

MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE

Call to Order: By Chairman Tom Beck, on March 3, 1989, at
1:00 P.M.

ROLL CALL

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

Members Excused: None

Members Absent: None

Staff Present: Doug Sternberg, Legislative Council

Announcements/Discussion: Chairman Beck explained the MSU
tour of the Agriculture plant. He stated the bus was
to leave Saturday, March 4, at 11:30 a.m.

HEARING ON HOUSE BILL 190

Presentation and Opening Statement by Sponsor:

Representative Marian Hanson, House District 100,
stated, "HB 190 is an act to generally revise certain
provisions of the Montana Pesticides Act. This bill
provides when certain expenses may be included in
educational program fees. It will also increase
certain registration and licensing fees."

List of Testifying Proponents and What Group They Represent:

Everet Snortland representing the Department of
Agriculture
Janet Ellis representing the Montana Audubon
Legislative Fund

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Everet Snortland - "We encourage you to support HB 190."

Janet Ellis - See exhibit 5 for testimony.

Questions From Committee Members: Senator Galt - "What are you going to do with the money?" Gary Gingery, with the Montana Department of Agriculture, stated "The fee increase will bring in about \$137,000. In the budget process, we propose to under modify budgets. We would strain off \$98,000 of that (\$137,000) to place a pesticide specialist in the division. This specialist would work on these programs to develop the educational and training of special aspects for employing a chemists. This chemist will help us run additional ground water samples in the state...The remaining money will be used to utilized to reduce our general fund obligation."

Closing by Sponsor: Representative Hanson - "I urge you to give this a do pass."

DISPOSITION OF HOUSE BILL 190

Discussion: None

Amendments and Votes: None

Recommendation and Vote: Senator Bengtson moved HB 190 TO BE CONCURRED IN; Senator Devlin second the motion. The motion carried unanimously.

Senator Bengtson was assigned to carry HB 190.

HEARING ON HOUSE BILL 276

Presentation and Opening Statement by Sponsor:

Representative Patterson, House District 97, stated "This bill is a revision livestock law. There are ten points that we are changing in the Montana Brand Livestock Law. The change with seasonal brands is a major change. Look on page 3, lines 10 - 13. I'll let Les Graham explain these changes more clearly." Representative Patterson submitted three documents from Les Graham. See exhibit 1.

List of Testifying Proponents and What Group They Represent:

Les Graham representing the Board of Livestock
Jerry Jack representing the Montana Stockgrowers
Association, the Montana CattleWomen, Farmers
Union and the Montana Association of State Grazing
Districts.
Jo Brunner representing the Montana Veterinary
Association

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Les Graham - "That summary sheet outlines the intention quite well." See exhibit 2. "What that seasonal brand amounts to, it will allow us to bring in livestock for summer pasture. The seasonal brand will give them a brand that won't stay on our books for full 10 years until the next rerecord. We have a number of brands that have been tied up by an individual coming into the state for one time only. Then the brand is tied up until the next rerecord. This bill will allow us to do what eight other states are doing. They will be issued without interfering with registered recorded brand or duplications of brands and this type of thing. We will use all of the same guidelines but it will allow us to free them up. Under current law, the sheriff is obligated to give you a brand inspection. In reality, there is half of them that don't have brand inspection books. Usually, that's their choice. They want to be a backup for us incase no one is available to write out a brand inspection. They don't like to do it and they are busy with other things. The rest of this bill is self-explanatory. One issue, I would like to bring up, is number 10. This is the county line waiver for veterinary services. We will allow animals to go for veterinary services and return without having somebody to stop and get a brand inspection." See exhibit 9 for further testimony.

Jerry Jack - See exhibit 3 for testimony.

Jo Brunner - "We certainly support this bill on the part that allows you to cross county lines to take your animals to veterinary clinic. We urge your support."

Questions From Committee Members: Senator Devlin - "On this transport to a veterinarian, is that only good if you cross one county or could it be more than one county?" Les Graham - "It's our understanding that a rancher can take the animal where ever there is a veterinary."

Senator Williams - "Are all sheriff offices required to check brands or is that an option of theirs?" Les Graham - "At the current time, the law states the sheriff shall issue a state brand inspection upon request. In reality, there are many sheriffs that don't write inspections and they haven't been for many years. Right now, you can go in and demand them to do it, but many of them don't have books to do it."

