

MINUTES

**MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION**

SUBCOMMITTEE ON AGRICULTURE, LIVESTOCK & IRRIGATION

Call to Order: By **CHAIRMAN GERRY DEVLIN**, on February 7, 1995, at 5:00 p.m.

ROLL CALL

Members Present:

Sen. Gerry Devlin, Chairman (R)
Sen. Don Hargrove (R)
Sen. Linda J. Nelson (D)

Members Excused: None

Members Absent: None

Staff Present: Doug Sternberg, Legislative Council
Jennifer Gaasch, Committee Secretary

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

Committee Business Summary:

Hearing: This was a subcommittee meeting concerning SB 173 and SB 215
Executive Action: None

{Tape: 1; Side: A; Approx. Counter: ; Comments: .}

Discussion:

CHAIRMAN DEVLIN said they were going to discuss the advisory council, and asked if they had added members to the committee.

Doug Sternberg said the Governor's amendments reduce the number of members and rearrange the membership and that SB 215 as introduced had a membership of seven and the Governor's amendments reduced the membership to six. SB 215 was in subsection (2) of the "gray bill", page 16, where the membership was realigned. The Governor proposed the membership of the advisory be appointed by the Governor. SB 215 does not specifically state how the membership would be appointed.

CHAIRMAN DEVLIN asked what the committee thought, let the Governor appoint the committee or department or any other suggestions?

SENATOR DON HARGROVE said that as long as it went through a lot of people to let the Governor appoint the committee.

SENATOR LINDA NELSON asked what was the sponsor's intent?

SEN. TVEIT said he thought the intent was for an equal footing and that was the reason for the seven member council, two from the board, two from the game farms, two from FWP and the state veterinarian.

SEN. NELSON asked who would appoint these people?

SEN. TVEIT said they would be appointed by the entities themselves, putting their two people on the board. The difference was that the Governor said he wanted to appoint them himself. He had concerns on the make-up of the last three of the members by the appointment of the Governor. There would not be any criteria, it just said there would be three members that the Governor wanted to put on the committee. It could be a lot of different people that did not have any knowledge of the game farm industry and he preferred to keep it tighter.

CHAIRMAN DEVLIN said he agreed the Governor ought to appoint the committee and the subcommittee ought to recommend to the full committee the make-up of the committee. He asked if there was any problem with having the Governor appoint the committee?

SEN. NELSON said she preferred it the other way. She thought the departments should do the appointing and they should get to pick who they want to serve on the committee and that the game farm industry should do the same.

SEN. HARGROVE said even if it was Governor appointments then it would probably go through that process. He was looking at it as a compromise. He preferred the make-up that was in SB 215, and thought that the Governor should then do the actual appointing. That would be a compromise.

CHAIRMAN DEVLIN said the names would be submitted by the areas of FWP, the game farm industry, and a veterinarian.

Doug Sternberg said to clarify (2) (A) of SB 215 the committee should make sure they are referencing the two members of the Board of Livestock because that section was going to be codified in the livestock code and so it was not necessary to state which board was being talked about.

Paul Sihler said there was a conflict with the Governor to appoint the members. The way that the bill was drafted, said two members were chosen by the Board of Livestock, so what role is it

that the Governor would play? Under subsection (2), on page 16, **SEN. TVEIT'S** amendment specifies that the members were chosen by FWP, the Board of Livestock, and the Game Breeder's Association, etc. He asked what was the Governor's role there?

Doug Sternberg replied if the Governor was chosen to be the appointing entity those references would be taken out. The membership would be left intact, but the references to anyone else doing the appointments would be taken out. He said there would be some rewrite depending on what the committee decided.

CHAIRMAN DEVLIN said in the Governor's amendments the Governor himself was put on the advisory council.

SEN. KLAMPE asked who was on the advisory committee and who would be appointed from what areas?

Doug Sternberg gave **SEN. KLAMPE** a copy of the Governor's amendments.

SEN. NELSON said she did not see under SB 215 where it was real specific who appoints the members.

CHAIRMAN DEVLIN said it was not specific and the subcommittee was going to have to figure out how many members to have on the advisory committee and where they were to come from.

SEN. NELSON said she did not feel totally comfortable with the Governor appointing the members.

CHAIRMAN DEVLIN asked if they would rather have each of the entities send their representatives?

SEN. NELSON replied she would.

CHAIRMAN DEVLIN said that was not a bad idea.

SEN. NELSON said that was her opinion.

SEN. HARGROVE said that was not important to him, only in the spirit of compromise was his suggestion.

CHAIRMAN DEVLIN said because the Governor amended himself into the bill let him appoint the committee.

SEN. NELSON said the Governor was amending himself, but that does not necessarily put him in.

SEN. KLAMPE said he did not have any other spokesman at the meeting and there had been comments heard continually from the other people. It should not be out of order to have some people from his side be able to talk too.

CHAIRMAN DEVLIN said either that or the subcommittee could just go into executive action and just make a decision.

SEN. KLAMPE said it seemed to him they had heard comments from **Mr. Les Graham**, this morning and yesterday, and from **Dennis Iverson**, and others. He asked what was wrong with the people from his side talking?

CHAIRMAN DEVLIN asked if they were picking sides?

SEN. KLAMPE stated he thought they had sides, it was clear.

CHAIRMAN DEVLIN asked what subject the senator's people were going to talk about?

SEN. KLAMPE replied by saying whatever.

CHAIRMAN DEVLIN said he was not going to allow that.

SEN. KLAMPE said he thought they already allowed the other people to talk and he did remember hearing **Les Graham** talk during the meeting that morning.

CHAIRMAN DEVLIN told **SEN. KLAMPE** that he allowed a man in the meeting to videotape the meeting that morning.

SEN. KLAMPE replied that he did not let him in the meeting.

CHAIRMAN DEVLIN said the gentleman was with the Wildlife Federation, and they know that.

SEN. KLAMPE said videotaping was not the same as talking and he could speak to the President about the matter if **CHAIRMAN DEVLIN** wanted.

CHAIRMAN DEVLIN said perhaps that was what **SEN. KLAMPE** should do because he thought they would go into executive action with the subcommittee and it would then be between the subcommittee members and what they would be recommending to the regular committee. There were two bills and two sponsors, two people speaking for FWP, representatives of the Department of Livestock, who are the two departments that were going to handle the responsibilities. He was going to designate one person to speak for the game farms. He asked the Senator who he was speaking for?

SEN. KLAMPE replied he was speaking for his bill.

CHAIRMAN DEVLIN said he was going to allow **Mr. Jewett** to make a statement.

Mr. Jewett said he thought the advisory council was a good concept and they have seen that there are a variety of perspectives on the issue. He thought the subcommittee should

look at balancing the advisory committee with an equal number of sportsman to speak from the wildlife perspective on game farms. He said the committee has the opportunity to have all perspectives in it for bringing forth recommendations. He suggested putting a few people to balance the sportsman on the advisory committee.

CHAIRMAN DEVLIN asked if he wanted a sportsman on it?

Mr. Jewett said that was the committee's call and the issue was of wildlife and game farms.

CHAIRMAN DEVLIN asked what was the pleasure of the committee?

SEN. NELSON said when she looked at the revised version of SB 215 it said to have two members representing the game farm industry to be chosen by the members of the Game Breeders Association, and two members of the FWP to be chosen by the FWP's Commission. She said she felt that would allow them to pick people that would represent them the best rather than submitting names to the Governor.

CHAIRMAN DEVLIN asked if those were the ones under the Governor's amendment?

SEN. NELSON replied no, that was under the revised SB 215 on page 16.

CHAIRMAN DEVLIN said there were seven members chosen by their own entities. He asked what if they changed the advisory council to this; one from FWP, one from the Department of Livestock, one representing game farms, one veterinarian, and one person representing a sportsman organization?

SEN. NELSON said that would be smaller.

CHAIRMAN DEVLIN said it would be five members, but it would include a sportsman.

SEN. HARGROVE said that represents everyone, but he was wondering if there should be a public member. Someone who was not associated with anything who would represent the public.

SEN. NELSON said that having six members made her a little nervous because of tie votes.

SEN. HARGROVE said that was true and they would not want two members of the public.

CHAIRMAN DEVLIN asked if there were no objections then the five member advisory council would be recommended to the whole agriculture committee.

Doug Sternberg asked to clarify the list. One member from the Department of Livestock, chosen by the Board of Livestock; one member representing the game farm industry, chosen by the Game Breeders Association; one member from FWP, chosen by the FWP Commission; one member who is a veterinarian, chosen by the Board of Veterinary medicine; and one sportsman to be chosen by sporting groups,

CHAIRMAN DEVLIN said he was not going to name what sporting group was to choose the member. He felt very uncomfortable naming that group and maybe the Governor should name that person.

Doug Sternberg asked if the Wildlife Federation was a representative of all of those groups.

CHAIRMAN DEVLIN said there were other groups.

SEN. NELSON said there were a lot of other sportsmen.

CHAIRMAN DEVLIN asked who the two sponsors would recommend?

SEN. KLAMPE replied he would trust the Governor. He said the Governor could probably make a good determination of who a good sportsman would be. Maybe if they qualified it in the statutes, they would make a determination of sportsman's groups that were not aligned with game farming or agriculture, because everyone could be a sportsman from time to time.

SEN. TVEIT replied any sports group is for a sportsman. That was the Governor's prerogative. The Governor could choose from any sports group or any sport's organization or spokesman. That he would be the authority and would make that appointment to the best of his ability.

CHAIRMAN DEVLIN asked if the Governor was alright with the subcommittee?

