

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION

Call to Order: By CHAIRMAN VERN KELLER, on January 12, 1993, at 3:00 p.m.

ROLL CALL

Members Present:

Rep. Vern Keller, Chairman (R)
Rep. Joe Barnett, Vice Chairman (R)
Rep. Shiell Anderson (R)
Rep. Bob Bachini (D)
Rep. Jody Bird (D)
Rep. Ervin Davis (D)
Rep. Bill Endy (D)
Rep. Harriet Hayne (R)
Rep. Don Larson (D)
Rep. Gary Mason (R)
Rep. Bill Rehbein (R)
Rep. Sam Rose (R)
Rep. Dore Schwinden (D)
Rep. Wilbur Spring (R)
Rep. Wayne Stanford (D)
Rep. Jay Stovall (R)

Members Excused: None

Members Absent: None

Staff Present: Connie Erickson, Legislative Council
Jaelene Racicot, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 104
Executive Action: HB 58

HEARING ON HB 104

Opening Statement by Sponsor:

REP. JOHN "SAM" ROSE, HD 11, Choteau, stated that this bill would allow the Department of Livestock to use money accumulated from the forfeiture and sale of personal property used in the theft or transportation of livestock for personnel training. He stated

that, at the present time, the Department of Livestock does not receive any of the money.

Proponents' Testimony:

Cork Mortensen, Executive Secretary, Board of Livestock, presented written testimony. EXHIBIT 1

Bob Gilbert, Wool Growers Association, stated that this bill would make crime more expensive when the individuals are caught. Mr. Gilbert said that he was also testifying for Jim Peterson, Executive Director of the Montana Stockgrowers Association, who advised the Association supports HB 104.

Lorna Frank, Montana Farm Bureau, stated that the Bureau supports HB 104.

Opponents' Testimony: None

Questions From Committee Members and Responses:

REP. DORE SCHWINDEN asked REP. ROSE about the proceeds which may be used by the Department of Livestock for personnel training. He asked if there were other things the department could use the money for. REP. ROSE stated that any excess money would go into the general fund. He also said that a cap would be placed on the funds in the amount of \$20,000. REP. ROSE stated the \$20,000 would be earmarked for training, and the excess would go to the general fund.

REP. JOE BARNETT asked Lon Mitchell, Staff Attorney for the Department of Livestock, about the funds earmarked for personnel training and if the department would be able to do what it wanted with those funds. Mr. Mitchell replied that the funds would be specifically earmarked for personnel training. He stated there would be a degree of flexibility which would allow the department to use these funds for training in law enforcement matters.

REP. GARY MASON asked if the bill would allow the Department of Livestock to seize and use the equipment to catch other criminals. Mr. Mitchell stated that they could use the equipment to detain individuals committing a crime.

REP. MASON asked if, an airplane was seized from an individual who used it to commit a crime, the department of livestock could take the airplane and use it to apprehend other criminals. Ms. Erickson replied that the bill would need to be amended in order for the department to retain the property.

REP. SHIELL ANDERSON stated he had some amendments which would address that problem. EXHIBIT 2.

REP. DON LARSON asked Mr. Mitchell if he could explain the legal definition of forfeited property. Mr. Mitchell replied it was

property that had gone through a sheriff's sale.

REP. BOB BACHINI wanted a better clarification of the language in the bill dealing with the proceeds which may be used by the Department of Livestock for personnel training. He asked if the word "shall" should be used instead of "may". Mr. Mitchell explained why the word "may" was used. He stated that there may be circumstances whereby the department of livestock would end up with more funds than it intended to use for training at that particular time. He said the amendments before the committee would allow the department to retain the funds in a specific account so the funds could be used at a later date.

REP. JODY BIRD asked Mr. Mitchell about the amendments and if any property was retained, would help reduce the department's need to purchase additional property. Mr. Mitchell stated there may be circumstances whereby retaining certain properties may offset the purchase of needed equipment.

