#### MINUTES

#### MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON AGRICULTURE, LIVESTOCK AND IRRIGATION

Call to Order: By Chairman Bob Bachini, on March 3rd 1989, at 3:30 p.m.

#### ROLL CALL

Members Present: All were present

Members Excused: none

Members Absent: none

Staff Present: Ms. Connie Erickson, Legislative Council and Ms. Maureen Cleary, Committee Secretary

Announcements/Discussion: Chairman Bachini: Announced that anyone from the Agriculture Committee was welcomed to sit-in on the Appropriations Committee's hearing for Rep. Larry Grinde's bill on CRP program.

#### HEARING ON SENATE BILL 176

# Presentation and Opening Statement by Sponsor:

SENATOR GERRY DEVLIN: Senate District #13. At the request of the Dept. of State Lands I bring before you this bill. This bill will provide a penalty for late payments on leases of land.

#### Testifying Proponents and Who They Represent:

- Mr. John North/ Dept. of State Lands, Helena
- Ms. Kim Enkerud/ MT. Assoc. of State Grazing Districts, MT. Cattle Women, MT. Stockgrowers Assoc.
- Mr. Marvin Barber/ Agricultural Preservation Association, Gallatin Valley

#### Proponent Testimony:

Mr. North: (See Exhibit #1)

Ms. Enkerud: (See Exhibit #2)

Mr. Barber: We support this bill and feel that a penalty is a good sound business practice.

Testifying Opponents and Who They Represent:

none

Opponent Testimony:

none

Questions From Committee Members:

- PARTICIANTE: Do you have a figure on the amount of late payments? MR. NORTH: The estimated figure for late payments is approximately \$639,000.00. If you assume a 10% interest rate on this, there is a \$6,400.00 loss of revenue to the trust.
- REP. KASTEN: Would you trace the steps in the payments? MR.

  NORTH: In January we mail notices noting the lessees must pay by March 1st or there will be a \$25.00 late payment charge. If we do not receive the payment by March 1st. We send out a certified letter indicating that the payment is due by April 1st, along with the penalty or the lease will be cancelled. By law, that notice must be sent two weeks prior to April 1st. REP. KASTEN: That is not the procedure now? MR. NORTH: That is correct, there are no penalties now. REP. KASTEN: The current procedure is a card that is sent that notes "Due April 1st". MR. NORTH: Yes. We do send a notice currently, with no late payment fee.

Closing by Sponsor:

Senator Devlin: I urge your support.

DISPOSITION OF SENATE BILL 176

Motion: Rep. Hanson: made the motion "do pass"

Discussion: Rep. Kasten: The idea that a penalty would be placed during the grace period bothers me. If people believe that they have a grace period then they should not be penalized. REP. KOEHNKE: I agree, normally a grace-period means that you have grace. REP. PATTERSON: These people are notified well in advance. We are hurting the Dept. of State Lands with these late payments.

Amendments, Discussion, and Votes: none

Recommendation and Vote: THEREFORE, THE COMMITTEE RECOMMENDS
THIS BILL IS "TO BE CONCURRED IN".

#### HEARING ON SENATE BILL 213

# Presentation and Opening Statement by Sponsor:

SENATOR SAM HOFMAN: Senate District #38. Currently, when someone sells seed or grain to another party. And if they are not certain that the buyer is fiscally responsible, a lien can be placed for only the amount of 700 bushels. This figure of 700 bushels was determined, I believe, sometime around the 1950's. This problem was brought to my attention due to a potato grower in my area. He sold a semi-load of potato seed snf thinking a lien would be a good idea, he discovered he could place a lien for only 700 bushels. We thought that it would be a good idea to change that language to "the amount of the seed sold". It is a simple idea.

#### Testifying Proponents and Who They Represent:

Mr. Marvin Barber/ Agriculture Preservation Association, Gallatin Valley

#### Proponent Testimony:

Mr. Barber: We support this bill and urge your support.

Testifying Opponents and Who They Represent:

none

Opponent Testimony:

none

#### Questions From Committee Members:

REP. GUTHRIE: I am told that there is no provision, in the present law, for a lien against fertilizer. SEN. HOFMAN: I am not aware of that, but this is a special section that deals with grain or seed. REP. BACHINI: I believe that two years ago we passed a bill that dealt with fertilizer and lien laws.

