

## MINUTES

### MONTANA SENATE 51st LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON AGRICULTURE

Call to Order: By Chairman Beck, on January 25, 1989, at  
1:00 p.m.

#### ROLL CALL

Members Present: Senators: Hubert Abrams, Gary Aklestad,  
Esther Bengtson, Gerry Devlin, Jack Galt, Greg  
Jergeson, Gene Thayer, Bob Williams, Chairman Beck.

Members Excused: None

Members Absent: None

Staff Present: Doug Sternberg, Legislative Council

Announcements/Discussion: None

#### HEARING ON SENATE BILL 111

Presentation and Opening Statement by Sponsor: Senator  
Boylan, District 39, this is an act to revise the laws  
regulating the practice of veterinary medicine;  
clarifying definitions and exemptions; revising the  
requirements for continuing professional education and  
prohibiting the municipal licensing of veterinarians.

#### List of Testifying Proponents and What Group they Represent:

Jo Brunner representing the Montana Veterinary Medical  
Association  
Dr. Bill Patton representing Montana Veterinary Medical  
Association  
Dr. Dick LaFrance representing himself  
Dr. Jim Bailey representing himself  
Dr. Duane Douglas representing private practice of  
veterinary medicine  
Dr. Gerald P. Kitto representing Montana Veterinary Medical  
Association and Gallatin Embryonics.  
Dr. Anne H. Johnson representing herself  
Ray Ansotequi representing Montana State University a  
professor of reproductive physiology  
Jerry Jack representing the Montana Cattlemans Association  
Bob Gilbert representing the Montana Wool Growers  
Association

List of Testifying Opponents and What Group They Represent:

Michael Lane representing himself

Testimony:

Proponents:

Jo Brunner discussed the amendments. She also introduced each doctor who would be testifying.

Dr. Bill Patton - See exhibit 2.

Dr. Dick LaFrance - See exhibit 3.

Dr. Jim Bailey - See exhibit 5.

Dr. Duane Douglas - See exhibit 7.

Dr. Gerald P. Kitto - See exhibit 9.

Dr. Anne H. Johnson - See exhibit 11.

Ray Ansotegui indicated he supported SB 111 as amended.

"With the amendment, I think we are looking at maybe some of the better of both worlds. First of all, there is consumer protection because of the certification process would still be in the veterinary practice act. The other thing is I think it's giving the consumer of the stock producer a choice as to who he wants to do his reproductive work. The other thing I think it is it allows if qualified some of the best people in the world...but there is some very well-trained people...particular graduate students. As the law stands today without the amendment, we're making outlaws...I think it can all work through the certification. It was mentioned about equipment, things like this. These things can all be written in the certification."

Jerry Jack-"We rise in support of SB 111 as amended...I think it's a good amendment as Ray just mentioned. The board still has the responsibility for certification. We would certainly hope that the veterinarian meeting that will be held this coming week in Billings will find that they can approve this; and we can certainly wish that (you) pass this bill as amended."

Bob Gilbert-"The amendments to the Bill 111 will satisfy our concerns over the sheep specialists at M.S.U. To be able to use the ultrasounds, which by the way is state

of the art. No problem with that equipment in doing pregnancy testing of sheep. So as amended, 111 will satisfy our concerns over pregnancy testing."

Testimony:

Opponents:

Michael Lane-"I belong to a group called the APA and we're looking at both SB 111 and 28. I just want this group to understand that the ranchers in Gallatin Valley are not too thrilled with SB 111...My personal belief is these type of laws tend to restrict competition. And board certification does not eliminate fly-by-night people. They're still going to have some problems. I personally use three veterinarians in the Three Forks area and I find them competent...We are waiting to see how this comes out."

Questions From Committee Members: Senator Aklestad-"The board, what board are we referring to now? The veterinary board?" Dr. Patton-"In response, it's the board of veterinary medicine."

Senator Aklestad-"What is the makeup of that board?" Dr. Patton-"The board is...made up of 1 lay and 5 members of the Montana Veterinary Medical Association."

Senator Bengtson-"When the board determines what sort of criteria for certification...Do you then become aware of the liability and the type of insurance you're going to carry for these people?" Dr. Patton-"I don't believe we can do the liability. I don't see any way we can do that, require them to obtain liability. That's something they're going to see if they can obtain on their own."

Senator Thayer-"Were any of the technicians represented at the meeting? Who was at the meeting?" Dr. Patton-"See exhibit 12."

Senator Galt indicated his concern about section 1 line 24 stating, "Nothing in subsection (1)(e) of this section shall in any way be construed to prohibit the pregnancy testing by any person of his own farm animals or by his employees regularly employed in the conduct of his business or by other persons whose services are rendered gratuitously."

Senator Beck stated, "It appears to me that some corrections in the language right in that particular area might have to...something has to be done there."

Senator Beck-"This chapter does not prohibit a person from caring for and treating his own farm animals or being assisted in this treatment by his full-time employees. You've put 'full-time' in there. Do you have a definition of a full-time employee?" Dr. Patton-"Our meaning behind would mean somebody that isn't coming through for the day under employment...We have ranches that are owned (out-of-state) and they have a manager that does their own pregnancy testing for instance."

Senator Beck-"Have you defined that as such?" Dr. Patton-"What you see is what we've had for twenty some years."

Senator Beck-"I don't know of any other definition of full-time in the codes any place. I don't know, I think that's something the researcher is going to have to work on, too."

Closing by Sponsor: Senator Boylan indicated that there was a good hearing on the bill. "Whatever you can come up with, I think we all will be satisfied."

Hearing on SB 111 was closed. Executive Action will be taken on the bill at a later date.

#### HEARING ON SENATE BILL 176

Presentation and Opening Statement by Sponsor: Senator Gerry Devlin, District 13, this is an act to provide for a \$25 penalty for late payments of agricultural and grazing leases of state land; and amending section 77-6-506, MCA. Grazing leases have to be paid by the first of March and agriculture leases have to be paid in November. "What's happening is everybody is waiting until the last day just before their lease is cancelled and paying it then. There's quite a number of people doing this."