SEN. NELSON replied that would be fine.

CHAIRMAN DEVLIN said the sportsman would be appointed by the Governor.

Doug Sternberg said it was pointed out to him the Board of Veterinary medicine was actually a regulatory agency rather than an association of veterinary medicine. The Montana Veterinary Medical Association might be a more appropriate entity to choose that member.

CHAIRMAN DEVLIN replied that was fine. The association could choose the veterinarian.

CHAIRMAN DEVLIN asked what else there was to clear up?

SEN. HARGROVE replied they needed to discuss Environmental Assessments (EA) and Environmental Impact Statements (EIS).

Doug Sternberg said there was one other change in the Governor's suggested amendments concerning the advisory council. He said **SEN. TVEIT'S** amendment would exclude subsection (5) so that the costs would not be absorbed by the Game Breeder's Association. The Governor's amendments would leave that subsection. He asked whether the committee wanted to include or exclude subsection (5)?

SEN. TVEIT said the cost was going to be absorbed by the game farmers on the original bill. His amendments said that it would be, but it was different now. The Governor had stricken that language on his proposed amendments. Under his amendments the game farmers were going to pay their way. He would go back to the original, unless the subcommittee chose otherwise.

Doug Sternberg replied the amendments that were prepared for **SEN. TVEIT** did strike subsection (5). He said that **Mr. Spoklie** was the gentleman who talked to him to prepare those amendments. It was amendment number 13 in the first set of January 31, 1995.

CHAIRMAN DEVLIN said they were now discussing who was to pay the cost of the advisory council.

SEN. NELSON said they should find out if the Game Breeders Association was willing to pick up the costs. Someone was going to have to pick up that cost.

SEN. KLAMPE said he was almost going to agree with **SEN. TVEIT**, in that he did not think they should have to pick up the costs, because if they did, there would be a conflict of interest. It might seem as if they were influencing people. He did not know where the costs would come from, but they should be fair on this issue. Maybe they should pay their own costs.

CHAIRMAN DEVLIN said they only had a limited amount of places where the costs could be picked up. One was from licenses and the other being direct assessments to the advisory council.

SEN. KLAMPE said that for the sake of fairness, if the game farmers were paying for the sportsman, he might feel as if he was influenced.

SEN. NELSON stated she agreed.

Paul Sihler asked what the costs were of the advisory council? If everyone would come on their own time, there would be no costs that had to be paid for the advisory committee itself. They could volunteer their time.

CHAIRMAN DEVLIN said the veterinarian might not want to volunteer his time.

SEN. NELSON said she could see someone volunteering their time. The time is not so much an issue as the traveling. It would stop people from serving if they had to take the time to go to these meetings.

CHAIRMAN DEVLIN asked if other committees were paid for travel?

SEN. NELSON said they were always paid for travel.

CHAIRMAN DEVLIN asked if it was \$50?

SEN. NELSON replied they do not always get that, but they get travel and specified meals.

Doug Sternberg said there was a specific provision that covers compensation. They were entitled to gratuity, not salary.

SEN. TVEIT said on page 16, of SB 215, the costs associated with game farm advisory council, being paid by the Montana Game Breeders Association. That was stricken in his bill and the Governor's amendments put that back on again. He said the costs were shared. They don't have to pay for the FWP on the advisory council or the board of veterinary medicine. They would pay their own way for their own people. Having them pick up the costs for the total advisory council would be wrong.

CHAIRMAN DEVLIN said there were two members who wouldn't have any costs and three members who would.

SEN. TVEIT said that was the reason it was taken out. He said it only had to do with the advisory council.

SEN. NELSON said if the Department of Livestock covered the cost of their representative, the FWP covered their representative, the game farm group would cover their representative, could appeal to sportsman groups for their costs.

CHAIRMAN DEVLIN said that was the way he would like to see it.

SEN. KLAMPE asked if all of the game farmers were members of the game farm organization? If not, then we cannot appoint a member of the Wildlife Federation because all sportsman are not members. How can they just have the game farmers choose two people?

CHAIRMAN DEVLIN asked why not?

SEN. KLAMPE replied because all game farmers were not members of that association.

CHAIRMAN DEVLIN asked if there was another association?

SEN. KLAMPE replied he did not know if that was a relevant question.

CHAIRMAN DEVLIN replied he thought the question was relevant because they were saying there are several sportsman groups and as to his knowledge there was only one game farm association in the state.

Karen Zackheim stated she believed there might be a game breeders association.

SEN. KLAMPE said in the future there might be another group and they had to write the law accordingly.

SEN. TVEIT said they could put on the council a member from the game farm industry instead of association to clear up that problem.

Paul Sihler said they would run into the issue that the sportsman in the mixed selection, if they were just going to talk about the industry. The association is a subsection of the industry, he said there were around 57 members of the association and there were 90 licensed game farmers in the state. He asked who would select the representative of the industry? The committee may have to refer back to the Governor as with the sportsman.

CHAIRMAN DEVLIN replied they were going to get the Governor back selecting the entire council with the exception of two departments. He thought that might be the way they will have to go.

SEN. NELSON said she supposed that was the way they would have to go.

CHAIRMAN DEVLIN said those three would be appointed by the Governor.

SEN. KLAMPE said the other solution that was available was to just appoint someone from the Wildlife Federation and he said he thought that would be acceptable to both sides.

CHAIRMAN DEVLIN said it would not be fair to the other organizations. He asked the members of the subcommittee if they should have the two departments send their own representatives and the other three would be appointed by the Governor; one veterinarian, one from a sports group, and one from a game farm.

Doug Sternberg said having the Governor appoint the representatives of the advisory council would remove the elements from the council of any undo influences of any particular groups or lack of representation of other groups. The committee was placing all of the authority in the hands of one person.

SEN. NELSON said the Governor had to seek guidance from someone, he was not expected just to know the subject.

Doug Sternberg replied that generally what happens is that affected groups and people will submit names to the Governor.

SEN. HARGROVE said the only two they had left were the two departments that work directly for them anyway and he did not believe there would be any problems with them wanting someone that the Governor would not want. To simplify the paper work, the subcommittee should just have the Governor appoint all of the members to the advisory council from the various groups.

Doug Sternberg said that indirectly the Governor would choose them, also, because the Governor does appoint the head of the FWP and also the Board of Livestock.

CHAIRMAN DEVLIN stated now there was a five-member board, all appointed by the Governor.

SEN. TVEIT asked what criteria would the subcommittee give the Governor.

Doug Sternberg replied, one member of the Department of Livestock, one member who was a representative of the game farm industry, one member of the FWP, one member who is a veterinarian, and one person representing the sportsman.

SEN. NELSON said now the subcommittee was back to deciding who was to pay the costs.

CHAIRMAN DEVLIN said the Governor's amendments did leave the costs in.

SEN. TVEIT said on the last line it said that council members were not entitled to compensation for travel expenses. He said that would take care of that. He said it read that costs associated with the game farm advisory council must be paid by the Montana Game Breeders Association; well, there weren't any costs so he was not sure what that meant.

SEN. NELSON said someone must pay for pencils and paper.

SEN. TVEIT said they should leave in the part that says the members are not entitled to compensation for travel expenses and take out the last part.

Doug Sternberg said that there was a committee where the members were interested enough to pay their way to the meeting. There was a certain amount of department cost in advising the work of that council, what was absorbed by that council.

SEN. HARGROVE asked if the department members would get the compensation if they were doing any part of their job?

Doug Sternberg said they would, but they would not be entitled to any additional compensation, such as for out-of-town meetings.

SEN. HARGROVE asked if they would get per diem if they were out of town and doing it as part of their job.

Doug Sternberg said they would serve as members of the council on their own prerogative.

SEN. HARGROVE said they would have to have meetings on weekends.

Doug Sternberg said or at least not necessarily that the department would be expected to pick up costs that were directly associated with the advisory council. They were directing that the members are not directly entitled to compensation or travel expenses.

SEN. HARGROVE asked if a department was to have someone meet with the council on a weekday, would that be automatically administrated to pay for that person's expenses?

Cork Mortensen replied that would be the way it would work in their department.

Paul Sihler said it would be the same for their department also.

Doug Sternberg asked if they would consider that to be a part of their official duties and to compensate them.

SEN. HARGROVE said the sportsman and the game farmer would have to take care of themselves, and he did not know about the veterinarian.

CHAIRMAN DEVLIN asked if amendment five on page 16, would just be "Council members are not entitled to compensation or travel expenses"?

SEN. TVEIT asked what the criteria was for the sportsman? Was there an organization named?

CHAIRMAN DEVLIN replied there was no organization because they did not want to leave anyone out.

SEN. TVEIT said the Governor would then have that broad range to go anywhere he wanted.

Doug Sternberg said in amendment five they would take out the first sentence that would indicate the costs would be absorbed by the Montana Game Breeders Association, but keep the second sentence that clarifies the members would not be entitled to compensation or travel expenses.

CHAIRMAN DEVLIN asked if that was the correct section of law?

Doug Sternberg replied that was correct.

CHAIRMAN DEVLIN asked if the committee was comfortable with that?

SEN. NELSON and **SEN. HARGROVE** replied they agreed.

CHAIRMAN DEVLIN said page four had to do with the Environmental Policy Act.

Doug Sternberg replied those were amendments proposed by **SEN. TVEIT**.

CHAIRMAN DEVLIN asked where it was in the Governor's amendments?