REP. ANDERSON asked Mr. Mitchell about the dollar amount brought in by the seizure of property and if that amount was significant. Mr. Mitchell replied that it was not a significant amount, indicating these type of cases were not common.

Closing by Sponsor:

REP. ROSE thanked the committee for their time and closed.

Ms. Erickson advised she would draft amendments which would cover what the Department of Livestock wanted to accomplish with this bill.

EXECUTIVE ACTION ON HB 58

Ms. Erickson explained the amendments. EXHIBIT 3 She noted that the penalty of \$500 in amendment seven was based on a piece of legislation introduced by REP. DAVE BROWN. Ms. Erickson said the \$500 amount was certainly negotiable by the committee.

REP. BACHINI questioned amendment three and asked if the committee could include an agent or owner of the livestock who would be allowed to kill the dog.

REP. BARNETT indicated he had the same concern about amendment three and that someone employed by the rancher should be allowed to kill a dog harassing livestock.

REP. WILBUR SPRING added that a 16 year old boy could be included in the description of an agent or employee of the owner.

Motion/Vote: REP. BACHINI moved to adopt amendment two. Motion carried unanimously.

Motion/Vote: REP. BACHINI moved to adopt amendments three and

four with the proper language. Motion carried unanimously.

Motion/Vote: REP. BIRD moved to adopt amendments five, six, and seven. Motion carried unanimously.

Motion/Vote: REP. BACHINI MOVED HB 58 DO PASS AS AMENDED.
Motion carried unanimously.

ADJOURNMENT

Adjournment: 4:38 P.M.



VERN KELLER, Chairman



JAELENE RACICOT, Secretary

VK/jr

HOUSE OF REPRESENTATIVES

AGRICULTURE, LIVESTOCK, & IRRIGATION COMMITTEE

ROLL CALL

DATE

1/12/93

NAME	PRESENT	ABSENT	EXCUSED
REPRESENTATIVE SHIELL ANDERSON	✓		
REPRESENTATIVE BOB BACHINI	✓		
REPRESENTATIVE JOE BARNETT V.C.	✓		
REPRESENTATIVE JODY BIRD	✓		
REPRESENTATIVE ERVIN DAVIS	✓		
REPRESENTATIVE BILL ENDY	✓		
REPRESENTATIVE HARRIET HAYNE	✓		
REPRESENTATIVE DON LARSON MIN. V.C.	✓		
REPRESENTATIVE GARY MASON	✓		
REPRESENTATIVE BILL REHBEIN	✓		
REPRESENTATIVE SAM ROSE	✓		
REPRESENTATIVE DORE SCHWINDEN	✓		
REPRESENTATIVE WILBUR SPRING	✓		
REPRESENTATIVE WAYNE STANFORD	✓		
REPRESENTATIVE JAY STOVALL	✓		
CHAIRMAN VERN KELLER	✓		

HOUSE STANDING COMMITTEE REPORT

January 13, 1993

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Mr. Speaker: We, the committee on Agriculture, Livestock, and Irrigation report that House Bill 58 (first reading copy -- white) do pass as amended .

Signed: _____
Vern Zeller, Chair

And, that such amendments read:

1. Title, line 5.

Following: "LIVESTOCK;"

Insert: "PROVIDING A PENALTY;"

2. Page 1, line 11.

Following: "(1)"

Insert: "As used in this section, "harasses" means worries, chases, or runs after livestock in a manner that may lead to subsequent injury to the livestock. (2)"

3. Page 1, line 17.

Strike: "any person"

Insert: "the owner of the livestock or an agent or employee of the owner"

4. Page 1, line 19.

Following: "owner"

Insert: "of the dog"

5. Page 1, line 23.

Strike: "(2)"

Insert: "(3)"

6. Page 1, line 24.

Strike: "acting"

Insert: "herding livestock"

January 13, 1993
Page 2 of 2

7. Page 2.

Following: line 1

Insert: "NEW SECTION. Section 2. Penalty. The owner of a dog that harasses, kills, wounds, or injures livestock is guilty of a misdemeanor and upon conviction shall be fined not more than \$500."

