

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE, LIVESTOCK & IRRIGATION

Call to Order: By CHAIRMAN JOE BARNETT, on February 16, 1995, at
3:17 P.M.

ROLL CALL

Members Present:

Rep. Joe Barnett, Chairman (R)
Rep. John "Sam" Rose, Vice Chairman (Majority) (R)
Rep. Don Larson, Vice Chairman (Minority) (D)
Rep. Jon Ellingson (D)
Rep. Dick Green (R)
Rep. Harriet Hayne (R)
Rep. Rick Jore (R)
Rep. Gay Ann Masolo (R)
Rep. Judy Murdock (R)
Rep. Karl Ohs (R)
Rep. George Heavy Runner (D)
Rep. William M. "Bill" Ryan (D)
Rep. Dore Schwinden (D)
Rep. Robert R. Story, Jr. (R)
Rep. Jay Stovall (R)
Rep. Lila V. Taylor (R)
Rep. Cliff Trexler (R)

Members Excused: Rep. Ken Wennemar

Members Absent: None

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

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

Committee Business Summary:

Hearing:	HB 564	
Executive Action:	HB 445	DO PASS AS AMENDED
	HB 520	DO PASS AS AMENDED
	HB 564	DO PASS

EXECUTIVE ACTION ON HB 445

Motion: REP. RYAN MOVED HB 445 DO PASS.

Motion: REP. ROBERT STORY moved to amend HB 445 with the Grady amendment.

Discussion:

REP. KARL OHS asked if this was the same amendment that was presented the other day. **Connie Erickson** replied they were not. She said the amendments that were passed out were the sets of amendments that were not being considered by the committee. The changes added the outfitters back onto the advisory council and the council would then go from 9 to 10 members. One of the members would be an outfitter. The members of the council would serve for three years, staggered terms and no member of the council could serve more than two consecutive terms.

One additional change on page 5, line 17, regarding production tonnage reads "production tonnage of processed forage". Those were the additional amendments REP. GRADY asked the committee to add. Then there were a second set of amendments by REP. SLITER which would be discussed later.

REP. STORY said he hadn't analyzed all the amendments in detail, but he was concerned about the ten-member board to regulate certified weed-free forage, and only four members were going to be producers. He thought the producers might not have a problem with that, but said there does not appear to be control by those in the industry.

REP. KARL OHS replied to the concerns. He said that in this weed-free seed hay program, the problem would not with the growing of it, but where to market it. That was why there were so many other outfitter members on the council because producing it was only half the program. The other half was where it was consumed in the backcountry.

REP. DON LARSON pointed out that most of the regulatory boards consist of seven members. This seems to be a nice workable number since an even number seems to be a problem.

REP. GAY ANN MASOLO clarified that there would be four producers, two weed applicators, one MSU, one outfitter, so he wondered who the ninth member was. **Gary Gingery of the Department of Agriculture** explained the membership would be the director of the department, four producers representing different geographic areas, one member representing the processing of forage and of pellets, one member representing the livestock or agricultural industry, two members representing county weed districts and one member representing the outfitter and guides organization. It was then explained the director of the department typically would not vote and that nine members worked fine as a board.

Vote: The amendment carried on a voice vote with one no vote by REP. HEAVY RUNNER.

Motion: REP. RICK JORE MOVED THE SLITER AMENDMENT.

Discussion: REP. PAUL SLITER asked that the first and the third amendment be struck out. This would leave 2, 4, 5, and 6 on his amendments. The Chairman clarified those amendments which were drafted February 16, 1995 called the Sliter amendments and were referring to 2, 4, 5, and 6 with 1 and 3 struck out. He asked for any discussion on the amendments.

REP. GEORGE HEAVY RUNNER asked for an explanation by REP. SLITER regarding the amendment. REP. PAUL SLITER explained that in amendment number 2, in the first set of amendments by REP. GRADY on page 3, line 19, stated "and who would represent different geographic areas in the state" was added. He said the producers in the Flathead Valley felt the weed districts should be represented by different geographical areas within the state. He said in amendments number 4 and 6, the Flathead Valley producers felt if they were going to have a board, the Department should be able to act on the advice of the council rather than act strictly on their own and they just wanted to make sure the board has that kind of authority.

REP. BILL RYAN commented the sponsor agreed with the amendments and urged the committee to pass them.

REP. LILA TAYLOR stated the amendment would strike "f" in its entirety, on page 5, line 17. She asked if there would be no fees on tonnage of processed forage.

REP. SLITER explained the Grady amendment would add production tonnage of processed forage would be determined. He said, "the folks back at the Flathead felt if we could get rid of the production tonnage fees altogether."