List of Testifying Proponents and What Group they Represent:

John North representing the Department of State Lands

Kim Enkerud representing the Montana Association of State Grazing Districts, the Montana Cattlemen and the Montana Stockgrowers Association.

List of Testifying Opponents and What Group They Represent:

None

Testimony:

John North-See Exhibit 2.

Kim Enderud-See Exhibit 3.

Questions From Committee Members: Senator Thayer-

"Concerning the two issues that Kim has raised (in her testimony) you've covered that in your presentation. I suppose you will be doing that, won't you?" Mr. North-"We will be doing that...In order to be effective in reducing late payments, we'll have to notify the people."

Senator Thayer-"This bill if it passes won't be effective until October 1"...Mr. North-"That's right. The bills have already gone out on this years grazing leases. It wouldn't be effective until October 1. So the first leases that this would apply to would be the ag leases due on November 15 of this year."

Senator Galt-"Did you send notices before.?" Mr. North-"We will put in that notice that goes out this summer that there will be a penalty."

Senator Aklestad-"Why did you go for the penalty rather than a percentage of the money due?" Mr. North-"I believe we did that for ease of calculation."

Senator Bengtson-"Has there been any positive effort made to encourage early payment rather than the alternative, a penalty? Is that the only incentive for paying up the rent?" Mr. North-"There is nothing we can do under the present law except send out a letter saying please pay on time."

Closing by Sponsor: Senator Devlin indicated that the bill could read the \$25 late fee would begin in 1990. Senator Devlin closed.

DISPOSITION OF SENATE BILL 176

Discussion: None

Amendments and Votes: None

Recommendation and Vote: Senator Thayer moved to pass SB 176; it was seconded by Senator Abrams. SB 176 passed -Senator Bengtson voted against the motion.

HEARING ON SENATE BILL 183

Presentation and Opening Statement by Sponsor: Senator  
Abrams, District 12, Wibaux-See exhibit 1.

List of Testifying Proponents and What Group they Represent:

Jo Brunner representing the Montana Water Resources  
Association  
Gary Fritz representing the Department of Natural Resources  
Peggy Haaglund representing the Montana Association of  
Conservation Districts.

List of Testifying Opponents and What Group They Represent:

None

Testimony:  
Proponents:

Jo Brunner of the Montana Water Resources Association  
supports SB 183

Gary Fritz agreed with what Senator Abrams presented in his opening statement. Mr. Fritz explained where the Little Missouri was located by using visual aides. Mr. Fritz further explained the second part of his presentation. "The other part of this legislation is an internal deadline change that would provide the Board of Natural Resources an additional 6 months to make their decision on reservation applications above Fort Peck." Mr. Fritz used visual aides to help explain his statement. Mr. Fritz commented, "Those applications above Fort Peck are due in July of 1989. Those applications to reserve below Fort Peck are due in July of 1991. Now the board's decision, as mandated again by again current statute, is supposed to be made December 31 of 1991. But what we're suggesting in this bill that be extended for another 6 months."

Peggy Haaglund-See exhibit 2.

Questions From Committee Members: Senator Beck-"How is this handled on the North Dakota side? Are they asking for reservations on the North Dakota side of the line?"  
Gary Fritz-"That's a good question. No, they are not. In fact, the state of North Dakota is trying to establish the lower Little Missouri River as a wild and

scenic river. So, I think that makes it even more important that Montana now get into the process of establishing of what our future needs are; in case, North Dakota someday comes to us and asks us to stop using water to make sure they have water for their wild and scenic river." Senator Beck-"Super! I'm glad that you are doing it!"

Closing by Sponsor: Senator Abrams-"It seems to be well covered. I guess with that, I hope that you pass it."

DISPOSITION OF SENATE BILL 183

Discussion: None

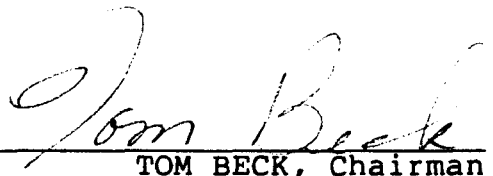
Amendments and Votes: None

Recommendation and Vote: Senator Galt moved that SB 183 Do Pass; it was seconded by Senator Thayer. SB 183 passed unanimously.

The Senator Thayer moved to table SJR 4. The motion was seconded by Senator Devlin. The vote was unanimous.

ADJOURNMENT

Adjournment At: 2:47 p.m.

  
TOM BECK, Chairman

TB/jj

ROLL CALL

AGRICULTURE COMMITTEE

DATE 1/25/89

51st LEGISLATIVE SESSION 1989

| NAME                   | PRESENT | ABSENT | EXCUSED |
|------------------------|---------|--------|---------|
| SENATOR HUBERT ABRAMS  | ✓       |        |         |
| SENATOR GARY AKLESTAD  | ✓       |        |         |
| SENATOR ESTHER BENGTON | ✓       |        |         |
| SENATOR GERRY DEVLIN   | ✓       |        |         |
| SENATOR JACK GALT      | ✓       |        |         |
| SENATOR GREG JERGSON   | ✓       |        |         |
| SENATOR GENE THAYER    | ✓       |        |         |
| SENATOR BOB WILLIAMS   | ✓       |        |         |
| SENATOR TOM BECK       | ✓       |        |         |
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|                        |         |        |         |

Each day attach to minutes.



SENATE STANDING COMMITTEE REPORT

January 25, 1989

MR. PRESIDENT:

We, your committee on Agriculture, Livestock, and Irrigation, having had under consideration SB 176 (first reading copy -- white), respectfully report that SB 176 do pass.

DO PASS

Signed: Thomas A. Beck  
Thomas A. Beck, Chairman

**SENATE STANDING COMMITTEE REPORT**

January 25, 1989

**MR. PRESIDENT:**

We, your committee on Agriculture, Livestock, and Irrigation, having had under consideration SB 183 (first reading copy -- white), respectfully report that SB 183 do pass.