HB 104

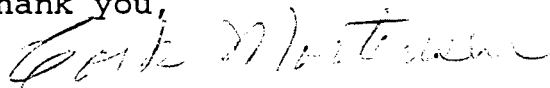
Mr. Chairman and members of this committee, for the record my name is Cork Mortensen and I am the Executive Secretary to the Board of Livestock. The Board and Department of Livestock support and urge you to support HB104 for the following reasons:

HB 104 would allow the Department of Livestock to use money accumulated from the forfeiture and sale of personal property used in the theft or transportation of livestock for personnel training. This, we believe, would better enable the Department of Livestock to upgrade the expertise and professionalism of its personnel and this would probably increase the efficiency of service to the public and better protect our producers as well as the general public.

The legislative changes we are requesting in this Bill would in no way increase our budgetary operating expenses and, in fact, could save money for the operation of the department. Overall, however, we do not anticipate a large impact in terms of forfeited property and money. That depends upon the honesty and integrity of the citizenry and upon the expertise of the departmental personnel in apprehending those individuals involved in breaking the law.

Thank you for your time and consideration in this matter, and once again urge you to support this legislation. If you have any questions or need more information, I should be glad to respond.

Thank you,


Cork Mortensen
Executive Secretary
To the Board of Livestock

HOUSE BILL NO. 104
REPRESENTATIVE SAM ROSE, SPONSOR

1. Title, line 7
Following: "in the"
Insert: "Theft or"
2. Page 1, line 16
Following: "used"
Strike: "to"
Insert: "in the theft or"
3. Page 1, line 16
Strike: "transport"
Insert: "transportation of stolen livestock"
4. Page 1, line 18
Following: "the"
Insert: "theft or"
5. Page 1, line 24
Following: "used for"
Insert: "the theft or"
6. Page 1, line 25
Following: "in part to"
Insert: "such theft or"
7. Page 3, line 7
Following: "used for the"
Insert: "theft or"
8. Page 4, line 18
Following: "for the illegal"
Insert: "Theft or"
9. New Section. (1) After deducting any expenses for retention of any vehicle, money, equipment, or personalty used in the theft or transportation of any stolen livestock and the costs of sale all proceeds remaining from any such source must be appropriated to and remain available until expended by the Department of Livestock for personnel training.
10. New Section. (2) The Department may expend the money in the account only for purposes of personnel training. Any expenditure in excess of \$20,000.00 each fiscal year requires approval through budget amendment, as provided in Title 17, Chapter 7, part 4.
11. New Section. (3) If no claimant exists and the confiscating agency wishes to retain the property for its official use, it may do so. If such property is not to be retained, it must be sold as provided.

Amendments to House Bill No. 58
First Reading Copy

Requested by Rep. Keller
For the Committee on House Agriculture, Livestock, and Irrigation

Prepared by Connie Erickson
January 11, 1993

1. Title, line 5.

Following: "LIVESTOCK;"

Insert: "PROVIDING A PENALTY;"

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chase, or run after livestock in a manner that may lead to
subsequent injury to the livestock. (2)"

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Strike: "any person"

Insert: "the owner of the livestock"

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Following: "owner"

Insert: "of the dog"

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Insert: "herding livestock"

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Insert: "NEW SECTION. Section 2. Penalty. The owner of a dog
that harasses, kills, wounds, or injures livestock is guilty
of a misdemeanor and upon conviction shall be fined not more
than \$500."

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Agriculture

COMMITTEE

BILL NO. 104

DATE 1/12/93 SPONSOR(S) _____

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<u>Cork Mortensen</u>	<u>Dept. of Livestock</u>	<u>X</u>	
<u>Lerna Frank</u>	<u>Montana</u>	<u>X</u>	
<u>Bob Helbert</u>	<u>Farm Bureau</u>	<u>X</u>	
	<u>Montana Wool Growers Assn</u>	<u>X</u>	
	<u>Montana Stockgrowers Assn</u>		

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.