Senator Beck - "I am not aware of a full-time brand inspector in our county. Our sheriff does do a lot of brand inspections. Does this disallow him from doing it?" Les Graham - "This says in a county like Missoula, where the sheriff's office does not have inspection books and does not want inspection books; he does not have to issue one if someone stops in and asks for one."

Closing by Sponsor: Representative Patterson closed.

DISPOSITION OF HOUSE BILL 276

Discussion: Senator Beck - "The Montana Beef Research and Marketing Act, are you familiar with that? This bill is repealing it."

Amendments and Votes: None

Recommendation and Vote: Senator Devlin moved HB 276 TO BE CONCURRED IN. The committee wanted Doug Sternberg to research what the Montana Beef Research and Marketing Act. Senator Devlin withdrew his motion.

HEARING ON HOUSE BILL 423

Presentation and Opening Statement by Sponsor:

Representative Grady, House District 47, "HB 423 will establish a permit system to transport sheep across the county line. This is a very simple permit to fill out. There is a growing number of wrestling going on within the sheep business today. A ram can now go for \$400 more than a lot of horses and cows. It is becoming something that's becoming valuable to wrestle."

List of Testifying Proponents and What Group They Represent:

Bob Gilbert representing the Montana Wool Growers Association
Charles Murnion representing himself from Jordan, Montana
Representative Betty Lou Kasten representing House District 28.
Lynn D. Casterline representing the Montana Wool Growers and the McCone County Sheepgrowers
Les Graham representing the Department of Livestock
Kay Norenberg representing WIFE

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Bob Gilbert - "The way it is now. If you load up some sheep and go down the road, there is no authority for any law enforcement officer to check. If a law officer would stop somebody, the way it is now you might not have just cause and the evidence might not be admissible in court to prosecute such a person. This bill gives ruling making authority to the Department of Livestock to set up the rules and regulations to do this. We are confident in our association that we will be able to work with the Board of Livestock in making these rules. We want these rules palpable to some of the concerns that people are opposed to. There is also a sunset provision in here. If there are not any sheep thieves caught, we don't want this kind of legislation renewed. We can go to the Board of Livestock, even prior to the next legislative session, to have it removed. We would like to give this piece of legislation a try."

Charlie Murnion - "In our area, we have had extensive sheep thefts due to the economic crises to some people with small flocks. I believe this legislation would enable the Department of Livestock to track the movement of sheep. There is no authority to stop sheep trailers and check the movement of sheep in the livestock yards. I think it would take the pressure off the Animal Damage Control Personnel as they are often times blamed for the lost of sheep that are missing. It would help the banks keep a closer eye on the sheep they have lend the money out on. It would result in lower borrowing costs for more honest borrows. I urge you to pass this bill."

Betty Lou Kasten - "It's a wide open country and we are having problems with sheep loses. This bill could help us with that problem and I urge to support HB 423."

Lynn Casterline - See exhibit 4.

Les Graham - "Wanted to go on record as strongly supporting HB 423."

Kay Norenberg - "We would like to go on record in supporting this bill."

Questions From Committee Members: Senator Galt - "Who is in disagreement of this bill?" Bob Gilbert - "There are some people that are never in agreement. When it's just a permit and not an inspection and they don't have a brand--I don't think the opposition is deep."

Closing by Sponsor: Representative Grady closed.

Senator Weeding was assigned to carry HB 423.

DISPOSITION OF HOUSE BILL 423

Discussion: None

Amendments and Votes: None

Recommendation and Vote: Senator Devlin moved HB 423 TO BE CONCURRED IN; Senator Williams seconded the motion. The motion carried unanimously.

DISPOSITION OF HOUSE BILL 584

Discussion: Steve Plicher, from the Water Quality Bureau - see exhibit 7.

Senator Galt - "Again you are getting into that grey area where the areas of government can protest against any new applications for use of water. Not only a new permit, it could also protect point of diversion, and change of use. They really get into the water act. This was brought during the state water plan. It was not accepted by the committee on the state water plan."

Senator Bengtson - "I think this gives everyone more assurance that things are going to be reviewed. I kind of like the bill."

Senator Abrams - "These are reviewed every five years. When a new permit is asked for, if the stream is polluted or it's getting more heavily concentrated, this also taken into account when they put this permit on it. What does the bill do?"