#### Closing by Sponsor:

Senator Hofman: This is a simple bill. I urge your support.

DISPOSITION OF SENATE BILL 213

Motion: Rep. Driscoll: made the motion "do pass"

Discussion: none

Amendments, Discussion, and Votes: none

# Recommendation and Vote: THEREFORE, THE COMMITTEE RECOMMENDS THIS BILL IS "TO BE CONCURRED IN".

#### HEARING ON SENATE BILL 222

#### Presentation and Opening Statement by Sponsor:

SENATOR LARRY TVEIT: Senate District #11. The auction markets came to me with this bill. This bill is adds auction yards to the present law in regard to interstate travel of cattle. (See Exhibit #3)

# Testifying Proponents and Who They Represent:

Mr. Les Graham/ Dept. of Livestock, Helena

Mr. Jerry Jack/ MT. Stockgrowers Assoc., Farmers Union, MT. Cattle Women, Association of State Grazing Districts

#### Proponent Testimony:

Mr. Graham: We feel that this bill is deserving of your support.

Basically this bill will allow the auction market the same privileges as a private party in regard to the current law.

Mr. Jack: We strongly urge your support of this bill.

Testifying Opponents and Who They Represent:

none

Opponent Testimony:

none

Questions From Committee Members: none

Closing by Sponsor:

Sen. Tveit: It is a good bill that will help the auction yards.

#### DISPOSITION OF SENATE BILL 222

Motion: Rep. Kasten: made the motion "do pass"

Discussion: none

Amendments, Discussion, and Votes: none

Recommendation and Vote: THEREFORE, THE COMMITTEE RECOMMENDS THIS BILL IS "TO BE CONCURRED IN".

#### HEARING ON SENATE BILL 233

## Presentation and Opening Statement by Sponsor:

SENATOR RICHARD MANNING: Senate District #18. This is an
interesting bill. (See Exhibit #5)

#### Testifying Proponents and Who They Represent:

Mr. Ted Newman/ Great Falls Jockey Club, Great Falls

#### Proponent Testimony:

Mr. Noble: (See Exhibits #4 and #6)

Mr. Newman: We support this legislation and urge the Committee's adoption of it. We need to market and draw people to the track's of Montana. It helps alot of people.

#### Testifying Opponents and Who They Represent:

none

#### Opponent Testimony:

none

#### Questions From Committee Members:

REP. KASTEN: Isn't this a bill about gambling? SEN. MANNING: It is primarily wagering. REP. KASTEN: Isn't that the main idea of this bill? SEN. MANNING: It depends on what you are wagering against. This is the Committee that this bill was assigned to.

REP. ELLISON: Doesn't this bill hurt the spotted asses? SEN.

MANNING: There isn't really anyone that breeds the spotted asses in Montana.

#### Closing by Sponsor:

Sen. Manning: Mule racing will provide racing fans with more entertainment, attract out-of-state dollars and help the small but growing mule racing industry in the state. I won't cost the tax payers a thin dime. This is a good bill.

#### DISPOSITION OF SENATE BILL 233

Motion: Rep. DeMars: made the motion "do pass"

Discussion: REP. KASTEN: I just have a comment. Next it will

be dogs and then "what ever". This bill is just an expansion of racing. REP. STEPPLER: I have been involved with the fair board for the last few years. And part of the problem that you will find is lawsuits. That would be a cost to the counties and the taxpayers. REP. BACHINI: Currently, a lot of our fair's in the state are having financial difficulty. I see this as an asset to them. It is a good bill that will draw people to them and diversify the activities offered.

Amendments, Discussion, and Votes: none

Recommendation and Vote: THEREFORE, THE COMMITTEE RECOMMENDS THIS BILL IS "TO BE CONCURRED IN".

**ADJOURNMENT** 

Adjournment At: 5:15 p.m.

REP. BOB BACHINI, Chairman

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# DAILY ROLL CALL

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# 50th LEGISLATIVE SESSION -- 1987

Date March 3.