Doug Sternberg replied it was not in the Governor's amendments. It was suggested as amendment number two by **SEN. TVEIT**. Basically what that would do is in subsection 3. It would reduce from 120 to 60 days the department's requirement to notify the applicant of its decision to approve or deny, or approve with stipulations, an application. It would cut the time in half and the department would be FWP. He said in the stricken language, as part of the department's present determination if an Environmental Impact Statement (EIS) was required, the stricken language allowed an additional 180 days to act on the completed application. When the department presently determines there would be a significant environmental impact, and that an application for a license constitutes a major state action significantly effects the quality of the human environment, that the FWP is granted an additional 180 days to act. **SEN. TVEIT'S** amendment would say, notwithstanding other provisions, if an applicant meets the licensing criteria set forth in this section, the application would not be considered a major state action unless the application was for a game farm on land adjoining a park, national park, or wildlife refuge. The legal effect of the amendment would be to remove from the licensing criteria the need for FWP to do an EIS in most cases unless the application was for a game farm on land adjoining a park, national park, or wildlife refuge. He said that did not address the other criteria that required FWP to evaluate the overall environmental effectiveness of the game farm license. The FWP would still be required to perform the bulk of the Environmental Assessment (EA) that leads up to the EIS, but it was his impression that at that time, if in fact it got to that point, FWP would then consider whether an EIS was required, the game farm would be examined as to its location, and if in fact it adjoins a park, national park, or wildlife refuge, that would be considered major state action and an EIS would be necessary in that case. If those location criteria are not met, the requirement that FWP complete an EIS would be specifically excluded from the licensing process and as long as the applicant met the other licensing criteria, the license would be granted.

CHAIRMAN DEVLIN said the part that bothered him was there could be 330 days from the time of application to the time the person had the permit.

Karen Zackheim replied that was not typical.

CHAIRMAN DEVLIN said it could be that long because there were 30 days from the time that the game farmer applies for the application, 120 days to make a decision on the EA, and then the FWP has another 180 days. He said it seemed like a long time.

Karen Zackheim said during the last 2 years only 3 of 22 applications had been recommended for an EIS.

SEN. HARGROVE said it seemed to him that if the amendment in SB 215 was excepted it would maybe remove an irritant and allow them in general to move forward a little faster in the application that was not adjoining a park, national park, or wildlife refuge. He said as he understood it there could still be restrictions that could make the FWP do an EIS if necessary. He asked if that was true?

Paul Sihler said the only time there would be any environmental review, if the amendment was adopted, was if the game farm license was adjoining a park, national park, or wildlife refuge. He said he was not sure what "adjoining" meant. He said the Montana Environmental Policy Act (MEPA) was a problem-solving tool for FWP. There were two things that MEPA required, one was public participation and the second was the impacts that the FWP uses to make a decision. He said if they do not have the environmental review then they do not have the opportunity to solve some of the problems in the permitting process. He said in HB 122, which might be coming to the Senate soon, there was a fishing access in Park County where they did not do an EA and that created some mistakes because they did not get to review the EA. As a result there was a bill proposed to require FWP to solicit public comment and end the project or continue the project based on the number of people who write in to say they like the idea or do not like the idea.

SEN. HARGROVE asked if that was the only thing that would allow the FWP to make an EA?

Paul Sihler said that was correct. There were not any public participation requirements presently in the game farm statute. The only authority they have for public participation was from the MEPA.

Doug Sternberg said the amendment would exclude game farm applications in most cases from the kind of detailed environmental impact statement that all state agencies were otherwise required to perform.

SEN. HARGROVE said that only 3 out of 22 actually were assessed.

Paul Sihler said there were two levels of review. One was an EA, and they have done that on every application. Based on that EA, three instances said there were some significant impacts that

might occur and as a result the EIS was required. That extra 180 days was to perform the EIS.

SEN. HARGROVE said that for him it would be instructive to give a few examples of what would require an EIS.

Karen Zackheim said in one case that the drainage area of a game farm was subject to severe flooding and that the applicant was not aware of and it could wash out the fences. It was going to be a problem.

SEN. TVEIT said that was the reason for the amendment, the problems that **Karen Zackheim** was talking about could be corrected in 1 to 2 weeks. They were talking about 180 days, and the FWP was going out and telling the game farmer they could not build a fence in the area and that required an EIS. They were trying to streamline government a little bit. The EIS makes it more complicated. They have to go and have a study. They should have qualified enough people in their department that say that the person can or cannot do something. Other states have 30 days or 45 days to get a permit, and we have 6 months. He said the reason for his amendment was to speed up the operation.

CHAIRMAN DEVLIN said if they were adjoining a park, national park, or wildlife refuge, they still can do the EA.

SEN. TVEIT said that on the example that **Karen Zackheim** gave, they were minor and not major actions.

Paul Sihler said in the case of the hydrological problems, he did not know the permitting criteria really covered that. He said the idea behind MEPA was to try to look at some alternative ways to accomplish the same goals.

SEN. KLAMPE asked what the difference was between a game farm being located near people or a game farm being located near a state park or a refuge. Why would they allow an EIS in one case and not in the other? If there was a game farm neighborhood such as in Florence, why would those people be discriminated against?

SEN. TVEIT said they were talking about two different things. A national park and regulations coming in from another set of people on criteria. When elk and deer are near people they are not going to hurt anything. He said it did not have anything to do with people. They were trying to protect the ecosystem and elk getting into elk herds that are inside of a park boundary. They have to look into if the animal was to escape and get into those types of places. He said with the fences that were built now, the elk were not going to get out.

SEN. KLAMPE asked to hear a comment from FWP on the same subject.

Karen Zackheim replied that an important aspect is public comment. They have had a lot of public input where people have

had other animals and livestock and they have determined the impacts on their facilities. The purpose of the EA, is to allow public comment. There was a statute outlining criteria would be used to deny a license. There are impacts on the neighborhoods because of dogs that have caused problems to game farms.

Paul Sihler replied they had been through two hearings on the subject and they had some appreciation of the level of public attention that there is on the issue and FWP would be uncomfortable with trying to issue a game farm license without providing some opportunity for public participation in the process.

SEN. NELSON asked if that was what they went over for the EA. (She was looking in a reference book given by the FWP at a previous meeting.)

Karen Zackheim replied yes.

SEN. NELSON said some of the costs were very expensive.

Karen Zackheim said some of the costs were associated with appeals on the part of the game farmer. Some of them do get higher because of the amount of time to do the research.

SEN. NELSON said that for instance, one that came out to be \$26,800, would that lead to an EIS.

Karen Zackheim said that was a proposed EIS and some of those costs were associated with litigation. She said one was decided by the Supreme Court.

SEN. TVEIT said his amendment says that a major action which triggers an EIS, does not trigger an EA, which is an environmental assessment; the FWP will do that.

Paul Sihler replied that amendment exempts MEPA, not just EIS. It would exempt any environmental review.

SEN. TVEIT said it was classified as a minor action and they have to have an EA in a minor action and a major action triggers an EIS.

Paul Sihler replied it was the significance criteria. Major action of state government triggers the environmental review and that could take the form of an EA or an EIS. When the agency makes a determination whether the impacts would be significant that then triggers the EIS.

Doug Sternberg said the amendment would be to eliminate the need for a strict review under MEPA for game farm applications. He said there was still intact a considerable amount of statutory criteria that address whether to issue or deny with stipulations the actual license itself. MEPA was broader than that. All

agencies presently are required to meet the requirements of MEPA.

CHAIRMAN DEVLIN said the amendment would take it out.

Doug Sternberg said it would remove game farm applications from those instances such as parks, national parks and wildlife refuges.

SEN. HARGROVE said it seemed to him they could not require the whole review, which is a formal thing that requires a lot of things that are not essential. He said the practical side of him thought there should be an environmental review or an EA when things were pointed out that needed to be looked at.

{Tape: 1; Side: B; Approx. Counter: ; Comments: SEN. HARGROVE was cut off while the tape was changed.}

He said the farm rights bill, if a formal EIS study going maybe that cannot be stopped by anything, but the farm rights bill will say to some extent that the public input really was not too important.

SEN. KLAMPE said he thought that would be opening it up to problems if EA's and EIS's were eliminated. He said he did not think it was necessary to do that. He said **SEN. TVEIT** could give in on that and say they owe it to the people out there to be careful.

SEN. TVEIT replied he did not plan on giving in.

CHAIRMAN DEVLIN asked if all agencies under MEPA had the same time schedule as the FWP?

Doug Sternberg said MEPA was a self contained act. Every recommendation or report on proposals for projects, programs, legislation, and other major actions of state government significantly effecting the quality of the human environment. He said that was the criteria. The legislature authorizes and directs to the fullest extent possible all agencies of the state except for the Department of Public Service Regulation.

Paul Sihler said that MEPA required by statute that FWP must provide 30 days for a public comment period on the draft of an EIS. Then they have to make changes to the draft and then allow another 15 days of review of the final EIS. If the 120 days is changed to 60 days that leaves FWP only 15 days to prepare the EIS and make changes and prepare a final EIS. That is why there is a difference in the time frame. He said that a lot of that time is not spent doing study, but spent complying with the public notice comment requirements that are specified in statute.

SEN. NELSON asked what if she bought 40 acres and bought a few cows, does she have to go under MEPA for that?

Doug Sternberg replied no, it is dealing with government actions, actions of the state, and all agencies of the state.

Paul Sihler said it is the license that determines the MEPA. A private individual is not under MEPA.

SEN. KLAMPE asked if there was any precedence for changing MEPA?

CHAIRMAN DEVLIN said they were discussing the proposed amendment. The committee was interested in the time frame it took to get the permit.

Doug Sternberg said the amendment would not actually amend the provisions of MEPA, but would provide specific exclusion.