**DO PASS**

Signed: \_\_\_\_\_



Thomas A. Beck, Chairman

EXHIBIT NO. 1 SB 111

DATE 1/25/89

BILDATE: 25 Jan 89

NAME: Dr Bill Patton

ADDRESS: Box 68, Cascade Mt

PHONE: 468-2207

REPRESENTING WHOM? MONTANA VETERINARY MEDICAL ASSOCIATION.

APPEARING ON WHICH PROPOSAL: SB 111

DO YOU: SUPPORT? [X] AMEND? OPPOSE?

COMMENTS: AS THE CHAIRMAN OF THE LEGISLATIVE COMMITTEE, I REVIEWED WHAT HAD TAKEN PLACE TO THIS TIME AND INTRODUCED THE PROPOSALS TO SB 111

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

①  
Exhibit #2  
1/25/89  
SB III

Mrs CHAIRMAN & MEMB of the Comm  
In Dr. Payton From Caswell  
AND I would like to  
REVIEW SB III up to  
THIS POINT —  
This was originally  
submitted by the  
DEPT of COMMERCE  
ON DEC 10 1988  
AS A HOUSEKEEPING  
BILL TO CLARIFY  
SOME OF THE LANGUAGE  
IN THE VETERINARY  
PRACTICE ACT. ON JAN 6<sup>89</sup>  
SEN Meyers introduced  
SB 28 TO THIS COMM.  
AT THAT TIME — SB III

WAS STILL ON THE  
GOVERNOR'S DESK. THE  
MONT. U.M.A. EXEC. Bd. THIS  
DATE DECIDED TO  
ASSUME S.B. 111 TO EXPEDITE  
~~THE~~ <sup>ITS</sup> MOVEMENT TO THE  
~~AGRICULTURE~~ COMMITTEE  
ON THE 11<sup>th</sup> OF JAN.  
SOME M.U.M.A. MEMBERS  
MET W/ THE <sup>STOCK GROWERS</sup> ANIMAL  
HEALTH COMM IN BOZEMAN  
TO DISCUSS BOTH S.B. 28  
& THE PROPOSED S.B. 111. AT  
THAT TIME A COMMITTEE  
OF 3 STOCKPOWER & 6  
3 VET— AGREED TO MEET

3

Ex. #2

SB III

1/25/89

on Helena ~~at~~ The  
Stock Growers Headquarters  
on the 20<sup>th</sup> of Jan  
to see if we could  
~~reach~~ reach an ~~agreement~~  
compromise on the  
two Bills. After  
5 hours of testimony  
& discussion we came  
up with the Amendment  
~~to~~ SB III - that you have  
before you. At that  
time it was our  
understanding that  
SB III would not

Re Head By N. Comm.  
UNTIL AFTER JAN 30  
THIS TIME FRAME  
WAS AGREEABLE W/ US  
SINCE OUR WINTER  
MEETING OF THE MUMMA  
IS IN BILLING, THE  
27, 28, 29 of JAN AND  
WE WERE PLANNING  
TO PUT THIS BEFORE  
THE GENERAL MEMBERSHIP  
FOR THEIR OPINION,  
ON DISAPPOINTMENT ~~IT~~  
~~REALIZE THIS COMM.~~  
~~HAS~~ WE WERE  
THAN INFORMED  
SATURDAY

(5)

that our Hearing  
was to be to only  
the 25<sup>th</sup> which  
negated the possibility  
of endorsement by  
our membership at  
large, the amendment  
which we reached  
w/ the stockholders  
was contained on  
this meeting. We  
felt that we  
must submit this  
Bill at this time  
w/ the amendment.

Compromise



we want, however  
RESP <sup>EFF</sup> REQUEST that the  
COMMITTEE WITH HOLD  
EXECUTIVE ACTION ON THIS

BILL AS AMENDED  
~~BE WITHHOLD UNTIL~~

THE MUMPS HAS  
A CHANCE TO ACT ON

~~ON THIS PROPOSED~~  
~~SENATE BILL~~ WHICH IS WHAT  
WE

ORIGINALLY HAD INTENDED  
WHEN WE MET W/

THE STOCK OWNERS

WE SUBMIT THIS  
IN GOOD FAITH

SENATE AGRICULTURE

EXHIBIT NO. 3

DATE 1/25/29

BILL NO. SB 111

*LaFrance*

My name is Dick LaFrance and I have been a large animal veterinarian in the Hardin area for 38 years.

I have been asked to give a brief history of how our profession is involved with pregnancy testing and the system we use.

Ex. #3  
1/25/89  
SB 111

Some years ago, Montana Sale Barn operators and the Montana Stockgrowers initiated a program to put some accountability into bovine pregnancy testing. The Montana Veterinary Association was called in to implement this plan.

Until this time, anybody that felt inclined would pregnancy test. A set of cows would go through the ring and the owner would state that they would calve by such and such a date. There was no uniform marking system or date agreement. The results were often disappointing. The tester often was from Idaho or South Dakota, lining up large numbers at a very cut-rate fee.

The system devised by the above groups developed a metal ear tag with MVMA on the underside and a coded series of numbers and letters on the top side. A specific set of tags was assigned to each veterinarian. If his work was not satisfactory, he could be traced anytime later by his unique tags. Each year the ear tags changed colors.

A cow calving before May 15 would get a current ear tag in the left ear; a cow calving after May 15 would use the right ear.

Dry, empty cows would not get an ear tag and were usually marked over the hip. A dye was often used at this time. Marks over the shoulder were early calves; over the middle of the back, late calves; and over the hip, dry, empty cows. Dye has lost official recognition for many reasons:

1. too many multi-colored cattle
2. need for too many different dyes
3. some owners did not want their cattle marked when being sold.
4. disagreement on how to mark them

Ex #3  
1/25/89  
SB111

This system of credibility has worked quite well for over 20 years. We know there are veterinarians that are not as good as they should be. The rest of us are more aware of their failings than they are themselves. The machinery to discipline and control them is set up. They are licensed and responsible in many ways. When they screw up, all that needs to be done is report them to the MVMA and steps will be taken to correct the problem.