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NAME	PRESENT	ABSENT	EXCUSED
Rep. Bob Bachini, Chairman	<u> </u>		
Rep. Francis Koehnke, Vice Ch.	~		
Rep. Gene DeMars	~		·
Rep. Jerry Driscoll			
Rep. Jim Elliot			
Rep. Linda Nelson	<u></u>		
Rep. Bob Ream			
Rep. Don Steppler	~		
Rep. Vernon Westlake			
Rep. Duane Compton	~		
Rep. Orval Ellison			
Rep. Bert Guthrie			
Rep. Marian Hanson			
Rep. Harriet Hayne			
Rep. Betty Lou Kasten			
Rep. Vernon Keller			
Rep. John Patterson	~		·
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March 3, 1989
Page 1 of 1

Mr. Speaker: We, the committee on <u>Agriculture</u>, <u>Livestock</u>, and <u>Irrigation</u> report that <u>SENATE BILL 176</u> (blue reading copy) <u>be</u> concurred in.

Signed: //// Bob Bachini, Chairman

[REP. PATTERSON WILL CARRY THIS BILL ON THE HOUSE FLOOR]

March 3, 1989
Page 1 of 1

Mr. Speaker: We, the committee on <u>Agriculture</u>, <u>Livestock</u>, and <u>Irrigation</u> report that <u>SENATE BILL 213</u> (blue reading copy) be concurred in .

Signed: Bob Bachini, Chairman

[REP. WESTLAKE WILL CARRY THIS BILL ON THE HOUSE FLOOR]

March 3, 1989 Page 1 of 1

Mr. Speaker: We, the committee on <u>Agriculture</u>, <u>Livestock</u>, and <u>Irrigation</u> report that <u>SENATE BILL 222</u> (blue reading copy) be concurred in .

Signed: /// Drophy Bob Bachini, Chairman

[REP. JOHNSON WILL CARRY THIS BILL ON THE HOUSE FLOOR]

March 3, 1989
Page 1 of 1

Mr. Speaker: We, the committee on <u>Agriculture</u>, <u>Livestock</u>, and <u>Irrigation</u> report that <u>SENATE BILL 233</u> (blue reading copy) <u>be</u> concurred in.

Signed: De Bob Bachini, Chairman

[REP. GRADY WILL CARRY THIS BILL ON THE HOUSE FLOOR]

EXHIBIT #/
DATE 3/3
HB SB176

#### TESTIMONY OF JOHN F. NORTH House Agriculture Committee March 3, 1989 Senate Bill 176

The Department of State Lands has requested introduction and supports passage of SB 176.

As you know, state grazing and agricultural lessees are granted a grace period after the due date for their rental payments. This grace period is 30 days for grazing lessees and 45 days for agricultural lessees. If the lessee does not pay by the end of this grace period, the lease is automatically cancelled. Most lessee's pay by the due date. However, over the past few years a growing minority of lessees, about 500 in 1988, are choosing to pay late. In effect, they are treating the cancellation date as the due date. This may be a business decision for many because they can draw interest on the money for an additional month.

Whenever lessees fail to make their rental payments by the due date, the income available for distribution to the schools is diminished. Our figures show reduction by an average of \$13/lease. Furthermore, the department is required to expend unnecessary general fund monies to collect the late payments. These unnecessary expenses include the \$2.00/per letter certified mail fee, supplies, and employee time on preparing and posting the notices by certified mail.

Should Senate Bill 176 become law, the department would include in its first billing a notice that if the lessee does not pay by the due date, he or she must also pay the late penalty. Immediately after the due date, the Department would send the second notice to those who did not pay. That second notice would indicate that the lease payment and penalty must be paid by the deadline or the lease is automatically cancelled. It would also state that if the payment had already been mailed, but without the penalty payment, payment of penalty must be made by the cancellation deadline.

This bill will save the taxpayer money by 'increased interest paid to the school trust and reducing unnecessary employee time and expense required to obtain lease payments. I urge you to give the bill a do pass recommendation.