SEN. KLAMPE asked if there was any precedence for specific exclusion.

Doug Sternberg replied there was and had been some cases.

CHAIRMAN DEVLIN asked if there was any reason FWP could not respond to the applicant sooner than 30 days.

Karen Zackheim replied typically they do and the 30 days was the maximum because they do not have staff that are dedicated to working on EA's. They give them time to do that work.

CHAIRMAN DEVLIN asked what the subcommittee wanted to do on that amendment? It takes MEPA partly out. He said they did not have to decide on the amendment right away, but they could wait and recommend something to the whole committee.

SEN. KLAMPE said he had about five or six other topics that he would like to address.

CHAIRMAN DEVLIN said they would finish the topics they had first and then move on.

SEN. KLAMPE stated he did not think his bill had been addressed as much as SEN. TVEIT'S bill.

CHAIRMAN DEVLIN said the subcommittee had decided they did not have much support for SB 173 (the phase out portion of the bill).

SEN. KLAMPE replied there were regulations in SB 173 just as there were in SB 215. There were definitely a few he would like the subcommittee to consider.

SEN. NELSON suggested the subcommittee take a break for dinner and then meet later tonight.

CHAIRMAN DEVLIN said the subcommittee would reconvene at 7:30 p.m. and then finish the discussion.

Discussion :

The committee began at 7:30 P.M..

CHAIRMAN DEVLIN said if they were going to leave the MEPA with the department, the only other way they can get away with it was if some of the licensing was to go to the advisory board.

SEN. NELSON asked if the licensing should go to the board?

CHAIRMAN DEVLIN replied he thought they ought to do it that way. He thought Colorado might do it that way.

SEN. HARGROVE asked if they were talking about the advisory board?

CHAIRMAN DEVLIN said that was correct.

SEN. NELSON asked if they would actually do the licensing or recommend them for licenses?

CHAIRMAN DEVLIN said the board would approve the game farm license. He said that maybe they should just put MEPA back into the bill and go onto the House and in time it would probably end up in a conference committee and at that time it could be discussed again. By that time more research could be done on how other states went through the process.

Doug Sternberg said there were many occupational licensing boards that are generally associated with the Department of Commerce.

Paul Sihler said there were some that granted permits and it was also more than just the duties of an advisory council.

Doug Sternberg replied that would be beyond the scope of an advisory council.

CHAIRMAN DEVLIN asked the subcommittee what they thought.

SEN. NELSON said they did not have a lot of choice.

CHAIRMAN DEVLIN said the bill still had a long way to go through the legislative process. If it passed the Senate it still had to go to the House.

EXECUTIVE ACTION ON amending to put MEPA back into the bill plus
the 120 days

Motion:

SEN. HARGROVE moved to put the MEPA back in.

Discussion:

CHAIRMAN DEVLIN asked about changing the 120 days to 60 days.

Doug Sternberg said he thought it was necessary to have that length of time.

CHAIRMAN DEVLIN said they would put the MEPA back in plus the 120 days.

SEN. NELSON said that was alright with her. She said that was not the last of the bill.

CHAIRMAN DEVLIN asked for the vote.

Vote:

The MOTION CARRIED UNANIMOUSLY.

Doug Sternberg said both SB 173 and SB 215 as introduced had a provisions that allowed the department to assess in SB 173 the entire fee process within the context of the rule making process, SB 215 addressed fees by leaving the basic initial renewal fee and annual renewal fee in place and allowing the department to assess an additional administrative fee.

CHAIRMAN DEVLIN said they were working with two departments.

SEN. TVEIT said SB 215 addressed the department as being the Department of Livestock. He said that he thought differently of his amendments presently as when they were introduced because there are two departments.

CHAIRMAN DEVLIN asked what the fees amounted to in SB 215?

Doug Sternberg said the Governor's amendments took out the fees section, which left them the way they were presently.

CHAIRMAN DEVLIN asked if they were sufficient presently?

SEN. TVEIT said according to his they were. His amendment said there was a \$200 annual renewal fee and in addition to license fee set up the department they may charge an administrative fee to be determined by rule that was commensurate with the cost of administrating the provisions of the act.

CHAIRMAN DEVLIN asked if they would have to separate the fees also because there were two agencies working on the project.

Doug Sternberg replied in present law the Department of Livestock for livestock inspections, and tagging and identification process that they now have rule making authority to charge a fee that was sufficient to cover the costs of doing that job. FWP presently charges only the initial fee and the annual renewal fee. The department that was referred to in section 411 is FWP and they

would be charging and collecting the fees under that particular part. For inspection fees the Department of Livestock would cover them the same as any other livestock. They are already able to collect a fee that would cover their costs.

CHAIRMAN DEVLIN asked **Cork Mortensen** if he felt they were covered.

Cork Mortensen said presently they charge \$50 per animal for the marking and a \$3 inspection fee and then \$5 per head for per capita fee.

CHAIRMAN DEVLIN asked if that would cover the expenses in the way the bill was now set up.

Cork Mortensen said they would purchase the tags and then be reimbursed by the industry.

CHAIRMAN DEVLIN asked if they were able to cover what the tags and the tattooing cost?

Cork Mortensen replied they were.

Doug Sternberg said the Department of Livestock had the authority to charge a similar commensurate fee. FWP presently are limited by statute, but the idea in both SB 173, and SB 215 is to allow the department to charge an administrative fee and those are set by rule that would be commensurate with the cost of administering the part.

CHAIRMAN DEVLIN said there was something along the lines of a registration rather than a license. They would be registered. A game farm would be registered rather than licensed. He said if they were to be registered then the advisory board could probably register them. The licensing has to be done by the department.

SEN. KLAMPE said he did not have any problems with this part of SB 215 and that was similar to SB 173.

SEN. TVEIT said under the new structure that amendment was null and void because he was not leaving it in their because there was a new department running it. It was no longer the Department of Livestock and as far as he was concerned the amendment was null and void.

CHAIRMAN DEVLIN asked which one?

SEN. TVEIT replied it was number two.

CHAIRMAN DEVLIN asked if it was the **TVEIT** amendments to the license fees.

SEN. TVEIT said that was the one that was null and void.

CHAIRMAN DEVLIN asked **SEN. TVEIT** what he proposed the subcommittee should do with that?

SEN. TVEIT said now they have two bosses and now two sets of fees. How much is that going to cost? He said that would be higher than before if both departments were setting fees. He said that was his concern with leaving the amendments in place.

CHAIRMAN DEVLIN asked **SEN. TVEIT** what was in place of the amendment?

SEN. TVEIT replied there was nothing. The Governor struck them out and he agreed with that action.

SEN. KLAMPE said there were already two sets of fees. The FWP charges for the renewal fees and the initial fees and the Department of Livestock charging their fees. He did not think that was a problem. He said they just learned the Department of Livestock was alright with their fees and they just need to come up with some equatable level of fees for the FWP. **SEN. TVEIT** wrote the same language that he did in the original bill although the department was now changed.

CHAIRMAN DEVLIN said **SEN. TVEIT** trusts the Department of Livestock a lot more than he trusts the FWP.

SEN. KLAMPE said the wording was the same, but not the name of the departments.

CHAIRMAN DEVLIN said the \$200 and the \$50 were existing law.

Paul Sihler said they were looking at costs of \$150,000 right now and any revenue that comes in is \$3,000 to \$4,000. The fiscal note came out similar to what they think their costs are. He said there was a mistrust by the industry in having FWP establish fees by rule and he asked that the fees be changed in statute rather than by rule.

CHAIRMAN DEVLIN said they would still have to go through the appropriations process before a decision was reached.

SEN. TVEIT said the registration was a concept that he was not aware of and he did not know how it would fit.

CHAIRMAN DEVLIN said the subcommittee had a deadline on that because of two other subcommittees.

SEN. KLAMPE said if they put that in statute it would create problems in the future. The fees should be set by rule and trust the FWP. Maybe something can be put in the law to monitor them as a legislature, but if it was put in statute they will have to come back and change it again.

CHAIRMAN DEVLIN said they put the game fees in statute and they come back every once in awhile and change those. He asked if the subcommittee wanted to put a hard figure in there?

SEN. NELSON said they would have to have some suggestions on what the figure would be.

CHAIRMAN DEVLIN said there was quite a large amount the FWP said from \$100,000 to \$150,000.

Paul Sihler replied that he was just looking at the fiscal note.

SEN. HARGROVE said they could leave it as it presently is.

CHAIRMAN DEVLIN said as in the Governor's amendments, to strike that out of the bill.

Doug Sternberg said the Governor's amendments take that section out. It would leave it at \$200 and \$50.

SEN. HARGROVE said in the point they are doing here it seems that might be as reasonable a thing as there is.

SEN. NELSON replied that she did not know how the subcommittee could do any better.

EXECUTIVE ACTION ON an amendment to take that part out of the bill and the fees will remain as they presently do.

Motion:

CHAIRMAN DEVLIN moved to leave that part out of the bill and leave the fees as they presently are.

Discussion:

None

Vote:

The MOTION CARRIED UNANIMOUSLY.

Discussion:

Doug Sternberg said there was a suggestion and an amendment prepared by SEN. KLAMPE in regard to a tuberculosis (TB) infected herd.

CHAIRMAN DEVLIN said he understood the Department of Livestock could presently kill out a herd. The only thing they cannot do would be to provide compensation for the game farmer.

Cork Mortensen said there was not a method of compensation for the infected herds.

CHAIRMAN DEVLIN said they could kill them all right now.

Cork Mortensen replied they have been killing them.