But what is accomplished by turning pregnancy testing loose to everyone that decides to take a fling at it? How do you control some unlicensed, uninsured, uncertified person that may not even reside in Montana?

How can a sale barn operator have any confidence or recourse? Is he liable for their mistakes? We are.

This year, hay is \$100 a ton in Big Horn County. This fall, a good calf will bring way over \$400. Call a dry cow calvy and you loose \$200 in hay. Call a calvy cow dry and you loose \$400 plus next fall.

In my humble opinion, I believe you could put 20 pregnancy testers in Big Horn County next fall and it wouldn't hurt my palpation practice. We've done a good job at a fair price for decades, so I do not believe my way of life or standard of living is jeopardized by this legislation. I tell you this not to impress you of what a great hand I am, but to convince you that I am here in the interest of Montana livestock.

It is my opinion that turning procedures that should be certified and accountable over to anyone who wants to try his hand will be detrimental to all of us in the Montana Beef Industry.

NAME: Dr. Jim Bailey

ADDRESS: 4217 2nd Ave N., Mt. Fair, Mt. 59401

PHONE: 406-727-0477

REPRESENTING WHOM? Private practice of Veterinary Medicine

APPEARING ON WHICH PROPOSAL: SB111

DO YOU: SUPPORT? yes AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: \_\_\_\_\_  
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Mr. Chairman and Senators of the Committee:

I am Dr. Jim Bailey, a general practitioner from Great Falls, Montana. I have practiced veterinary medicine for the past 31 years in Montana, Wyoming, and Texas. My practice is currently 90% small animals and equine. We do reproductive work for numerous equine breeders from Wyoming, Washington, and Montana. We also serve clients who breed and raise dogs and cats.

I request your support for SB111 with its amendments for the following reasons.

It establishes guidelines for standards of competence in the care of all animals owned by the consuming public. The credibility of animal care can only be maintained by establishing and enforcing guidelines to provide the consuming public with accountability and good medical service.

All of the procedures under question in this proposed legislation are currently being done in all common species of animals and some exotics. The possibilities of abuse by individuals without standards of competence scares me.

The changing of the Veterinary Practice Act does not just affect the cattle and sheep industries. It affects all animals who may need veterinary care and are entitled to the best care that can be provided.

Your support of SB111 will protect the Montana animal owners from unscrupulous, untrained, and unaccountable individuals who are not concerned with the well-being of the animals or their owners.

NAME: Dr. Duane Douglas

ADDRESS: Box 1706 Sidney MT

PHONE: (406) 482-1413

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: SB 111

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: see Exhibit #7

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE AGRICULTURE

EXHIBIT NO. 7

DATE 1/25/89

BILL NO. SB111

DOUGLAS VETERINARY CLINIC  
DUANE M. DOUGLAS, D.V.M.  
POST OFFICE BOX 1706  
SIDNEY, MONTANA 59270  
(406)482-1413

JANUARY 25, 1989

TO: SENATE AGRICULTURE COMMITTEE - MONTANA STATE LEGISLATURE

RE: SENATE BILL #111

MR. CHAIRMAN & MEMBERS OF THE AGRICULTURE COMMITTEE:

I AM DR. DUANE DOUGLAS FROM SIDNEY, MONTANA. I HAVE BEEN IN MIXED VETERINARY PRACTICE IN SIDNEY FOR THE PAST 20 YEARS. ALSO, FOR THE PAST 20 YEARS, I HAVE ASSUMED THE DUTIES AND RESPONSIBILITIES OF SALES YARD VETERINARIAN FOR SIDNEY LIVESTOCK MARKET CENTER, ONE OF THE LARGER MONTANA MARKETS.

I WOULD LIKE TO MAKE A FEW COMMENTS IN SUPPORT OF SENATE BILL #111.

OVER 100 YEARS AGO ACCREDITED VETERINARY SCHOOLS WERE ESTABLISHED BECAUSE THE LIVESTOCK INDUSTRY RECOGNIZED THE NEED FOR TRAINED, EDUCATED, AND ACCOUNTABLE PEOPLE TO TREAT AND PROTECT THEIR LIVESTOCK. AS THE PRACTICE OF VETERINARY MEDICINE GREW WITH NEW PROCEDURES AND TECHNIQUES, AS WELL AS NEW DRUGS AND VACCINES, SO DID THE LIVESTOCK INDUSTRY BENEFIT WITH HEALTHIER ANIMALS, LESS DEATH LOSS, GREATER PRODUCTION PER ANIMAL UNIT, AND MORE DOLLAR VOLUME AT THE MARKET PLACE.

BUT ALONG WITH THIS PROGRESS AND THE ENSUING BENEFITS CAME THE NEED TO PROTECT THE PUBLIC AND THE LIVESTOCK PRODUCER, AND THE NEED TO ESTABLISH A LEVEL OF ACCOUNTABILITY FOR THE PRACTICE OF VETERINARY MEDICINE; THUS, THE VETERINARY PRACTICE ACT CAME INTO BEING. THE VETERINARY PRACTICE ACT IS TO PROTECT THE CONSUMER, NOT THE VETERINARIAN. THE PRACTICE ACT IS THE LAW WE, AS VETERINARIANS, HAVE TO LIVE BY, AND THE LAW WHICH MAKES US ACCOUNTABLE TO THE CONSUMER. LAY PERSONS DO NOT FALL UNDER THE PRACTICE ACT AND ARE THEREFORE ACCOUNTABLE TO NO ONE. LIKewise, PROCEDURES NOT INCLUDED IN THE PRACTICE ACT CAN BE PERFORMED BY ANYONE, WITH NO PROTECTION FOR THE CONSUMER FROM INCOMPETENCY OR RECOURSE FOR SUCH.