Amendments and Votes: None

Recommendation and Vote: Senator Galt moved to TABLE HB 584. Senator Jergeson moved a substitute motion to concur in HB 584. Senator Abrams, Senator Devlin, Senator Galt, Senator Thayer, Senator Beck voting no. Senator Bengtson, Senator Jergeson, and Senator Williams voting yes. The motion failed. The motion made by Senator Galt to TABLE HB 584 was up for a vote. The motion carried with Senator Bengtson, Senator Jergeson, and Senator Williams voting no. Senator Beck, Senator Galt, Senator Abrams, Senator Aklestad, Senator Devlin, and Senator Thayer voting yes.

HEARING ON HOUSE BILL 658

Presentation and Opening Statement by Sponsor:

Representative Swysgood, House District 73, "I'm the sponsor of HB 658 which is an act to establish the Agricultural Development Loan Program consisting of seed capital and research and development projects. This establishes priorities and general criteria underlying the loan program. HB 658 is brought about because of the decision by White against the Montana Science and Technology as to the investment of public money. Some of the language that was in growth through Agriculture Act at the time of its passage in 1987 session, was closely related interpretation to the Montana Science and Technology language. The Council felt they could not go ahead and implement the seed capital part of the program which could have come under a court's scrutiny without addressing it first in this legislative session." Representative Swysgood handed in a sheet of amendments. See exhibit 8.

List of Testifying Proponents and What Group They Represent:

Jo Brunner representing the Montana Resources Association, WIFE, the Montana Farmers Union, the Montana Farm Bureau Federation, the Montana Wool Growers, the Montana State Grange, the Montana Stockgrowers, the Montana Grain Growers, the Montana Cattle Feeders Association, the Montana Cattlemen, the Montana Association of Grazing Districts, and the Montana Dairymen's Association.

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Jo Brunner - See exhibit 9 for testimony.

Questions From Committee Members: Senator Williams -

"What's a good definition of seed capital?" Mona Jamison - "It's capital that is not available by the regular financing institutions that enables entrepreneurs or businesses to start the development of agriculture products and processes projects. It's very beginning capital that's used in the development of whatever the agriculture product would be."

Closing by Sponsor: Representative Swysgood - "I am hoping this bill will withstand the scrutiny of our Supreme Court and I ask the committee to favorably pass this bill."

DISPOSITION OF HOUSE BILL 658

Discussion: Senator Beck - "Did this bill come from appropriations?" Representative Swysgood - "This bill has no money in it. It just allows us to use the funds."

Amendments and Votes: Senator Thayer moved to amend HB 658 (see exhibit 8); Senator Devlin seconded the motion. The motion carried unanimously.

Recommendation and Vote: Senator Jergeson moved HB 658 TO BE CONCURRED IN AS AMENDED. The motion carried unanimously.

Senator Jergeson was assigned to carry HB 658.

ADJOURNMENT

Adjournment At: 2:33 P.M.



CHAIRMAN TOM BECK, Chairman

ROLL CALL

AGRICULTURE COMMITTEE

DATE 3/3/89

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 JERGESON	✓		
SENATOR GENE THAYER	✓		
SENATOR BOB WILLIAMS	✓		
SENATOR TOM BECK	✓		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

March 3, 1989

MR. PRESIDENT:

We, your committee on Agriculture, Livestock, and Irrigation, having had under consideration HB 190 (third reading copy -- blue), respectfully report that HB 190 be concurred in.

Sponsor: Hanson, M. (Bengtson)

BE CONCURRED IN

Signed: _____



Thomas A. Beck, Chairman

4/0
3/31/89
4:54 pm

SENATE STANDING COMMITTEE REPORT

March 6, 1989


MR. PRESIDENT:

We, your committee on Agriculture, Livestock, and Irrigation, having had under consideration HB 276 (third reading copy -- blue), respectfully report that HB 276 be concurred in.

Sponsor: Patterson (Devlin)

BE CONCURRED IN

Signed: _____


Thomas A. Beck, Chairman

SENATE STANDING COMMITTEE REPORT

March 3, 1989

MR. PRESIDENT:

We, your committee on Agriculture, Livestock, and Irrigation, having had under consideration HB 658 (third reading copy -- blue), respectfully report that HB 658 be amended and as so amended be concurred in:

Sponsor: Swysgood (Jergeson)

1. Page 9, line 13.
Strike: "lender"
Insert: "council"

AND AS AMENDED BE CONCURRED IN

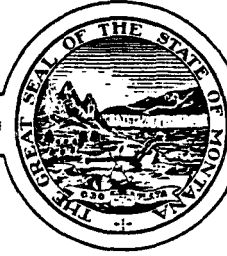
Signed: _____



Thomas A. Beck, Chairman

H.C. 189
3/3/89
4:54 p.m.