CHAIRMAN DEVLIN said they could include that in the statement of intent that the Department of Livestock will carry that out. Would that be acceptable?

Cork Mortensen replied yes. If they want to clean up disease they will have to kill the animals and work on the ones that were left.

SEN. KLAMPE said he had conversations with **Mitch Essy** and he sent him studies on getting rid of TB. It was his opinion the only way to do it would be to depopulate the herd when TB was found.

CHAIRMAN DEVLIN said to put it into the statement of intent for them to do that would be sufficient because they have the law to do it now. The only thing they cannot do would be to compensate the game farmer for the animals.

SEN. KLAMPE said whatever it would take to enact that principle would be important.

SEN. NELSON asked where the funding came from when compensating the cattleman when they depopulate those herds.

Cork Mortensen replied there was a federal indemnity for not for elk. He said **SEN. KLAMPE** was talking about killing all of the negatives in a game farm herd. **Cork Mortensen** said that was up to the game farmer. He can get rid of the positive animals and continue to retest. They are doing that. Infected herds have been cleaned up by removing the reactors and retesting.

SEN. KLAMPE replied that was not the way **Dr. Essy** recommends getting rid of TB. He said the only way to ensure they are rid of TB would be to depopulate the herd and he recommends it.

SEN. KLAMPE said total depopulation, not test and slaughter. **Cork Mortensen** said in domestic cattle that was done but it does not have to be done.

CHAIRMAN DEVLIN asked if it did not have to be done in domestic cattle. He asked if he had TB in his cattle would they depopulate all of them?

Cork Mortensen said the cattleman would because they could be compensated.

SEN. NELSON said perhaps that was why the cattleman would depopulate the herd because they had the compensation.

CHAIRMAN DEVLIN said they should be depopulated.

SEN. TVEIT asked who was going to pay for the loss? The only reason the rancher does it would be because they were getting paid for it. Why penalize the game farmer by saying they have to get rid of the entire herd and take the loss if they clean up the elk herd by taking out the infected ones.

CHAIRMAN DEVLIN asked if they stayed in the quarantined pen at that time?

Cork Mortensen replied they all remain under quarantine.

CHAIRMAN DEVLIN asked if the entire bunch remained in the quarantine pen?

Cork Mortensen replied the whole herd did.

CHAIRMAN DEVLIN said they were in a quarantine pen within the enclosure itself.

SEN. KLAMPE said while the animals had been in quarantine TB had gotten out from the game farms into the wild. That occurred in Hardin, Mt. While the animals were in quarantine in Philipsburg, Mt. some escaped. The subcommittee had that to consider also, it was a time factor. SEN. KLAMPE said according to Dr. Essy the reason there is still Tb in cattle in Montana is because it has not been approached from the angle of total depopulation. He said that depopulation was necessary to get rid of TB.

CHAIRMAN DEVLIN asked if there was TB presently in the state of Montana?

Cork Mortensen said there was TB in game farms, but not in cattle.

SEN. KLAMPE replied Dr. Essy was talking about the United States of America.

CHAIRMAN DEVLIN asked if Dr. Essy had been to Montana?

SEN. KLAMPE replied he was sure he had.

CHAIRMAN DEVLIN asked when?

SEN. KLAMPE said he did not know if that was a relevant point here.

CHAIRMAN DEVLIN said it was relevant to him.

Karen Zackheim replied Dr. Essy was in Montana last year.

CHAIRMAN DEVLIN asked what he did while he was in Montana.

Karen Zackheim replied he was part of the discussions and decisions about what to do in the Hardin area.

CHAIRMAN DEVLIN said **Dr. Essy** must have had some contact with the Department of Livestock.

Karen Zackheim replied he did and they all were together. She said on the TB quarantine for an elk herd is not necessarily required that the herds be all kept within the quarantine facility. They just need to be kept on the game farm premises and no movement without the permission of the Department of Livestock. She said many of the quarantine facilities are not sufficient to hold an entire herd of animals.

Cork Mortensen replied that was correct. He said there were no infected TB animals presently in the state. He said there was still a quarantine herd that is pending further tests. There are no reactors out there.

CHAIRMAN DEVLIN asked if he was talking about elk?

Cork Mortensen replied that was correct.

CHAIRMAN DEVLIN asked what the committee thought?

SEN. HARGROVE said if a statement of intent is adequate then that's what they have to do. He heard the industry say they were not looking for compensation and they would do what they had to. He said that if there was not a demonstrated need to kill all of the animals they should not do it.

SEN. NELSON said that was her thought also. She asked how often they tested the quarantined animals to make sure that TB had been eradicated?

Cork Mortensen replied about the prescribed policy of retesting and he was not sure of the number of days and after there are three consecutive negative tests then the quarantine is released and there are five annual tests.

CHAIRMAN DEVLIN said that would go on for a considerable amount of time.

Cork Mortensen said there would be a total of nine tests.

CHAIRMAN DEVLIN asked if that was nine tests before they were declared free and clear.

Karen Zackheim said that was not nine tests before the quarantine was lifted. She said the quarantine was lifted before the other tests.

Bob Spoklie replied they had a testing protocol and since then there had been three negative assurance tests and there were three more tests to be taken before they were free and clear.

Cork Mortensen said the disease control people were essentially certain that the disease had been rid of then they would be free and clear.

SEN. KLAMPE said the problem was they were never sure and that is why it keeps popping up.

CHAIRMAN DEVLIN replied they are never sure of a lot of things.

SEN. KLAMPE said in response to **SEN. HARGROVE**, there is a distinct problem in waiting that long with TB in a game farm and that is the danger and the threat to the wildlife. **SEN. KLAMPE** said he was here to protect the wildlife. There had been TB escape into the wild from a quarantine game farm. If there would have been total depopulation immediately perhaps there would not have been TB in the wild. TB in the wild is not something to ignore, it is something that cannot be controlled.

CHAIRMAN DEVLIN asked if they could go to a court of law and say that is where the TB came from?

Karen Zackheim replied she believed they could say that.

Paul Sihler replied they were not the experts, but the conclusions that came out of Hardin would be where it came from. He said there could be some DNA testing to TB infected animals to find out where it came from.

Cork Mortensen said he had never heard of them speak of the DNA issue and they were not sure of it.

SEN. HARGROVE said they have to accept the experts opinion at some point and believe them if they say they are done with it. They have to have the standards set by the medical and scientific people and they should accept that.

CHAIRMAN DEVLIN said they were talking about putting it into the statement of intent.

Doug Sternberg asked if in the statement of intent they would include a provision with regard to the rule making authority of the Department of Livestock. The legislature would intend that if TB is found in a game farm herd it is the intent of the legislature any animal that tested positive would be immediately killed and the standard quarantine procedure the Department of Livestock presently has in place be continued. He asked if they were not going with the total depopulation?

SEN. NELSON replied that was her understanding.

CHAIRMAN DEVLIN asked if that was alright with the committee?

Doug Sternberg said that **SEN. TVEIT** had included a provision in SB 215 and the Governor had no problem with that. **SEN. KLAMPE** did not address the issue of whether or not reindeer should be considered in the definition of game farm animals. It's on page two of SB 215. He asked if he could assume that the subcommittee would also want to include that?

SEN. NELSON asked if they had a date?

Doug Sternberg replied no they have not. This was a new section. He said the department may have addressed that by rule, but this would clarify it by statute that a reindeer was a game farm animal.

CHAIRMAN DEVLIN asked how the reindeer got in there?

Karen Zackheim replied they were a clothed ungulate by definition.

CHAIRMAN DEVLIN asked if they were crossing any of the others?

Karen Zackheim replied that no they were not. They are actually a restricted species.

CHAIRMAN DEVLIN said the caribou were already in and he asked if there were any problems with that?

SEN. NELSON asked if the reindeer had been managed up to now?

Karen Zackheim replied they have been managed and have been included under game farms by rule making.

Doug Sternberg replied they came under other.

SEN. HARGROVE asked if there were wild reindeer? He said there were other animals that were possibilities.

Karen Zackheim replied they were exotic species that were regulated.

SEN. TVEIT said he took out black bears and mountain lions and the Governor put it back in again. He asked why the department wanted to consider them under the definitions of a game farm animal?

Karen Zackheim replied they had been regulated as carnivores under the game farm statutes for many years now.

SEN. TVEIT asked if that was why they should stay in there?

Karen Zackheim replied they did not fall under the fur bears.

Paul Sihler replied if they took them out there would be no way for them to record a frame work for them. There are game farms that only have carnivores on them.

CHAIRMAN DEVLIN stated they have separated the control of those. The FWP has to take care of the carnivores. He asked if it was picked up somewhere else on the amendments on carnivores?

Doug Sternberg stated the Governor's amendments address those by putting them back in. Both bills leave reindeer as a statutorily classified animal.

CHAIRMAN DEVLIN said the carnivores were still in and they were not taken out.

Doug Sternberg replied SB 215 would have taken them out and the Governor's amendments put them back in. Since they have clarified this, FWP will continue to have inspect and regulate carnivores, there would be not reason that they could not put them back in.

CHAIRMAN DEVLIN asked if it would be the consensus of the committee to have the carnivores listed, but under the control of FWP. He asked if the committee also wanted the reindeer put in definition? After hearing no objection they would put them in.