EXHIBIT	#2	**************************************
DATE	3/3	
НВ	SB176	

March 3, 1989

TO: House Agriculture Committee

FROM: Montana Association of State Grazing Districts

Montana CattleWomen

Montana Stockgrowers Association

SUBJECT: Senate Bill 176, Impose a \$25 penalty for late

payment of state agricultural and grazing lease

rentals.

Mr. Chairman, Members of the Committee:

My name is Kim Enkerud. I am representing the Montana Association of State Grazing Districts, Montana CattleWomen and the Montana Stockgrowers Association. These organizations represent about 4000 ranch families, many of whom have state agricultural and grazing leases.

We support Senate Bill 176 as we realize there have been many delinquent payments being made. The extra time and effort needed to notify these lessees to pay their state grazing or agricultural leases could possibly be avoided if this bill were concurred with.

We understand that before a lease is cancelled, the Department of State Lands will notify the lessee the lease needs to be paid before April 1 in the case of a grazing lease or December 31 in the case of an agricultural lease. With this notification process, the lessee should be able to pay the penalty and lease payment by the due dates and avoid lease cancellation.

I did have some concerns about how the lessees of state lands were going to be made aware a penalty exists. The Department of State Lands has assured me that this will be done. I, also, will be doing my part to make our members aware of the penalty if the bill passes, through our various publications and other media methods.

We support this bill and ask for a do concur.

Thank you.

KE:ejr

S.B. 222

EXHIBIT_	#3	
DATE.	312	
HB 502		
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Summary.

The language included in S.B. 222 simply allows the law to include auction market cattle to be released to the buyer just as we now do with cattle inspected in non-market situations. It is one of many tools that may be used to protect our livestock producers, livestock buyers, and auction markets.

WEST 5300 JACKLIN AYENUE POST FALLS. ID 83854

(208) 773-7581

Legislators
State of Montana
c/o Montana Board of Horse Racing

EXHIBIT #4

DATE 3/3/89

HB 5/3233

Dear Legislators;

On behalf of the American Mule Association, the nationally recognized registry for mules and related activities, I respectfully present and sponsor the enclosed legislation designed to allow racing of registered mules where the parimutual system of wagering is used.

This legislation will provide both oppertunity and encouragement to the public patrons of horse racing, to attend existing horse race meets for the purpose of increased attendance and wagering support. It should be emphasized that mule racing will augment existing horse race meets, as a synergistic compliment to attendance and wagering, and is not to be misinterpreted as a new, seperate, and additional gambling activity.

Mule racing at approved horse race meets in the states of Idaho, Nevada, and Washington has proven responsible for both increased attendance and subsequent wagering on horse races conducted during the same meet. Successful passage of this legislation not only will increase wagering support, but will also encourage out of state financial spending from current mule owners, trainers, and handlers now located throughout the Western United States. Additionally, the existing mule industry of Montana, will be expanded into a new and larger "activity window" for both current and future animal populations.

The enclosed legislation has been presented to the Montana Board of Horse Racing at their regularly scheduled public meeting, conducted on December 13, 1988. The board accepted the concept proposed as beneficial to Montana horse racing, and therefore provided endorsement for the legislation as submitted herein.

WEST 5300 JACKLIN AVENUE POST FALLS, ID 83854

(208) 773-7581

I therefore respectfully request your acceptance of this American Mule Association sponsored legislation, and ask your assistance in securing successful passage of its contents.

I can think of few better Montana Centennial recognition actions, then that of identifying one of Montanas' founding-frontier work animals into the sport of Montana racing.

Respectfully Submitted

Donald W. Jacklin

American Mule Association

Executive Board

Bab Noble - Arlee Don Jackhun - Vice Pres Pasc for Male Racing Port Falls Cauer Daline

During the 18th century, George Washingtons interest in the mule began from observing scrubby specimens during the war years. A supply of good superior mules, he knew, would solve the ruinous cost of transportation for the American Farmer. He also knew the best critical elements to produce these mules was carefully controlled by Charles III, King of Spain. After learning of Washingtons concerns, King Charles III not only sent the necessary tools to start Washington in the mule business, but also his master handlers. This aspect of the business remains intact to day.