DEPARTMENT OF LIVESTOCK

Stan Stephens, Governor
~~FED SCHWINDEN, GOVERNOR~~

CAPITOL STATION

STATE OF MONTANA

(406) 444-2023

HELENA, MONTANA 59620

January 25, 1989

TO: Representative John Patterson

FROM: *Les* Les Graham, Executive Secretary
to the Board of Livestock

RE: H.B. 276

The question has come up about the language in H.B. 276 regarding "Sheriff's Offices".

Attached is a list of the Sheriff's offices that do and do not brand inspect.

You can see that 27 out of the 56 don't inspect at this time, and can't if we don't appoint them.

Attachment

Call Montana Livestock Crimestoppers 800-647-7464

Ex. #1
3/3/89
HB 276

SHERIFF'S OFFICES THAT HANDLE BRAND INSPECTION

Dawson	Golden Valley
McCone	Sheridan
Wibaux	Roosevelt
Richland - P.D.	Daniels
Treasure	Judith Basin
Powell	Teton
Granite	Beaverhead
Deer Lodge	Fallon
Stillwater	Carter
Sweet Grass	Custer
Blaine	Prairie
Rosebud	Toole
Garfield	Liberty
Wheatland	Pondera
Musselshell	

EX #1
3/3/79
H0276

SHERIFF'S OFFICES THAT DON'T HANDLE BRAND INSPECTION

Yellowstone	Valley
Lewis & Clark	Fergus
Butte - Silver Bow	Petroleum
Jefferson	Cascade
Hill	Lake
Meagher	Flathead
Ravalli	Lincoln
Missoula	Madison
Broadwater	Phillips

These write market consignment permits only. They do not brand inspect.

Big Horn	Park
Carbon	Choteau
Sanders	Glacier
Mineral	Powder River
Gallatin	

Summary.

1.) Llamas & Bison

These are being included because we are beginning to get calls about strays or animals running at large.

Also, we have had requests to assist owners with this type of livestock being harassed by dogs or predators. They should be included in definition of livestock.

2.) Seasonal Brands

More and more we are becoming a summer grass state. Cattle are coming into Montana for short term grazing. When brands are issued under current law they stay on the books until the next re-record. This way, when the cattle leave, we cancel the brand. This is the same law as several other states now have.

3.) Sheriff or Deputy

For a number of years now many sheriff's offices are not inspecting livestock. We are making the law consistent with what we now do.

4.) Grazing Permit

Our experience with this has been that we need to use a little longer period of time. Six months does not cover the grazing season in Montana. We feel an extension is in order to accommodate the industry.

5.) Gross Vehicle Weights

The amendment removes G.V.W. officers. This was done at the request of several legislators.

6.) Rodeo Permits

We are recommending that we go to an annual permit, since rodeos are now held year around in Montana. In 1976 when this permit was first established by the legislature we didn't have the indoor arenas.

7.) Railroad Shipments

We are asking to repeal the sections dealing with railroad shipments of livestock. We don't have or print the special books any longer. Livestock do not move by rail any longer. If they do, we inspect rail shipments just as we do truck shipments.

8.) Import Brand Inspection

Since it's inception in 1975, we have been unable to work with this law. We don't have the time, people, or support of the livestock industry. We feel comfortable in that we do have a import permit requirement in the Animal Health laws which covers this.

9.) Recovering Costs of Strays

The Department has from time to time been left with a sizeable bill dealing with stray livestock. We feel we should be able to recover our costs, or the costs of stockyards.

10.) County Line Waiver for Veterinarian Services

It has been the practice of the Department to allow emergency livestock travel to receive veterinarian services. We feel that the statute should be changed to allow this and also provide that the veterinarian certify the service.