Doug Sternberg replied section 410 was consistent with the Governor's amendments and that will be left intact with the clarification now that the FWP was required to remove the base number of game farm animals etc. In subsection five they would be striking the administrative costs incurred by the department must be reimbursed by the applicant. The next one would be in section 11 there is one discrepancy of the amendments by **SEN. TVEIT** and the Governor's office that deal with the dispatch of escaped animals. Both bills change the notification from "a reasonable time" to "within 10 days of notification". **SEN. TVEIT's** amendments have inserted either the FWP or the Department of Livestock to be allowed to kill the animal. **SEN. TVEIT's** amendments have extended authority to both departments for taking care of escaped animals and the Governor's amendments return the section to the way it was with the exception to the 10 day notification.

CHAIRMAN DEVLIN asked if there was a difference?

Doug Sternberg replied that SB 215 on page 10 includes both of the departments in both places. The Governor's amendments return the authority for dealing with escaped animals to FWP. The only change in the Governor's bill would be the part about "a reasonable time" which is common in both bills.

SEN. TVEIT asked where it said both departments in section 11?

Doug Sternberg replied that under SB 215 the department was referring to the Department of Livestock and then FWP was included so both departments are references there.

CHAIRMAN DEVLIN asked if they wanted to include both departments in the bill? He asked Cork Mortensen if they wanted to chase the escaped animals? He said they would probably be interested in updating the records.

Cork Mortensen replied they would get that information from FWP.

SEN. NELSON asked why they would prefer one department over the other or why they would want both?

Paul Sihler replied they would be happy to have the authority, but there was not a lot of success in chasing down the escaped animals.

Doug Sternberg replied the authority presently rests with FWP.

CHAIRMAN DEVLIN said that if they did nothing in this would it remain the same.

Doug Sternberg replied that except for the "within 10 days notification" presently it is "within a reasonable time". He said they were clarifying that.

CHAIRMAN DEVLIN asked what the department thought?

Karen Zackheim said that reasonable time has been interpreted as when the game farm finds out the animal was missing. When they find out the animal was missing then FWP would be notified.

CHAIRMAN DEVLIN asked if they would be satisfied with ten days.

Karen Zackheim replied there had not been a lot of problems with the reasonable time.

CHAIRMAN DEVLIN said that in a reasonable time they could shoot the animal.

Karen Zackheim replied if they were found outside within a reasonable time the animal could then be shot.

CHAIRMAN DEVLIN asked what happened to the meat when an animal was shot?

Karen Zackheim replied there had not been any shot like that. More frequently they were shot by hunters. They do not have to use their tags on a game farm animal that had escaped.

Doug Sternberg replied that if an escaped animal could not be captured it becomes the property of the state.

CHAIRMAN DEVLIN asked what the committee thought? Ten days or do they think it should be left at a reasonable amount of time.

{Tape: 2; Side: A}

CHAIRMAN DEVLIN said they thought reasonable time was fine since there had not been any problems with it.

Doug Sternberg said he would just strike that section from the bill.

SEN. KLAMPE said when the subcommittee was ready he had some things that he wanted to address.

CHAIRMAN DEVLIN replied he thought they would get through what they were doing and then he would have that opportunity. **CHAIRMAN DEVLIN** said the importation had been fairly well covered. He asked if they had done any criteria on the issuance of a license, fencing and closure requirements?

SEN. HARGROVE replied it did not look like it had been changed. He said that was the responsibility of FWP.

CHAIRMAN DEVLIN replied the interior quarantine would be the responsibility of the Department of Livestock and the exterior fence would be the responsibility of FWP.

Doug Sternberg said they had decided to leave the importation restrictions as they are presently. The Department of Livestock or FWP may restrict for importation of species that are determined to pose a threat to native wildlife or livestock.

CHAIRMAN DEVLIN asked if there could be a way to involve the advisory board into the fencing requirements? He asked if FWP would have a problem with the council being an advisory as to what would be the proper fence.

Paul Sihler replied the vehicle for that would be rule making. The advisory committee would be involved in the rule making process. He asked if the advisory council would do the inspections?

CHAIRMAN DEVLIN replied not the inspections, but the guidelines to determine what an acceptable fence would be.

SEN. TVEIT said with FWP doing the licensing and the MEPA and all of that should belong to the Department of Livestock.

SEN. KLAMPE asked what the rational?

SEN. TVEIT replied he thought there had been the biggest problem with fencing with FWP and all the problems to ever come about. The lack of management, the lack of their wanting to check the fences, months and months they do not come out and check the

fences. He said there was a real problem of someone getting the fences up and FWP could still look at them. He said that is the reason he is here with the bill is because of the problems in that area.

SEN. KLAMPE asked to hear comments from FWP.

Paul Sihler said he suggested if they were going to give fencing then they should give them permitting because the permitting is the fencing. A game farm license must be issued if the applicant has properly fenced the perimeter of the land upon which the game farm would be located.

CHAIRMAN DEVLIN said the problem was with the criteria of proper fencing. He said he did not know who was inspecting the fences, but there were different ones across the state.

Paul Sihler said it was a standard that was put in statute last time. The fence must prevent ingress and egress. There is some variety there. There is a standard rule of an 8-foot fence.

CHAIRMAN DEVLIN asked if they received complaints about the fences?

Karen Zackheim replied they had problems with fences. One game farmer put up the fence before going through the application and did not communicate. He ended up putting the fence up off the ground and the rules say his fence must go to the ground and extend to eight feet. This ended up causing difficulty and they had to visit him and try to resolve the issues.

CHAIRMAN DEVLIN asked if they sent a criteria to everyone who wanted to go ahead and fence an area?

Karen Zackheim stated they all have a set of the rules. There had been misunderstandings from that and it would be beneficial to work on the descriptions so they were clear for everyone.

SEN. NELSON asked if the game farmers loose their licenses?

Karen Zackheim replied there had been one license revoked for repeat escapes of animals and inadequate fencing.

SEN. KLAMPE said in 1994 there were twenty-one escapes and four cases of ingress into the game farms.

CHAIRMAN DEVLIN asked if that information came from the FWP?

SEN. KLAMPE replied yes.

CHAIRMAN DEVLIN asked if those were reported by the game farm operator?

Karen Zackheim replied that some were, but not necessarily.

SEN. TVEIT said that he had a problem when a game farmer applies for and puts up an extension to a fence on June 3 and it takes them one week before Christmas to inspect the fence. He said there was some problem there with management.

Karen Zackheim replied that particular game farm was the **Mike and Gerri Backes** game farm. There some complications where they had put the fence up before submitting the application and they did try to work with them. The did not have their quarantine facilities. When they were ready to have their fences inspected within two days the warden was there. The delay was not that the fence was not ready to be inspected earlier it was the application had not been processed.

Paul Sihler said some permitting statutes state a facility cannot be constructed until the permit has been received. That is not the same in the game farm statute. It would seem to make sense to construct the facility after they have been through the permitting process.

CHAIRMAN DEVLIN said they did not get a handbook, they just built the fence.

Karen Zackheim said that was part of the transition after the last legislature. There were changes and game farmers were not used to that.

CHAIRMAN DEVLIN said the fencing criteria seemed to be established by rule and it was clear to him. The other thing was that FWP was to go out and inspect the fence when they were done with it. The game warden who does not like to go inspect the fence may also be a factor.

Karen Zackheim said the criteria was in the handbook and they were trying to work with the people to implement the criteria in the same way. She said there were a number of game farmers who think their warden was doing a good job.

Doug Sternberg said there were two more sections that needed to be looked at as far as the discrepancy between the versions of SB 215 and SB 173. He said that section 426 in SB 215, subsection 1 would remove the language of subsection 1 (b) in regard to taking out the provision that a license may be issued only to an applicant who has not been or whose principal manager has not been convicted or forfeited a bond of \$100 or more. That language in subsection 1 (b) was reinserted by the Governor. The reason the language is still in there is because on page 13 of SB 215 the word "traditional" was changed to critical. The Governor's amendment left that word in.

SEN. HARGROVE asked what the difference was between traditional and critical?

Paul Sihler replied the intent would be that critical would be more restrictive.

SEN. TVEIT replied that critical would be a stronger criteria.

Doug Sternberg replied the Governor's amendments were fine with that change. The only thing was whether the subcommittee wanted to delete the reference in subsection 2 (b).

CHAIRMAN DEVLIN said that was the conviction and the forfeiture within a five year period prior to application.

Doug Sternberg replied that was present code. He said that was one criteria the department used in determining whether an applicant is eligible for licensure.

CHAIRMAN DEVLIN said that sounded pretty severe. If five years ago a person was fined for a game violation and then he would still not be able to get a license.

Paul Sihler said it was more than one violation.

CHAIRMAN DEVLIN said there would be five years probation for that person.

SEN. HARGROVE said that on page 14, that was the same thing.

Doug Sternberg replied that it was similar in the way it is worded, but section 15 says the department can revoke a license from a person who was responsible for two convictions. The first section deals with criteria for issuance and the second section deals with criteria for revocation. It was stricken in both places in SB 215 and reinserted in both places in the Governor's amendments.

SEN. NELSON asked if that was standard language and if it was just for game farms and not for licensing of anything else?

Doug Sternberg replied that FWP has some for general hunting and fishing licenses previous violators are on a probationary period. It was consistent with general FWP code, but as far as effecting a license, the language would be particular to game farms.

Paul Sihler replied the way it would work is if a person poached and elk once, that person could still get a game farm license, but if they poached an elk twice then maybe that person should not be able to get a license for five years.

CHAIRMAN DEVLIN replied it did not just speak to that. It was any of the FWP laws. A person could catch a trout out of season and that would be a violation.

Karen Zackheim replied it was in favor to respect the FWP laws and the state laws.

CHAIRMAN DEVLIN replied he thought that could be refined. He said he could see the point if a person poached an elk twice then maybe that person should not have an elk farm. If the person had a fishing violation then he did not know if they should not be allowed to get a game farm license.