SO WHAT DOES THIS ACCOUNTABILITY MEAN TO THE CONSUMER? MONTANA IS A LIVESTOCK EXPORTING STATE AND HAS DEVELOPED A REPUTATION, BOTH INTERSTATE AND INTRASTATE, FOR ITS PRE-CONDITIONED CALVES AND VETERINARY PREGNANCY TESTED AND TAGGED FEMALES. BECAUSE OF THIS ACCOUNTABILITY AND REPUTATION, THE LIVESTOCK INDUSTRY HAS REALIZED MORE PROFIT AT THE MARKET PLACE. IT IS PRESENTLY A MARKET IN WHICH THE BUYER CAN PLACE CONFIDENCE, AND NOT THE "BUYER BEWARE!" MARKET



1/25/89

Pg 2

WHICH EXISTS WHEN LAY PEOPLE PERFORM PREGNANCY TESTING. TO REMOVE PREGNANCY TESTING FROM THE VETERINARY PRACTICE ACT WILL COST THE PRODUCER DOLLARS AT THE MARKET PLACE.

WHEN WE AS VETERINARIANS ARE CALLED ON TO PREGNANCY TEST A HERD OF COWS THERE IS MUCH MORE INVOLVED THAN JUST A MERE DIAGNOSIS OF PREGNANCY. BECAUSE OF OUR EDUCATION WE ARE ABLE TO DIAGNOSE INDIVIDUAL OR HERD CONDITIONS WHICH MAY BECOME APPARENT WITH THE TESTING AND OBSERVATION OF THE HERD - CONDITIONS WHICH MAY RANGE ALL THE WAY FROM NUTRITIONAL PROBLEMS TO INFERTILITY PROBLEMS OR VENEREAL DISEASE. ALSO, IF WE ARE PREGNANCY TESTING CATTLE FOR INTERSTATE MOVEMENT WE HAVE TO CERTIFY THE HEALTH AND VACCINATION STATUS OF THESE CATTLE AS WELL AS MAKE SURE THEY COMPLY WITH THE IMPORT REGULATIONS OF THE STATE OF DESTINATION. ALL OF THESE PROCEDURES REQUIRE EDUCATION, LICENSING, AND STATE AND FEDERAL ACCREDITATION WHICH IS GRANTED ONLY TO GRADUATE VETERINARIANS.

HAVE WE IN THE VETERINARY PROFESSION NOT BEEN MADE ACCOUNTABLE TO THE MONTANA LIVESTOCK PRODUCER? DO WE NOT SERVE THE MONTANA LIVESTOCK PRODUCER? DO WE NOT HAVE THE PROPER CHECKS AND BALANCES IN THE VETERINARY PRACTICE ACT TO PROTECT THE MONTANA CONSUMER? I BELIEVE THE ANSWER TO THESE QUESTIONS IS A RESOUNDING "YES!", AND TO DELETE PREGNANCY TESTING, EMBRYO TRANSPLANT, AND ULTRASOUND EXAMINATION FROM THE MONTANA VETERINARY PRACTICE ACT WOULD BE A GIANT STEP BACKWARD, AND IN THE END, BE VERY COSTLY TO THE MONTANA LIVESTOCK INDUSTRY.

I RESPECTFULLY REQUEST YOUR SUPPORT OF SENATE BILL #111 TO ENSURE (1) THE HEALTH OF LIVESTOCK, (2) THE ACCOUNTABILITY OF THE VETERINARY PROFESSION, AND (3) ITS RESULTANT PROTECTION OF THE CONSUMER, (4) THE HEALTH, QUALITY, AND REPUTATION OF MARKET LIVESTOCK, (5) COMPLIANCE WITH IMPORT/EXPORT REGULATIONS, AND FINALLY, THE HEALTH OF THE LIVESTOCK INDUSTRY IN THE STATE OF MONTANA AS A WHOLE ENTITY.

THANK YOU FOR YOUR TIME AND ATTENTION.

RESPECTFULLY SUBMITTED,

DUANE M. DOUGLAS, D.V.M.

EXHIBIT NO. 8

DATE: 1/25/89

DATE: SB 111

NAME: Dr Gerald P. Kitto

ADDRESS: 2040 Amsterdam Rd, Belgrade, MT 59714

PHONE: (406) - 388-1898 Home 284 6578

REPRESENTING WHOM? Montana Veterinary Medical Assn and  
Callatin Embryonics

APPEARING ON WHICH PROPOSAL: SB 111

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: \_\_\_\_\_

As a Veterinary representative  
of the embryo transfer industry, SB 111  
with amendments will best represent  
the livestock industry and ~~of~~ the  
consuming public

see Exhibit #9

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Considerations of the Amendment  
Added to the Proposed Montana  
Veterinary Practice Act (SB 111)

Since my area of expertise is embryo transfer, I will limit most of my testimony to this subject.

The advantages of the amended practice act are as follows:

1) Although placing certain veterinary procedures into the hands of lay people, which appears risky for the consumer, at least those people participating will be required to have some certification to prove their expertise.

2) People currently already well-versed in embryo transfer and other procedures will be able to continue their work.

3) Lay technicians who are not serious about learning proper procedures probably will wash out of the work force.

The disadvantages of the amended act are as follows:

1) Although state law and regulation can dictate who performs embryo transfer, federal law regulates the drugs used and dictates that these drugs be handled by a licensed veterinarian. The following hormones are involved: i) Prostaglandin F2 , ii) Cloprostenol, iii) Follicle

Ex. #9  
1/23/89  
SB111

Stimulating Hormone, iv) Gonadotrophin Releasing Hormone, v) Fenprostolene. The following drugs are involved:

a) Lidocaine hydrochloride, an anesthetic, b) Antibiotics for post-flush infusion. In spite of legislating to allow lay people to do embryo transfer, they are still illegal because of federally regulated drugs and hormones.

2) Embryos collected and frozen by lay technicians cannot be shipped to foreign countries. Receiving countries require that embryos be collected by federally accredited veterinarians.

3) No lay technicians will be carrying liability insurance to cover losses to the consumer in case of error in embryo transfer, pregnancy testing, or ultrasound scanning. The veterinarian has that insurance to cover that unlikely event. It should be required that lay technicians carry some type of liability insurance in the event of error.