BILL SUMMARY--SENATE AGRICULTURE COMMITTEE
MARCH 3, 1989
PREPARED BY DOUG STERNBERG, COMMITTEE STAFF

PS 1

HB 423 Section 1: grants to the department of livestock authority to establish a sheep transportation system if found to be necessary; establishes a penalty for a rules violation
Section 2: repeals present transportation permit system
Section 3: codifies section 1 in Livestock Title
Section 4: terminates permit system on 9/30/93

HB 276 Section 1: adds llamas and bison to the definition of "livestock" contained in the Animal Importation Permits and Health Certificate Act of 1981
Section 2: provides an application process for a seasonal brand of limited duration

Section 3: removes references to sheriffs and deputy sheriffs from the duties of state and deputy stock inspectors; changes 6-month livestock transportation permit validation period to the period from March 31 through November 30 of a calendar year (see p. 15, lines 21 & 22)

Section 4: removes sheriffs and deputy sheriffs from brand inspection and transportation permit fee collection process

Section 5: defines "rodeo producer" for purposes of subsection (6)(c) (see page 15, lines 4-- 14); specifies transportation permit validation period as March 31 through November 30 of a calendar year; requires Montana-registered branding prior to permit issuance

Section 6: removes railroad transportation of livestock from brand inspection and permit exceptions; removes truck or trailer transportation of livestock to railhead from brand inspection and permit exceptions; adds transportation of livestock for veterinary purposes to brand inspection and permit exceptions

Section 7: clarifies brand inspection required of livestock leaving Montana

Section 8: revises entry permit system for livestock entering Montana

Section 9: revises penalty section by: (a) removing loading tally requirement on livestock leaving a county (loading tally requirement repealed in sec. 21); (b) removing railroad carrier loading tally requirement; (c) adding transportation permits to list of permits required to be in possession upon removal of livestock from a county; and (d) deleting gross vehicle weight enforcement officers from list of persons to whom permits must be shown

Sections 10--15: adds llamas and bison to list of animals subject to prohibitions on running at large in herd districts, municipalities, and generally

Section 16: adds llamas and bison to definition of "estrays"

Section 17: requires of livestock owner reimbursement of department expenditures in caring for estrays

Section 18: revises penalty for unlawful possession of estray for personal benefit

Section 19: adds swine, llamas, and bison to penalty provision for unlawful movement from customary range

Section 20: adds llamas and bison to list of stolen animals for which vehicle forfeiture is required

Section 21: repeals sections relating to shipment of stray cattle; repeals the Montana Beef Research and Marketing Act

Section 22: extends agency rulemaking authority

Section 23: provides immediate effective date

HB 190 Section 1: clarifies that pesticide education program fees may not be used for salaries or travel expenses of state agency or cooperative extension service employees

Section 2: raises annual pesticide registration fee and experimental-use one-time fee from \$50 to \$75

Section 3: raises commercial pesticide applicator application fee from \$35 to \$45; provides that a commercial applicator is responsible for pesticide use by persons under his supervision or employment

Section 4: raises pesticide dealer application and licensing fees from \$35 to \$45

Section 5: adds to general violation section the use of any unregistered chemical or biological agent

Section 6: extends agency rulemaking authority

Section 7: standard severability section

Section 8: provides 7/1/89 effective date

HB 658 Section 1: sets out general criteria required for grant of agricultural development project loan

Section 2: provides that seed capital loans may be made if criteria in sections 1 and 3 and goals in subsection (2) are met

Section 3: establishes specific criteria for grant of seed capital loans

Section 4: provides that a research and development loan may be made if criteria in sections 1 and 5 and goals in subsection (2) are met

Section 5: establishes specific criteria for grant of research and development project loans

Section 6: sets out conditions and contents required of agricultural development project loan agreements

Section 7: sets out conditions and requirements of seed capital project loan agreements, including payback

Section 8: sets out conditions and requirements of research and development project loan agreements, including payback

Section 9: establishes council rulemaking requirements

Section 10: adds 19 definitions to Montana Growth Through Agriculture Act

Section 11: clarifies council loan authority; deletes former council rulemaking requirements

Section 12: revises seed capital account matching fund provisions; eliminates application preference provisions

Section 13: revises ag business incubator program funding criteria

Section 14: removes requirement of commitment of funds for projects needing matching funds or intermediary participation

Ex. 2A
3/3/89
HB 276

PS 3

Section 15: deletes language relating to council investment agreements

Section 16: adds council option of assisting in placement of marketing person in a Pacific Rim country besides Japan

Section 17: extends agency rulemaking authority

Section 18: codifies new sections in Montana Growth Through Agriculture Act

Section 19: standard severability section

Section 20: provides immediate effective date

MONTANA STOCKGROWERS ASSOCIATION, INC. ³

DATE 3/3/89
 BILL NO. HELENA MONTANA 59624
 #B 276

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

OFFICERS:

WAL J. BROWN, JR.	SAND SPRINGS	PRESIDENT
JAMES COURTNEY	ALZADA	FIRST VICE PRESIDENT
EDWARD J. LORD	PHILIPSBURG	SECOND VICE PRESIDENT
JEROME W. JACK	HELENA	EXECUTIVE VICE PRESIDENT
KIM ENKERUD	HELENA	NATURAL RESOURCES COORDINATOR



EXECUTIVE COMMITTEE:

CLARENCE BLUNT	REGINA	WM. T. HARRER	FORT BENTON
BILL CHRISTENSEN	HOT SPRINGS	KNUTE HEREIM	MARTINSDALE
LYNN CORNWELL	GLASGOW	EARL LINDGREN	JOUET
M.E. EDDLEMAN	WORDEN	ROLAND MOSHER	AUGUSTA
NANCY ESPY	BOYES	GREG RICE	HARRISON

March 3, 1989

Mr. Chairman and Members of the Committee, I am Jerry Jack and represent the Montana Stockgrowers Association. Today my testimony also represents the concerns of the Montana CattleWomen ^{Farmette Union} and Montana Association of State Grazing Districts. We rise in support of House Bill 276 which is a request from the Department of Livestock to generally correct some situations which now exist throughout Montana.

This bill will be good for the livestock industry since it will finally address the use of seasonal brands in our State. Montana is becoming a summer-fall grazing state for out of state owners. In essence, cattle are brought into the state for a short term grazing period and then are often hauled back to either their home ranches or on to feedlots. This bill will allow the Department of Livestock to designate a specific period of time when a brand can be used. This is a useful law which several adjacent states already have on their books.

In addition, this bill will allow the Department to extend grazing permits from six months to nine months which is more in keeping with normal grazing seasons in Montana. We appreciate this accommodation by the Department of Livestock as it will allow for greater ease of movement of our herds.

There are other housekeeping measures in this bill which we also support, including the extension of an annual rodeo permit which will certainly help rodeo stock contractors throughout Montana.

In closing, we hope that this committee will give a "do pass" recommendation to this bill. Thank you.

SENATE AGRICULTURE COMMITTEE
RE: SB 423 SHEEP PERMIT SYSTEM

MY NAME IS LYNN CASTERLINE. I AM A PRODUCER FROM NORTHERN DAISON COUNTY AND AM CURRENTLY PRESIDENT OF THE MCCONE COUNTY SHEEPGROWERS ASSOCIATION.

I HAVE WITH ME TODAY, AS PART OF MY TESTIMONY, RESOLUTIONS IN SUPPORT OF THE PROPOSED SHEEP PERMIT SYSTEM FROM THE MCCONE COUNTY SHEEPGROWERS ASSOC. AND ALSO THE EASTERN MONTANA SHEEP ASSOCIATION OF SLENNING. COMBINED MEMBERSHIP APPROXIMATELY 100. I WOULD LIKE THESE TO BE ENTERED INTO THE RECORD IN SUPPORT OF SB 423.

IN MY AREA WE HAVE SEVERAL PRODUCERS THAT HAVE LOST SHEEP TO THEIVES, MYSELF INCLUDED.

AT PRESENT THE DEPARTMENT OF LIVESTOCK HAS NO AUTHORITY TO CHECK THE MOVEMENT OF SHEEP. WITHOUT THIS BILL THEY DO NOT HAVE THE RIGHT TO STOP AND QUESTION ANYONE TRANSPORTING SHEEP EVEN IF THEY SUSPECT THAT THE OWNERSHIP IS QUESTIONABLE.

WITH THE IMPLEMENTATION OF THIS BILL THE DEPARTMENT OF LIVESTOCK WOULD HAVE THE ABILITY TO CONDUCT AN INVESTIGATION ONCE THEY ARE MADE AWARE OF A POSSIBLE THEFT, AND, THEY WOULD HAVE THE ABILITY TO WORK WITH THE VARIOUS AGENCIES THROUGHOUT THE STATE, HIGHWAY PATROL, COUNTY SHERIFFS, G.V.U., ETC. TO HELP TRACK THE MOVEMENT OF SHEEP. IN ADDITION TO THESE OPTIONS THERE WOULD ALSO BE A PAPER TRAIL ON THE LOADS WHICH WOULD DESIGNATE POINT OF ORIGIN AND ALSO DESTINATION.