Review the history of The State of Montana. We can look to the outcome and success of Lewis and Clark, the economic adventures of the fur traders or the impact of early mining tactics on the settlements within our state. One thing remains constant, the role of the American Mule. Always there when we need him.

Mule racing at approved horse meets in the states of Idaho, Nevada, Washington and New Mexico has proven responsible for both increased attendance and wagering on horse races conducted during the same meets. Passage of this legislation S.B.-233, will increase wagering support at existing horse race meets as well as encourage out of state spending from current mule owners, trainers, and handlers now located throughout the Western United States. Furthermore, the passage of S.B.-233, will greatly increase the existing mule industry with-in the State of Montana. This legislation, it should be emphasized, is designed to supplement existing horse race meets and in no way should be viewed as something new or seperate.

We have here today an opportunity to not only commemorate the American Mule during our states 100th birthday, but also, to open the doors of opportunity for the industry as a whole.

Jary Kaeplin - See of Morlana House Racing Board

EXHIBIT #5

DATE 3/3/89

UB SB233.

EXHIBIT #6

DATE 3/3/89

HB 88233

TESTIMONY

BY

BOB NOBLE

BOX 5

ARLEE, MONTANA[

On behalf of the American Mule Association and the "Busted Ass Ranch" in Arlee, Montana, the nationally recognized registar for mules and related activities, I respectfully ask for your support of the legislation...S.B.-233.

This legislation, designed to allow the racing of registered mules where the parimutuel system of wagering is used, will provide both the opportunity and encouragement to the general public, to attend existing race meets. This increased support, through attendance and wagering, will augment existing horse race meets and should not be misinterpreted as a new, seperate or additional wagering activity.

Mule racing at approved horse race meets in the states of Idaho, Nevada and Washington has proven responsible for both increased attendance and subsequent wagering on horse races conducted during the same meet. Successful passage of this legislation not only will increase wagering support, but will also encourage out of state financial spending from current mule owners, trainers and handlers now located throughout the Western United States. Additionally, the existing mule industry of Montana, will be expanded into a new and larger "activity window" for both current and future animal populations.

Most recently, Playfair in the State of Washington, held their first parimutuel mule races during a special horse race meet on Memorial Day 1988. The day was cold and rainy, and generally not considered a successful day for a family outing at the track. By the end of the sixth race, the concession stands had sold the last of their ton and a half of hot dogs, and the meet was on the way to setting a horse meet record for both attendance and wagering. Was this coincidence or did the mules stimulate this interest? I like to think the mules had something to do with it.

The State of New Mexico recently passed parimutuel betting which allows betting on mules. After their first season, 1988, they now have included mule Racing on all programs including Ruidoso Downs. They feel the added interest is economically advantages to their program. Like New Mexico, Winnemucca, Nev. has also added 2-4 races per day for mules. Their feeling is the mules have been their salvation.

Its been the objective of "The Busted Ass Ranch" to not only increase the usability and awareness of the american mule, but also to improve those bloodlines and develop flat track racing prospects. Our present broodmare heritages include such names as Tonto Time, Moon Deck, Sugar Bars, Jet Deck, Pirateer, and War Bush. Until now, we have had to rely on out of state buyers, trainers and handlers for any prospective flat track parimutuel quality mules. With the passage of S.B.-233, todays owners, trainers and handlers, will be able to take advantage of existing facilities for the purpose of training, as well as, the existing horse race meets for sanctioned competitive racing.

On December 13, 1988, this legislation was presented to the Montana Board of Horse Racing at their regular scheduled public meeting. The board accepted the concept proposed as benificial to Montana Horse Racing, and provided endorsement for the legislation now known as S.B.-233.

While "The American Mule Association" presently is the duly appointed body for the identifying (tatooing) and registering of the racing mules, it is also understood that the passage of this legislation means, henceforth, all mules raced in parimutuel meets in the State of Montana, must be registered and identified according to the Montana Board of Horse Racing. It is also under-

stood, in the event of conflict, the Montana Board of Horse Racing supersedes all others.

I therefore respectfully request your support and acceptance of this legislation and ask you assistance in securing its passage. Thank-you.

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PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

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