Respectfully submitted,

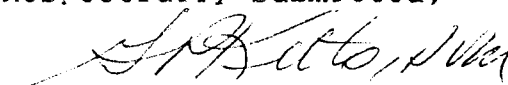
  
Gerald P. Kitto, D.V.M.  
Gallatin Embryonics  
2040 Amsterdam Road  
Belgrade, MT 59741

EXHIBIT NO. 10

DATE 1/25/89

BILL NO. SB 111 DATE: 1/25/89

NAME: Irvin H Johnson DVM

ADDRESS: Box 1111 Malta MT 59538

PHONE: 654-2710

REPRESENTING WHOM? veterinary practitioner viewpoint

APPEARING ON WHICH PROPOSAL: SB 111 and amendment.

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: see Exhibit #11

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Mr. chairman and members of the committee,

PS 1

I'm Dr. Anne Johnson, a veterinarian from Malta. I've operated a practice in Phillips and neighboring counties since 1977, and deal primarily with cow-calf operations.

I'm here today in support of SB 111 and its amendment as proposed by the MVMA.

I believe many laws passed have a direct effect on constituents who are not aware of all the ramifications, even when they profess support of the measures.

I'm convinced that this could be the case with SB 28 and its amendment. I hope to make you aware of the problems I see in this bill, and to give you my views regarding the existing veterinary practice act, SB 111 and its amendment.

I believe the practice act was designed and still serves to protect the consumers of veterinary services from the acts of inept, untrained, unscrupulous and careless individuals, veterinarians and non-veterinarians alike. It requires my colleagues and me to conform to a recognized quality of veterinary practice, beginning with the examination procedures by which we obtain our licenses. It includes requirements for regular continuing education to stay current on advances in veterinary medicine and surgery techniques, drugs, and research. It assures the consumer recourse when he or she feels a veterinarian has provided less than professional services. Veterinarians are human. We sometimes work under difficult conditions. We become exhausted, careless and make mistakes at times, but we still are held accountable by the practice act. The quality of veterinary care in this state has been and is monitored by the practice act. It has served the public trust well.

My concerns with lay pregnancy testers are these:

- To whom do they answer for their lack of expertise or incompetent training?
- How is a stockgrower to judge their qualifications?
- Where does the wronged consumer go for satisfaction?

I consider pregnancy testing of cattle to be more than the mechanics of palpating a fetus in the uterus of a cow or heifer. Veterinarians also assess the condition and health of the individual animals and of the herd over-all, and the likelihood of disease problems within the herd. Can the lay pregnancy tester knowingly discuss reasons for the results of the pregnancy testing? Is a lay pregnancy tester likely to recognize symptoms of a serious infectious infertility problem such as trichomoniasis? The danger to neighbors' herds in such a situation must be recognized.

I wonder about verification of pregnancy status in lay-tested cattle. With no standard of competency for these lay pregnancy testers, cattle marketed or shipped interstate as bred cows or heifers will suffer a credibility problem.

Because of the development of ultrasound, pregnancy testing in small food animals is now possible. Sheep flock management has taken on a new dimension. Beyond some veterinary school exposure, I have no experience with ultrasound diagnosis. I am concerned though, when I study literature and hear presentations at conferences, that there are many types and qualities of ultrasound scanners available. Some are better suited for certain functions than others. How is a sheep producer to know if the person wanting to pregnancy test his flock by ultrasound has the proper machine for the job or even knows how to interpret the findings?

The question of embryo transfer brings up several points of concern. I know there are few licensed veterinarians in the state who perform embryo transfer procedures. I also believe there are some highly trained and proven competent individuals performing embryo transfer without a veterinary degree or license.

However, the "business district" of embryo transfer must by necessity cross state and even international boundaries. This involves state and foreign regulations regarding export of the products of embryo transfer. How will other states and nations perceive the embryos from uncertified embryo transfer? Should embryo transfer by other than veterinarians become widespread, what of the health certification for exported embryos? I think the stockgrower with cattle valuable enough to warrant embryo transfer has much at risk with an "open" embryo transfer law.

Another concern regarding embryo transfer is this: The process requires the use of legend drugs, i.e. drugs restricted to use by or on the order of a veterinarian. This a federal regulation. In recent months, there has been much discussion of the use and misuse of veterinary drugs, especially in food animals, creating residues in food products. Veterinarians are held liable when they administer or dispense drugs. Are embryo transfer technicians to be held liable for the drugs they administer?

One problem with any law is it cannot predict the future. Technologic advances in veterinary medicine have occurred rapidly and will undoubtedly continue. SB 111 is proposed to "clean up" the practice act, to clarify the language and update relicensing requirements. It will maintain the broad framework of veterinary practice regulation thereby perpetuating a minimum standard of quality. The amendment will assure that the consumer will not be the victim of

Ex. #11  
1/25/89  
SB111  
PS 3

untrained or incompetent embryo transfer or pregnancy testing, and will have some avenue of recourse should it be necessary.

SB 28 and its amendment do not take into account new methods or techniques. It does not address the qualification or regulation of lay pregnancy testers and embryo transfer technicians. There is no improvement to the existing practice act and, most importantly, the quality control feature of the law is drastically weakened. It is very narrow and special-interest oriented. The effect of a bill such as this on the entire state livestock industry must be considered.

I hope my observations provide another angle from which to study the problem. I'm concerned that many stockgrowers are forming their opinion in the matter based on the grossly inaccurate reporting concerning this bill, without investigating the facts not reported. As legislators representing these people, this committee needs to consider all the facts to make a decision .