Ex #4
3/3/89
HB 423

HAND, ARGUMENTS HAVE BEEN AILED AS TO WHY WE DON'T NEED THE PERMIT SYSTEM. ONE IS THAT IT WILL BE VERY INCONVENIENT. ANOTHER IS THAT IT WILL BE VERY EXPENSIVE AND THAT IT IS JUST ANOTHER WAY TO RAISE REVENUE FOR THE DEPT. OF LIVESTOCK.

IT IS NO MORE INCONVENIENT TO STOP AND PICK UP A PERMIT FOR SHEEP THAN IT IS FOR CATTLE AND HORSES. THERE ARE INDIVIDUALS IN MOST LOCATIONS WHERE SHEEP ARE MOVED THAT ARE IN THE EMPLOY OF THE DEPT. OF LIVESTOCK THAT WILL WRITE A PERMIT FOR YOU AS FAR AS THE EXPENSE, MY UNDERSTANDING IS THAT IT WILL COST NO MORE FOR A PERMIT FOR 1000 HD. OF SHEEP THAN IT DOES IF YOU ARE TRAVELING TO THE PLANT. WILL NOT BE GENERATING HUGE SUMS OF MONEY FOR THE DEPT OF LIVESTOCK AS THE FEE CHARGED WILL REMAIN IN THE HANDS OF THE INDIVIDUAL ISSUING THE PERMIT. THE INFORMATION THAT I HAVE IS THE FEE WILL BE \$1.00 PER PERMIT. HARDLY A FORTUNE. ESPECIALLY WHEN YOU CONSIDER THE THOUSANDS OF SHEEP MOVED EVERY YEAR.

AS YOU KNOW THE SHEEP INDUSTRY IN MONTANA IS A TREMENDOUS RESOURCE. I FEEL THAT WHATEVER WE CAN DO TO PROTECT IT AND KEEP IT A VIABLE INDUSTRY IS IMPORTANT FOR NOT ONLY THE INDUSTRY ITSELF, BUT, ALSO THE STATE.

THANK YOU FOR YOUR TIME AND CONSIDERATION.

LYNN D. CASTERLINE
BOX 2
PICHEY, MT. 59259
406-773-5810

Ex. #4
HP 423
3-3-89

NOVEMBER 16, 1987

RE: RESOLUTION: SHEEP PERMIT SYSTEM.
FROM: MCCONE COUNTY SHEEPGROWERS ASSOCIATION.

AT THE NOVEMBER 6, 1987 ANNUAL MEETING OF THE MCCONE COUNTY SHEEPGROWERS ASSOC. A UNANIMOUS BALLOT WAS CAST IN FAVOR OF A RESOLUTION SUPPORTING A STATEWIDE SHEEP PERMIT SYSTEM TO BE IMPLEMENTED BY THE DEPARTMENT OF LIVESTOCK.

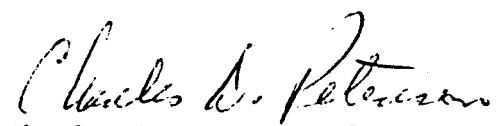
LYNN D. CASTERLINE
PRESIDENT
MCCONE COUNTY SHEEPGROWERS

Ex #4
3/3/89

HB 423

EASTERN MONTANA SHEEP ASSOCIATION

A poll of the board of Directors of the Eastern Montana Sheep Association concerning a permit system for movement of sheep was taken by the Association's secretary. The board unanimously supports the resolution submitted by the the McCone County Sheep Growers Association being submitted at the 1987 annual meeting of the Montana Wool Growers Association.



Charles D. Peterson, Secretary
Eastern Montana Sheep Association
Glendive, Montana

(This sheet to be used by those testifying on EXHIBIT NO.)

5

DATE 3/3/89

BILL NO. HB 190

DATE: 3/3/89

NAME: Janet Ellis

ADDRESS: Helena

PHONE: _____

REPRESENTING WHOM? MT Audubon Legislative Fund

APPEARING ON WHICH PROPOSAL: HB 190

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENT: We support these modest but important changes in the Montana Pesticides Act. The funding in this measure will help Montana fill its state obligation to recent Environmental Protection Agency program changes concerning groundwater, endangered species and pesticide disposal. Defining applicator responsibility and making it clear of the violation from using unregistered chemical or biological agents.