SEN. NELSON asked SEN. TVEIT if he had strong feelings on the two convictions.

SEN. TVEIT said he had trouble with the first one.

CHAIRMAN DEVLIN said if a game farmer had a license and then had two violations, the game farmer would lose his license. The other one states in the last five years if a person had been convicted twice then they would not get a license for five years.

SEN. TVEIT replied he thought it was a little strict.

CHAIRMAN DEVLIN said if there were two violations then maybe they should be penalized.

SEN. NELSON said she was alright with that.

SEN. HARGROVE replied it was logical.

CHAIRMAN DEVLIN said they would go with the suggestion of the Governor.

Doug Sternberg replied section 427 would come out of the bill because there would be no change and section 426 would remain in the bill with the change of the word "traditional" to "critical".

SEN. TVEIT said that on section 16, the game farm advisory council was to advise the board on administration of game farms. He said there was no longer a board. He said there was FWP and that would be who they would be advising. He said they should take out the board and put the department back in there.

CHAIRMAN DEVLIN said they would advise FWP on the administration of game farms in Montana.

Karen Zackheim asked if the advisory council should advise both of the departments.

SEN. TVEIT said he thought one department needed it and the other one did not. He said the Department of Livestock knows what their job is and FWP are supposed to also.

CHAIRMAN DEVLIN said maybe it should be both.

SEN. NELSON said it should be both of the departments.

SEN. HARGROVE said it should be both of the departments.

CHAIRMAN DEVLIN said to put both of the departments in and have them advised by the council. He said the inspection and transfer is the responsibility of the Department of Livestock, disease is under the Department of Livestock, quarantine pens are under the Department of Livestock, the exterior fence is under FWP, EA and EIS and licensing are under FWP, identification would be tags, primacy would be divided.

Doug Sternberg replied they would clarify each departments primacy by rule. He said they would revise section 417 to reduce the number of required reports from three to two annually in January and July and allow FWP by rule according to their criteria to require more or less frequent reports.

CHAIRMAN DEVLIN said importation was under the Department of Livestock. He asked if they talked about animal parts and the care and maintenance of game farm animals?

Doug Sternberg said that was presently in the context of rule making authority. FWP in regard to the sale of animal parts they have the rule making authority. He said the subcommittee might like to address which agency they would like to have deal with the sale of game animal parts.

Mark Bridges replied under subsection three under definitions addresses the sale of game farm animal parts.

CHAIRMAN DEVLIN asked if that was FWP?

Doug Sternberg replied it was presently under the control of FWP.

SEN. TVEIT said it was stuck in SB 215 in his amendments.

Doug Sternberg replied it was amendment number one by **SEN. TVEIT** that would have stricken the language.

SEN. TVEIT said they sold horns in there and that would have to be in the definition.

Doug Sternberg replied that should be in there.

Paul Sihler replied the effect of that would be if a person had an elk farm and the only thing that was being done with the elk was selling the antlers the person would not be covered by the game farm statute.

Doug Sternberg asked if that would be the case if the language was stricken?

Paul Sihler replied yes.

CHAIRMAN DEVLIN asked **SEN. TVEIT** who presently had control over parts?

Karen Zackheim replied the Department of Livestock handled the inspections of the parts.

Mark Bridges replied they have inspected some parts. The game farmers brought that to their intention. They inspect the slaughtered animals and do the identification. They did inspect a batch of horns. He said they did not have a fee established for the inspection of horns.

SEN. TVEIT replied they do sell horns, but they do not sell other parts of the animal.

CHAIRMAN DEVLIN asked what happened to the hide.

Mark Bridges said they would be sold.

Doug Sternberg said neither of the bills amended the section addressing the sale of game parts, meats and byproducts. He said it was section 416 and he read it. "A game farm licensee may sell or otherwise dispose of carcass parts and byproducts of properly identified game farm animals taken from a game farm in accordance with provisions of section 87-4-415, the section that allows the Department of Livestock to make a health inspection, a copy of the health inspection must be attached to the carcass or container upon the attaching of the certificate of inspection of carcass parts or byproducts may be transported within the state to the transferee named on the certificate and the licensee may sell the game farm animal for meat upon compliance of all other health laws." He said the Department of Livestock was the agency that was statutorily involved.

CHAIRMAN DEVLIN asked if the Department of Livestock was presently the department that would do the inspection of the byproducts and the meat?

Doug Sternberg replied if the game farmer was going to sell meat it was required they were properly identified in accordance with section 415, which is the Department of Livestock's inspection authority.

SEN. TVEIT asked if that part could be struck out?

Doug Sternberg replied it could not be taken out. If it was taken out of the definition section, it would mean that a game farm animal was only in an area upon which game farm animals were kept for the purpose of obtaining, rearing, keeping or selling whole animals.

CHAIRMAN DEVLIN replied most of them agreed that the identification of the horns and the animal for meat should be under the control of the Department of Livestock.

Doug Sternberg replied that was the way it was presently.

SEN. NELSON replied they were just definitions.

Cork Mortensen said they spoke specifically to TB and he thought they should change the term to reflect other diseases that may come along. The term could be infectious diseases or something like that which cover whatever may come along.

CHAIRMAN DEVLIN replied that was reasonable to him.

Cork Mortensen replied TB was on their mind now because it was a problem area and there may be problems with something else.

CHAIRMAN DEVLIN said they should be covered for another disease. He said they could say other diseases.

Doug Sternberg replied he thought it was named. When going back to the Department of Livestock's statute dealing specifically with the documents required for importation, the Department shall issue a permit if no significant danger to the public health would come upon importation of the animal into the state and a permit cannot be issued for livestock infected with or exposed to brucellosis, TB or any other infectious, contagious or communicable animal disease unless the animal was headed directly for slaughter. He said he thought it was covered. The Tb reference was to be included in the statement of intent in clarifying the agencies rule making authority it is intended the Department of Livestock eliminate test positive animals from any TB infected herd.

CHAIRMAN DEVLIN said they needed to discuss the DNA testing. He said it would have to be put into the statement of intent. One of the departments would be taking the samples and investigate how to keep the samples and be assured they were from a specific animal without going through the thirty dollar test. He asked if they could put that into the statement of intent or did they have to?

Doug Sternberg replied if they were to address the DNA identification which was not presently part of any rule making he thought it should be addressed here. He stated **SEN. KLAMPE** had an amendment in SB 173 to one of the sections that specifically addresses that and it might be a better time to address that issue.

CHAIRMAN DEVLIN asked if the subcommittee thought they should look at the DNA identification?

SEN. HARGROVE replied he did not know if he could answer that now. He said it would seem to be quite a mandate on the game farmer as far as the facilities and the equipment such as refrigeration. He said he did not know if they were at a point where it would be practical.

CHAIRMAN DEVLIN said he did not really want to put it into law. The subcommittee could encourage them to look into it. Maybe they could just leave that.

Doug Sternberg replied he could include it in the statement of intent if they did not want to deal with it at that time. He would have both agencies take a look at the means of preserving samples for DNA identification.

CHAIRMAN DEVLIN asked **Doug Sternberg** to write something into the statement of intent.

SEN. KLAMPE said it was his understanding that they were going to cover SB 173 in the meeting also.

SEN. TVEIT replied there was an amendment offered by the Governor that said if a department denies a game farm license they can apply before the commission and take a hearing before the commission. It did not say what the commission was.

Doug Sternberg replied the commission would be the FWP Commission. It is in the general definition.

SEN. TVEIT replied that was a way for the game farmer to go over the top of the FWP if they believe they have been wronged.

Doug Sternberg replied that was present law.

CHAIRMAN DEVLIN asked the subcommittee if they wanted to work on SB 173 or that they do not except SB 173 in that form and ask that it either be tabled or discussed and a do not pass recommendation.

SEN. NELSON said she did not think they were going to concur with SB 173, but she thought there might be some suggestion to be offered by **SEN. KLAMPE** to put into the committee bill.

SEN. KLAMPE replied that he did have some more suggestions besides the ones that he had already given.

CHAIRMAN DEVLIN asked **SEN. KLAMPE** to proceed with his first amendment.

SEN. KLAMPE replied on page 7, line 21 of SB 173, a necropsy must be performed on every dead game farm animal by a veterinarian employed by the Department of Livestock or any other entity certified by the Department of Livestock. The presence of TB, brucellosis or any other disease designated by the Department of Livestock must be reported immediately to FWP and to Department of Livestock.

CHAIRMAN DEVLIN asked where that went?

SEN. KLAMPE replied he was not sure where it went.

CHAIRMAN DEVLIN asked what was on line 21 of page 7?

SEN. KLAMPE replied that was it and it was what he just read.

CHAIRMAN DEVLIN asked how long the game farmer had to alert the Department of Livestock that they have dead animals.

Mark Bridges replied they were usually right there if there was shooting.

CHAIRMAN DEVLIN asked what happened if one just died.

Mark Bridges replied around twenty-four hours.

CHAIRMAN DEVLIN asked what type of a test would they get if they were to get there after three days in the hot sun?

Mark Bridges replied there was an instance of that. An elk died in a horse trailer and the veterinarian went to look at it and it was too far along to determine the cause of death and so they did their dead animal inspection and identified the animal.

CHAIRMAN DEVLIN asked if the amendment was for SB 173?

SEN. KLAMPE stated it was his impression was to offer the best parts of SB 173 and debate them and the committee could take them or leave them.

SEN. NELSON asked what they do when they go look at the dead animal. She asked if they do any tests on them.