## SENATE AGRICULTURE

EXHIBIT NO. 12DATE 1/25/89BILL NO. SB 111

| Name                   | Occupation   | Phone #  |
|------------------------|--|----------|
| Bob Myers              | Veterinarian<br>MUNA Ex/issas                            | 586-3417 |
| William J. Quinn       | Veterinarian   | 994-4885 |
| Jim Curtis             | Veterinarian   | 634-1794 |
| Ron Skinner            | Veterinarian, Rancher<br>E.T., and member of Stockgrower | 288-387  |
| GARY POTTER            | E.T. Technician  | 282-7487 |
| Bill Warner            | Stockgrower  | 737-4336 |
| <del>Bill Potter</del> | VETERINARIAN   | 468-220  |
| Kurt Herin             | Rancher MSGA   | 572-3320 |
| DON FERLICKA           | STATE VETERINARIAN                                       | 444-2043 |
| Carol Mosher           | Mt. cattle Horse   | 442-3420 |
| Ray Anstegui           | Tracker Researcher                                       | 994-5569 |
| David Han              | Reproductive Consultant & Rancher                        | 388-200  |
| Jerry James            | E.T. Technician  | 282-7487 |
| Jerry Jack             | MSGA   | 442-3420 |
| Bill Brown             | MSGA   | 5576151  |

*Devlin*BACKGROUND FOR SENATOR DEVLIN  
Senate Bill No. 176

This is an act to provide for a twenty-five dollar penalty for late payments of agricultural and grazing leases of state land; and amending section 77-6-506, MCA.

The Department of State Lands administers approximately 9,500 grazing and agricultural leases for the benefit of the common schools and endowments for the State of Montana. Under their lease agreements with the Department, lessees are required to pay rentals for grazing in the spring (March 1) and agriculture crops in the fall (November 15). For grazing reports, the Department mails out a bill to each lessee approximately four to six weeks before the due date. For agricultural leases, the notice, in the form of a production report, goes out at least three months in advance. If the lessee allows the bill to become 30 days delinquent for grazing leases or 45 days delinquent for agricultural leases, the lease is automatically cancelled.

If the lessee does not pay his bill by the due date, the Department is required to notify any lessee by certified mail at least two weeks before the cancellation date that rental payments are past due. The numbers of lessees waiting to send in their payments after the due date has increased steadily over the past several years. The Department sent certified letters to 627 lessees in 1987 and 495 in 1988. This has resulted in a loss of interest and additional expense and accounting problems to the Department.

The passage of this bill will allow the Department to charge an additional \$25.00 as a late fee that would be placed into the income of the proper trust. Approximately \$13 of that \$25 would make up for lost interest due to delinquencies. This will help defray the costs of processing late notices, replace interest income to the trust, and encourage the state lessees to make their payments when due. The \$25 penalty would amount to approximately a 5% penalty for the average grazing lease and a  $\frac{1}{2}$ % penalty for the average agriculture lease.

EXHIBIT NO. 2  
DATE 1/25/89  
BILL NO. SB 176  
*North*

TESTIMONY OF JOHN F. NORTH  
Senate Agriculture Committee  
January 25, 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 lessees 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.

Ex #2 pg 2  
SB 176  
1/25/89

1988

Number of Grazing and Agricultural Leases - 9,500

Number of Late Payment Notices Sent - 495

% of Leases for Which Notices Sent - 5.2%

Revenue from Grazing and Agricultural Leases - \$12.3 million

Revenue from Grazing and Agricultural Leases Paid Late (est.) - \$639,000

Interest Lost (assume 10% interest and 35 day delinquency) - \$6,400

Interest Lost Per Delinquent Lease - \$13

Cost of Certified Letter - \$2.00

Staff must then identify late payers; prepare notices, mailing labels, and certified form; stuff and mail envelopes

Grazing Lease (estimated)

650 acres at 75¢/acre = \$480

\$25 late fee is about 5%

Agricultural Lease

320 acres at \$16/acre = \$5,120

\$25 late fee is about  $\frac{1}{2}$ %

# MONTANA STOCKGROWERS ASSOCIATION, INC.

P.O. BOX 1679 — 420 NO. CALIFORNIA ST. — PHONE (406) 442-3420 — HELENA, MONTANA 59624

OFFICERS:

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JAMES COURTNEY ..... ALZADA ..... FIRST VICE PRESIDENT  
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JEROME W. JACK ..... HELENA ..... EXECUTIVE VICE PRESIDENT  
KIM ENKERUD ..... HELENA ..... NATURAL RESOURCES COORDINATOR



EXECUTIVE COMMITTEE:

CLARENCE BLUNT ..... REGINA ..... FORT BENTON  
BILL CHRISTENSEN ..... HOT SPRINGS ..... MARTINDALE  
LYNN CORNWELL ..... GLASGOW ..... JOLIET  
M.E. EDDLEMAN ..... WORDEN ..... AUGUSTA  
NANCY ESPY ..... BOYES ..... HARRISON

January 25, 1989

SENATE AGRICULTURE

EXHIBIT NO. 3

DATE 1/25/89

BILL NO. SB176

TO: Senate 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 and I am representing the Montana Association of State Grazing Districts, Montana CattleWomen and the Montana Stockgrowers Association. These organizations represent about 4,000 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 could possibly be avoided if these people realized a penalty would be imposed if the lease is not paid by March 1 or November 15 and they paid the lease on time.

It is understood that if a lease payment is delinquent, then a certified letter will be sent two weeks prior to the final deadline of April 1 in the case of a grazing lease or December 31 in the case of an agricultural lease. *requesting the \$25.00 payment along with the lease payment or the lease will be cancelled.*

Our concerns are as follows:

- 1) In the event this bill passes, are the lessees going to be notified in some way that a \$25.00 penalty will be assessed on late payments. I think that if they realize another \$25.00 will be tacked on, the number of delinquencies will decrease. I would suggest that this be printed in bold lettering on the yearly bills. I don't know if this bill needs amending to say that or not.
- 2) When will this \$25.00 penalty go into effect if the bill passes? The grazing bills have already been issued and it would require another mailing to each lessee to inform them of this penalty.

Thank you.

S.B. - 183

SENATE AGRICULTURE

EXHIBIT NO. 1 SB 183

DATE 1/25/87

This legislation as the ~~state~~ <sup>DATE</sup> includes the Little Missouri <sup>DR. 100</sup> River and its tributaries in the water reservation process. Under Montana law Reservations are the only means to acquire a water right for instream flow purposes.

The Legislature has directed the DNRC to coordinate a water reservation proceeding in the entire Missouri River Basin and to prepare applications for conservation districts and municipalities within that Basin.