Thank you.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

DEPARTMENT OF
HEALTH AND ENVIRONMENTAL SCIENCES

SENATE AGRICULTURE

EXHIBIT NO. 7

DATE 3/3/89

BILL NO. HB 584



STAN STEPHENS, GOVERNOR

COGSWELL BUILDING

STATE OF MONTANA

FAX # (406) 444-2606

HELENA, MONTANA 59620

MEMORANDUM

To: Sen. Tom Beck, Chairman
Senate Agriculture Committee

Date: March 3, 1989

From: Steve Pilcher, Chief
Water Quality Bureau, DHES

Subject: House Bill 584

It has been brought to our attention that during the hearing on the above referenced bill, numerous questions were raised relative to water quality waste discharge permits. The following information is provided to assist the committee in consideration of this legislation.

The Montana Water Quality Act requires a permit for any discharge of pollutants to state waters. In Montana, such permits are issued in accordance with the Montana Pollutant Discharge Elimination System (MPDES) Rules. These permits establish limits on the quality of the discharge and are intended to ensure that water quality standards are met in the receiving stream. THE PERMITS DO NOT GRANT ANY WATER RIGHT TO THE DISCHARGER.

In establishing quality limits, we must make an assumption as to the flow that would be available in the stream for dilution purposes. Our rules state "For the design of disposal systems, stream flow dilution requirements must be based on the minimum consecutive 7-day average flow which may be expected to occur on the average of once in 10 years". This is referred to as the 7-day 10 year low flow or 7Q10. This means that no pollution of the receiving stream by the discharge will occur as long as the flow in the stream is greater than the 7Q10. Issuance of more water use permits may result in the 7Q10 of a stream becoming progressively lower over a period of time. Thus, with less water available for dilution, effluent quality limits for the discharger will become more strict when the permit is renewed. This may require the construction of costly additional treatment facilities. Under this proposed legislation, such information would be considered by the agency considering a water use permit application.

Amendments to House Bill No. 658
Third Reading Copy

Requested by Rep. Swysgood
For the Committee on Senate Agriculture

Prepared by Doug Sternberg, Committee Staff
March 3, 1989

- 1. Page 9, line 13.
Strike: "lender"
Insert: "council"

SENATE AGRICULTURE

EXHIBIT NO. 9

DATE 3/3/89

BILL NO. HB 658

HB658 SWYSGOOD MAR. 3, 1989

MONTANA WATER RESOURCES ASSOCIATION, JO BRUNNER, EX. SEC

SENATE AGRICULTURE COMMITTEE SUPPORT X

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE , You may remember that I worked, along with other representatives of the Montana Agriculture Coalition, during the 1987 session to get this law passed.

We believed then, and do now, that it is a good act, that it will be beneficial to rural communities and thus to the state in general.

I was appointed by the Governor, and represent the Montana Agriculture Coalition on the Council. The great majority of my decisions on Council business takes into consideration the policies of the Coalition members.

Although the agriculture community was enthused with all aspects of the Growth through Agriculture Act, we were especially excited with the seed capital portion. We felt that this would inject life into rural communities, not specifically agriculture endeavors, but rural enterprise.

So, we were disappointed with the Supreme Court decision that refused our use of seed capital monies, and it was the decision of the Council to circumvent that decision by introducing legislation that would allow the full intent of the law.

It has been a long and tedious endeavor to present to the Legislature such a comprehensive bill. Our legal council, Mona Jamison, wrote and rewrote the material, bringing each change back to the council for approval, until you have the finished project before you now. We feel that it is a good bill, and that it will accomplish the job.

For your information, the Montana Growth through Agriculture Council has begun the process of financing various marketing and incubator programs. As the law mandates a portion of the funds go to a foreign office, and the council directed the Department of Agriculture to develop a marketing/educational program which is in effect and proving very beneficial to Montana.

The Council is deeply appreciative to not only the Department of Agriculture, where we have been moved, but to the Department of Commerce who took us in as orphans almost, and to all who have faithfully attended our meetings, and participated in any manner. We have had several people who may have been there oftener than some of the Council members, and one of them is Representative Swysgood, who carries our bills.

The Council wishes to thank the Legislature for passing the Montana Growth Through Agriculture Act out of the 1987 Legislative Session. We are anxious to get on with the seed capital procedure.

