD	✓		
27 SENATOR ESTHER BENGSTON	✓		
35 SENATOR JACK GALT	✓		
34 SENATOR H. W. (SWEDE) HAMMOND	✓		
10 SENATOR ALLEN KOLSTAD	✓		
38 SENATOR LEO LANE	✓		
48 SENATOR RAY LYBECK	✓		
31 SENATOR ELMER SEVERSON	✓		
39 SENATOR BOB WILLIAMS	✓		
29 SENATOR MAX CONOVER, V. CHMN.	✓		
50 SENATOR PAUL BOYLAN, CHAIRMAN	✓		

Each day attach to minutes.

DATE Mar. 18, 1985

COMMITTEE ON AGRICULTURE

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)

Exhibit #1
Mar. 18, 1985

TESTIMONY ON HOUSE BILL 786

FROM DENNIS HEMMER, COMMISSIONER OF STATE LANDS

The Department of State Lands supports the passage of House Bill No. 786 regarding the forfeiture of bid deposits on surface or agricultural competitive bids that are proven to be frivolous, forged, bad faith, or harassment bids.

Over the years the Department has experienced situations on competitive bids on state leases where the bidder is non existent or has exercised bad faith. In one particular instance a bidder used a fictitious name and entered bids on six separate leases in the same year. This constituted a considerable expense to the current lessee to meet the bid as well as participate in a hearing on the competitive bid. In order to preempt these types of activities, a forfeiture of the bid deposit would be a good deterrent.

If the Department found that a bidder exercised bad faith and that the allegations could be proven the Department would give the bidder an opportunity for a hearing in regard to its allegations. A recommendation of forfeiture of any bid deposit would be approved or disapproved based on the findings of the hearing. The Department feels this bill would not stifle competitive bidding. On the contrary, it would provide for better bidding based on actual leasing circumstances.



Montana Association Of Conservation Districts

Exhibit #2

7 Edwards
Helena, Montana 59601
Ph. 406-443-5711

March 18, 1985

TO: The Honorable Paul Boylan, Chairman
Senate Agriculture, Livestock & Irrigation Committee

TESTIMONY ON HOUSE BILL 486 ON ADDING SPOTTED AND DIFFUSE
KNAPWEEDS AND DALMATION TOADFLAX TO THE DEFINITION OF
"NOXIOUS WEEDS".

The Association has, at the past annual meeting, expressed
a need to add Spotted and Diffuse Knapweeds, and Dalmation
Toadflax to the definition of "Noxious Weeds".

There are presently five noxious weeds in the present
definition. They include:

Canadian Thistle	2,289,879 acres
Leafy Spurge	595,270 acres
Field Bindweed	429,711 acres
White Top	103,726 acres
Russian Knapweed	102,571 acres

(These numbers of acres are conservative estimates)

The added weeds are very significant also. Spotted and Diffuse
Knapweed take up over 2.3 million acres.

All the Knapweeds are spreading at an alarming rate. They
spread annually at a rate of 27%. At this rate, in 14 years,
60 million or 86% of rangeland will be infested. The average
loss of rangeland is 4.5 million dollars/year.

Dalmation Toadflax has infested 57,830 acres and is also
spreading rapidly.

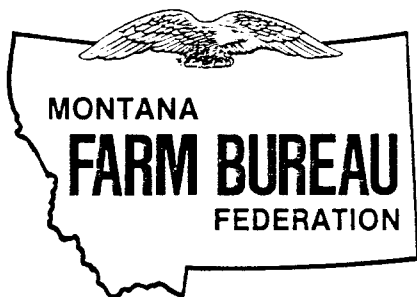
The weeds of Montana are becoming a severe problem and
there is a need to recognize the Spotted and Diffuse Knapweeds
and Dalmation Toadflax in the state definition.

The Association would ask for your support on HB 486.

Thank you for the opportunity to express our need.

Dave Donaldson
Executive Vice President

DD:dv



502 South 19th

Bozeman, Montana 59715

Phone (406) 587-3153

Exhibit #3

TESTIMONY BY: Alan Eck

BILL # HB-486

DATE 3/16/85

SUPPORT XXX

OPPOSE

Mr. Chairman and members of the committee, for the record my name is Alan Eck. I'm testifying for the Montana Farm Bureau Federation. The Farm Bureau would like to go on record as supporting House Bill 486. Thank You

Alan Eck

SIGNED

STANDING COMMITTEE REPORT

March 18

1925

MR. PRESIDENT

We, your committee on **AGRICULTURE, LIVESTOCK & IRRIGATION**

having had under consideration..... **HOUSE BILL** No. **786**

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Hathe (Ed Smith)

TO REVISE STATE SURFACE LEASE BID DEPOSIT LAWS

Respectfully report as follows: That..... **HOUSE BILL** No. **786**

BE CONCURRED IN

XXXXX
DO PASS

XXXXXXXXXX
DO NOT PASS

.....
PAUL F. BOYLAN,

Chairman.