Including the Little Missouri as a part of the current process has advantages for both the applicants and the state.

A comprehensive water reservation proceeding is a lengthy and expensive process. Some economies of scale are realized when larger geographic areas are considered at the same time. Adding the Little Missouri to the current proceeding would negate the need for a separate C. I. S. and hearing on the Little Missouri, therefore saving both the state and the applicants additional dollars. This legislation is supported by the Helbo Co. C. D. - the Little Beaver C. D. in Gallon Co. and the Mont Association of C. D.'s. If approved these water reservations would

**MONTANA****Association of Conservation Districts**1 South Montana  
Helena, MT 59601

443-5711

Testimony on Senate Bill No. 183 -- To include Little Missouri River Basin within the reservation determinations in the Missouri River Basin

For the Record, my name is Peggy Haaglund and I am Executive Vice President to the Montana Association of Conservation Districts.

MACD supports SB 183. The Little Missouri was inadvertently left off the list of streams within the Missouri River Basin. By adding the Little Missouri it will allow the conservation districts as well as other interested agencies to look at getting a reservation on this stream.

Thank you.

*Peggy Haaglund*

1/25/89

SB 183

The Montana Water Resources Association  
is in support of SB 183.

J. Brunner



COMMITTEE ON AGRICULTURE, LIVESTOCK, AND IRRIGATION

1/25

VISITORS' REGISTER

| NAME               | REPRESENTING  | BILL # | Check One      |        |
|--------------------|---|--------|----------------|--------|
|                    |   |        | Support        | Oppose |
| Dick LaFrenne      | Montana Vet Assoc   | 111    |                |        |
| Don Taylor         | Self  | 111    | ✓              |        |
| Gerard Helto       | MUMA  | 111    | ✓              |        |
| Dr James H. Bailey | self  | 111    | ✓              |        |
| Anne N Johnson SVM | self  | 111    | -              |        |
| Bill Patton PVH    | M V M A   | SB 111 | ✓              |        |
| Gary Fritz         | DNRC  | SB 183 | ✓              |        |
| Don Burkhart       | self  | SB 111 | ✓              |        |
| Franny Hooglund    | NAAD  | SB 183 | ✓              |        |
| Kim Enkerud        | Stockgrowers, Cattlewomen, <sup>State Grazing Dist.</sup> | SB 176 | ✓              |        |
| Ray Anselgini      | Self  | SB 111 | ✓              |        |
| Jerry Jack         | Mt Stockgrowers <sup>Mt Cattlewomen</sup>                 | SB 111 | ✓              |        |
| Maury Post         | Self <sup>Mt Assc of State Cattlewomen</sup>              | SB 111 | ✓              |        |
| John Asay          | MOFA  | SB 111 |                | ✓      |
| Kelly Hake         | ISL   | SB 176 | ✓              |        |
| Bob Gullert        | MUNGA   | SB 111 | ✓ w/ amendment |        |
| Michael Lane       | APA   | SB 111 |                | ✓      |
| Marvin Barber      | A P A   | SB 111 |                | ✓      |
| Teemu Toppo        | ARI   | SB 176 | ✓              |        |
| Marvin Barber      | A P A   | SB 183 | ✓              |        |

Testifying Proponents  
Opponents

29. SB 111

| NAME                | REPRESENTING            | Hearing # | Testimony   |           |
|---------------------|-------------------------|-----------|-------------|-----------|
|                     |                         |           | Exhibits    | Topic     |
| Dr. Boylan          | Spencer - Dist 39       | 1/25      |             |           |
| To Bureau           | Mt. Vet Assn            |           | ref. to     |           |
| Dr. Patton          | Cascade Dist. Vet. Med. |           | revision of | list of   |
| "                   | "                       |           | this bill   | (EX 1)    |
|                     |                         |           | reading     | (EX 2)    |
| Dr. La France       | DV M. James (Hawkins)   | 7/25      | EX 3        | wd but    |
| Dr. Jim Bailey      |                         |           | EX 4        | 5 written |
| Dr. Duane Douglas   |                         |           | EX -6       | written   |
| Dr. Gerald P. Kitta | Hallation Employees     |           | EX 8        | written   |
| Dr. H. Johnson DVM  | Patton                  |           | EX 9        | written   |
| Dr. Amotique        | Mt. Hood                |           | EX 10       | written   |
| Dr. Jack            | Mt. Hood                |           | EX 11       | written   |
| Bob Lickert         | Mt. Hood                |           |             | written   |
| <u>Opponents</u>    |                         |           |             |           |
| Michael Jones       | Pro Life                |           |             | written   |
| N.P. back           |                         |           |             |           |

① Gorman ? - Jo Brunner - Minutes of Bd. Oct. 1, 1988  
② Alford - 2 Board D. Patton Bd of Med  
Comprised? - { 1 day "

③ Bengtson - Certif? Vet Bd - maintenance of list. too? for non Vet  
D. Patton - I think we cannot do that.

④ Bengtson 1991 reg. + have their own  
Patton - Bd of Vet med. must have own

Patton speaking  
Topic - find way to reg - Obtain their own  
Bengtson #11?

⑤ Bengtson ? By 1991 not just yet - they can't  
Patton - wkd of Dungen lang temp Oct 1991  
Doug - Smithy - and 5 Rd. they mention  
then increasing - listed + ...

⑥ Bengtson - This will allow time to include Bd's standards for  
Inc.  
Doug - Nothing

⑦ Aklestad? - Concern of Ed. makers - ed. reg. unrealistic reg.  
to fund  
Jo Brunner - Hav. appts. vets + lay ppl alike

⑧ Taylor - who at mtg. Bill Brown Pres  
Bill Haver Comm. An. H. H.  
Knutte Hovum - Mrs. Thorsdale  
George Fair -

Patton Pres - Dr. Curran  
Dr. Quinn  
Exec - Dr. Rob Myers  
Chair - Dr. Patton  
⑨ Taylor - intent to ...  
Bill Haver  
EX 11