REP. JUDY MURDOCK commented the fees were generally charged by the acre rather than by the tonnage. As a result, they don't need the tonnage fee because they were charged a fee by the acre.

REP. SAM ROSE asked who would be financing the fees, since this would be a ten-member board. He said there would be an expense on this regardless of how they look at it. He believed this would be "pulling ten people to Helena, their mileage and per diem and we have to have a means for paying for this."

REP. STORY said he was concerned since the law stated "the fees may established" and he believe that didn't read right. He stated basically the fees should cover the processing of the application, the cost of facilities, the administration and it also says that they can charge on a tonnage basis. He explained that his experience with a certified seed operation charged both per acre for their initial application and they also charged per

bushel once production increased. The reason they do that was because they were basically a self-supporting operation and that was how they would raise the bulk of their money was by fees per bushel. In addition, they charge membership dues to be a member of the organization. **REP. STORY** stated, "maybe this operation would get to that point once we wean them off of state funds, but right now apparently we are subsidizing this."

REP. MURDOCK pointed out this was a process that was ongoing and the people were doing it on their own. She said they have been charged a fee to do this for as long as ten years and before that the universities inspected it for no charge.

REP. OHS replied he was involved in this quite a bit. He explained it involved \$1 an acre depending on what the county agent thought he could get away with. A dollar an acre was about the going rate, but then the program was going well and the county agents really couldn't handle it anymore. He said this was the producers' program and if they wanted to get involved in producing weed-seed free hay, they could pay their fees. **REP. OHS** said if the market doesn't work and there isn't enough of a profit margin in the weed-seed free hay, then they don't have to participate in the program.

REP. MURDOCK said they were already charging a fee. **REP. OHS** replied he had asked Joel Flynn what he thought the fee would be and he said it might go to \$2 an acre. He said if they can't sell the product, then the program won't work.

REP. JAY STOVALL wondered after they used money to set the board up, would the fees take care of at the expense of the board.

The **CHAIRMAN** asked if there was any more discussion regarding the Sliter amendment.

The question was called.

Vote: The motion passed on a voice vote with **REP. TAYLOR** and **REP. SCHWINDEN** voting no.

Motion: **REP. OHS** MOVED HB 445 DO PASS AS AMENDED.

Vote: The motion carried unanimously.

HEARING ON HB 564

Opening Statement by Sponsor:

REP. CLIFF TREXLER, HD 59, stated at the present time, cattle were being inspected when they were taken to pasture and when they were brought back. He said it was done basically between March 31 and November 30. He explained now with the different types of ranching, cattle were moved farther and in many cases

the cattle were moved before the end of March and sometimes not brought back until Christmas. He said these dates caused problems for the person hauling cattle when the rancher had to get the cattle inspected on both ends and this at times was rather difficult. What he was asking the committee to do was on page 3, line 28 put a period of eight months and delete March 31 through November 30. He stated by doing this it would allow a rancher to have a brand inspection for hauling cattle for eight months out of the year, any time of the year. The main stipulation was a rancher could only acquire one of these in a 12-month period. He said, "We are just allowing these people to take their cattle to market and bring them back in how it best works for them."

Proponents' Testimony:

Cork Mortensen, Executive Secretary of the Board of Livestock, said they did not have any problem with the change in this legislation. He said the main concern was making it user-friendly for those concerned. As a result, the Department of Livestock would be in support of it. **EXHIBIT 5**

Opponents' Testimony: None

Questions From Committee Members and Responses:

REP. DON LARSON asked **REP. TREXLER** whether cows were taxed as personal property. He replied that they were. **REP. LARSON** asked whether taxes could be avoided by moving the cows. He asked if they were taxed in the place they were located on February 1. He replied that they were.

REP. JAY STOVALL asked if under this permit system, for example, a neighbor moved a bunch of cattle to the mountains and took them home in the fall could another request those cattle be inspected.

Marc Bridges, Department of Livestock Enforcement Division, said that yes he could and it was within the grazing permit system right now. When a person signs the grazing permit, it was not an inspection, but he would give authority to the Department to go on to either the land that he owned or controlled the pasture or his home place to go through and inspect those cattle. Even the owner could request inspection.

{Tape: 1; Side: B}

Closing by Sponsor:

The sponsor closed.

EXECUTIVE ACTION ON HB 564

Motion/Vote: REP. DORE SCHWINDEN MOVED HB 564 DO PASS. The motion carried unanimously.

EXECUTIVE ACTION ON HB 520

Motion: REP. OHS MOVED HB 520 DO PASS.

Motion: REP. OHS MOVED THE AMENDMENTS.