Mark Bridges replied they identify the animal and do a dead animal inspection.

Cork Mortensen said it was determined by how soon the game farmer discovered the dead animal. They would respond to it by doing an autopsy or assign a practitioner to do an autopsy. The validity of an autopsy would be questionable.

CHAIRMAN DEVLIN replied the amendment would designate it that the must report it immediately to the Department of Livestock and FWP.

Mark Bridges asked if the amendment would require a necropsy done on any dead game farm animal regardless of how the animal dies.

SEN. KLAMPE replied that is what it says, but if they wanted to take out the part that says if an animal gets shot that would be fine because it might not be significant. If an animal just mysteriously dies then they want to know what caused it.

SEN. NELSON asked what a necropsy was?

Mark Bridges replied it was an animal autopsy.

SEN. KLAMPE replied it was part of the responsibility of the Department of Livestock as a regulating industry if they want to fully regulate the industry.

SEN. HARGROVE asked if there was an unexplained death do they not to a necropsy now?

Cork Mortensen replied they would respond.

SEN. HARGROVE asked if a veterinarian would do a necropsy and determine the cause of death?

Mark Bridges replied not necessarily.

CHAIRMAN DEVLIN said they would identify the animal.

Mark Bridges said if the game warden wanted to know how it died he would request the necropsy and have it looked at.

CHAIRMAN DEVLIN said he could request the necropsy and the Department would do it.

Cork Mortensen replied they would either do it or assign a veterinarian to do it.

SEN. NELSON asked how many mysterious deaths there were?

Mark Bridges replied there were not many, just the one elk that died in the horse trailer last fall. He said that would be like having calves die and they could die mysteriously and the Department of Livestock would have to do a necropsy.

CHAIRMAN DEVLIN replied that would include all of those.

Cork Mortensen replied it had not been a problem in the Department of Livestock as there had not been that many cases. He said if the game farmer was concerned that the animals were valuable and he would have his practitioner check it out and they may or may not report it to the Department of Livestock.

SEN. NELSON replied they would not mess with an entire herd of elk just as a herd of livestock and the game farmer would take that responsibility themselves.

Cork Mortensen replied it would be mandatory for them to perform a necropsy on every dead animal.

CHAIRMAN DEVLIN asked the subcommittee if they should include that in the committee bill?

SEN. NELSON replied no there was not.

SEN. HARGROVE replied no there was not.

SEN. KLAMPE said the next amendment was on page 6, line 9. A game farm license for a specific facility is not transferable. He said that got into problems of having to conduct new inspections or the authority be able to do that and there is the transfer of the ownership of the game farm.

Karen Zackheim replied currently game farms can be transferred with approval of the department if the game farms are in compliance with the requirements. She said they need to be in incompliance with the rules that were in place at the time they were first licensed.

CHAIRMAN DEVLIN asked if the fences would be reinspected?

Karen Zackheim replied that was correct. They would also take out the sale ability of a license.

CHAIRMAN DEVLIN asked if the case was the farm that was under the rules for fencing and the fence was 7 1/2-foot fence and if the license was transferred they would have to make the fence an 8-foot fence?

Karen Zackheim replied it would but it was not the case for the existing game farms.

SEN. NELSON replied they could be transferred, but they had to meet a lot of requirements.

Karen Zackheim replied the only thing it did not address was bringing them into the existing requirements with the new owner.

SEN. TVEIT replied that if a father died and left the game farm to his son it could not be transferred.

Karen Zackheim replied it really could be.

CHAIRMAN DEVLIN replied it would just be like he sold it.

SEN. HARGROVE replied that paragraph two on that page and line nine through seventeen should not be stricken. The game farm would be transferable and there would be certain requirements that would have to be met.

CHAIRMAN DEVLIN said the old laws had to get the consent of the department.

SEN. HARGROVE said that would be if they met the requirements.

SEN. KLAMPE replied that under section 5 part 2 (b) there might be a problem. The departments consent must be given if the game farm was in compliance with the laws at the time the license was issued. If the license was issued when fences only had to be 7 1/2-foot and the license was transferred, then there would be a 7

1/20-foot fence transferred. He stated that was one of the problems they were trying to address with the amendment.

SEN. NELSON said it was answered by the transfer is not to be proposed as a means to evade a requirement imposed on the license.

SEN. KLAMPE stated the requirement was not imposed by (b).

SEN. NELSON replied the transfer was not proposed to evade any.

SEN. KLAMPE replied that (b) would mean that the game farmer would not be required to increase the height as his fences.

SEN. NELSON replied they were not reading that the same.

{Tape: 2; Side: B; Approx. Counter: ; Comments: Paul Sihler was speaking and was cut off when the tape was turned over.}

SEN. NELSON said the transfer might be being made from father to son. They are not trying to evade requirements imposed on the license.

SEN. KLAMPE suggested that any time the license was transferred it was used as a trigger. He said he thought the intent was to not have the transfer for another reason.

CHAIRMAN DEVLIN replied it still had to be by the approval of the department under the old language.

SEN. HARGROVE said they must get the consent of the department.

SEN. KLAMPE asked if it was the intent of the subcommittee that the game farmers could sell their licenses. He said transferring to him implies selling. He said they could sell their license.

SEN. HARGROVE along with the facility.

SEN. KLAMPE replied with whatever.

SEN. HARGROVE said he could not just sell the license.

SEN. KLAMPE asked if that was the intent of the subcommittee to include that in with game farming?

CHAIRMAN DEVLIN asked **SEN. KLAMPE** to repeat that.

SEN. KLAMPE replied that transferring could also imply selling the license. He could sell his license to a game farmer from Texas who might not be familiar with the codes.

CHAIRMAN DEVLIN said that person would have to understand the codes.

SEN. NELSON replied she understood where SEN. KLAMPE was coming from, but she thought there were a lot of game farmers who had the animals on their existing ranches. She felt what he did not understand was the feeling that farmers and ranchers have about their land. They were doing that to supplement their income to some extent, but they were not looking for the "big bucks" of selling their license to someone from Texas. She said there was a pride of ownership for their land.

SEN. KLAMPE replied they were laudable people for the most part and he did not doubt that. He said that they were writing a law.

SEN. NELSON replied she was aware of that.

CHAIRMAN DEVLIN asked if the subcommittee wanted to include that or not?

SEN. NELSON replied that she did not.

SEN. HARGROVE asked what they would be including?

CHAIRMAN DEVLIN asked if they wanted to include that latest proposal to put the language in. He replied that he was not in favor of it.

SEN. HARGROVE replied he was not in favor of it.

SEN. KLAMPE said that on page 14, penalties were too weak. Line 7, 8, and 15 were changed to existing law and this changes the penalties. He said they believed in law and order and in people paying for their departures from law and order.

CHAIRMAN DEVLIN replied that he thought they all believed in law and order. He thought the penalties were very high.

SEN. HARGROVE replied he was opposed to it.

SEN. NELSON said maybe there was a compromise area.

CHAIRMAN DEVLIN replied it was \$5,000 in existing law.

SEN. HARGROVE replied what was in existing law was sufficient punishment while still leaving the business in tact.

SEN. KLAMPE asked if line 15 was part of the amendment.

CHAIRMAN DEVLIN replied they would dispose of that amendment.

SEN. KLAMPE said that on page 15, lines 26-30. In Alberta, Canada when the elk herds contracted TB, the province spent around 16 million dollars to compensate owners and he did not think Montana could afford that kind of risk and if they did not think Montana was headed for a catastrophe then they should not have a problem with that type of risk.

CHAIRMAN DEVLIN asked if that was up to line one page 16? He said that anytime they try to immune government from suit it does not work. He asked if that would be similar to the other immunities from suit.

SEN. KLAMPE said it would require 2/3 vote to pass and once it was passed anything they pass as a legislature would be considered to be constitutional. He said he also knew that anything could be sued.

Doug Sternberg said section 25 on page 17 addresses the constitutional requirement that any bill that limits governmental liability requires a vote of 2/3 of members of each house for passage and if that vote was obtained then the grant of immunity by the legislature would be considered constitutional. The section was raised in the context that because a limitation on liability was imposed it recognizes the constitutional requirement that a 2/3 vote be obtained and if it was not obtained that section would be stricken from the bill so they would not be passing an unconstitutional bill.

SEN. HARGROVE said it if works and the vote was there then it would be in and if the vote was not there then it would be stricken from the bill. He said it did not seem as if they would have anything to lose.

CHAIRMAN DEVLIN asked if they would want to propose it to the entire committee on Agriculture and have them make the decision on that?

SEN. NELSON replied yes.

CHAIRMAN DEVLIN replied if the entire committee wanted to put that in then that would be their decision.

Doug Sternberg replied he would prepare that as a separate amendment.

SEN. KLAMPE said he would pass on anything else that he had.

ADJOURNMENT

Adjournment: 9:40 p.m.



SENATOR GERRY DEVLIN, Chairman



JENNIFER GAASCH, Secretary

GD/jg

MONTANA SENATE
1995 LEGISLATURE
AGRICULTURE COMMITTEE
SUBCOMMITTEE MEETING

ROLL CALL

SB 173 & SB 215

DATE

2-7-95

5:00 P.M.

NAME	PRESENT	ABSENT	EXCUSED
SUBCOMMITTEE CHAIRMAN GERRY DEVLIN, VICE CHAIRMAN	X		
TOM BECK			
DON HARGROVE	X		
RIC HOLDEN			
REINY JABS			
GREG JERGESON			
LINDA NELSON	X		
BOB PIPINICH			
CHUCK SWYSGOOD, CHAIRMAN			