Discussion:

Connie Erickson explained when the bill was drafted, the ostrich producers requested a number of different areas where they wanted the ostrich included in the livestock law. So that was done, but after visiting with the Department they decided the ostrich didn't need to be included in as many laws since they were already covered under the law and did not need to be put in. The amendment goes through and strikes those sections where it was unnecessary. However, one section was added, the section in Title 15 that allows the Department of Livestock to levy a per capita tax on livestock to pay for the operation and implementation of the livestock laws. That section was amended (15-24-921) to include ostriches, rheas and emus so the Department of Livestock could levy a tax on those and use that tax to pay for the operation of the livestock laws.

REP. TREXLER asked how the taxes could be levied on poultry and bees. REP. BARNETT said that short of going out in the yard and counting them, they did it by colony.

REP. LILA TAYLOR asked the Department for clarification. Marc Bridges explained they eliminated section 1 which dealt with the powers and duties of the Department that was unnecessary. It was left in subsection (2), 81-2-701, the health and importation act for the safety of the animal. Part 4 includes sheep, goat, llamas, alpacas and that was left there. To include ostriches in there would prevent them from running at large, so that was amended out. The "forfeiture of a vehicle" portion remains in the event they get into a theft situation in another state. Probably the reason the ostriches were formerly included with poultry is because of the dog problem, however the value difference is one reason for the change to include them as livestock.

REP. STORY asked about section 3 regarding snowmobile operation on page 4 23-2 where they were not specifically named. Mr. Bridges stated this was an editing point. REP. STORY asked about the per capita tax and what the life span was on each ostrich. REP. GREEN said that they live up to 30 years and the eggs were worth more than \$1,500 a piece.

REP. ROSE said he was concerned about coming under the Livestock Department, whether someone wanted to take advantage of the protection or the addition.

REP. LARSON said that the agriculture and livestock industry were pretty adamant about protecting game farms and they have taken on certain management responsibilities regarding game farms and this was just another aspect of game. He said he thought they appropriately belonged in the Department of Livestock.

Vote: The motion to adopt the amendments carried unanimously.

Motion/Vote: **REP. RYAN** MOVED HB 520 DO PASS AS AMENDED. The motion carried unanimously.


HOUSE AGRICULTURE, LIVESTOCK & IRRIGATION COMMITTEE

February 16, 1995

Page 8 of 8

ADJOURNMENT

Adjournment: 4:07 P.M.



JOE BARNETT, Chairman



JAELENE RACICOT, Secretary

JB/jr

HOUSE OF REPRESENTATIVES

Agriculture

ROLL CALL

DATE 2/16/95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Sam Rose Vice Chairman, Majority	✓		
Rep. Don Larson, Vice Chairman, Minority	✓		
* Rep. Jon Ellingson	✓		
Rep. Dick Green	✓		
Rep. Harriet Hayne	✓		
Rep. George Heavy Runner	✓		
Rep. Rick Jore	✓		
Rep. Gay Ann Masolo	✓		
Rep. Judy Rice Murdock	✓		
Rep. Karl Ohs	✓		
Rep. Jay Stovall	✓		
Rep. Bill Ryan	✓		
Rep. Dore Schwinden	✓		
Rep. Robert Story	✓		
Rep. Lila Taylor	✓		
Rep. Cliff Trexler	✓		
* Rep. Ken Wennemar			✓
Rep. Joe Barnett, Chairman	✓		



HOUSE STANDING COMMITTEE REPORT

February 17, 1995

Page 1 of 3

Mr. Speaker: We, the committee on Agriculture, Livestock, and Irrigation report that House Bill 445 (first reading copy -- white) do pass as amended.

Signed: Joe Barnett
Joe Barnett, Chair

And, that such amendments read:

1. Title, line 7.

Strike: "STATUTORILY APPROPRIATING PROGRAM FUNDS;"

2. Title, line 9.

Following: "AMENDING"

Strike: "SECTIONS"

Insert: "SECTION"

Following: "7-22-2126"

Strike: "AND 17-7-502"

3. Page 3, line 15.

Strike: "nine"

Insert: "10 voting"

Following: "members"

Insert: "and 2 ex officio, nonvoting members"

4. Page 3, line 17.

Strike: subsection (b) in its entirety

Renumber: subsequent subsections

5. Page 3, line 18.

Strike: "one member who is a producer"

Insert: "four members who are producers"

6. Page 3, line 19.

Following: "program"

Committee Vote:

Yes 15, No 3.

411013SC.Hbk

Insert: "and who represent different geographical areas of the state"

7. Page 3, line 21.

Following: "livestock"

Insert: "or agricultural"

8. Page 3, line 22.

Strike: subsection (f) in its entirety

Re-number: subsequent subsections

9. Page 3, line 23.

Strike: "one member"

Insert: "two members"

10. Page 3, line 24.

Strike: "a member"

Insert: "members"

Following: "association"

Insert: "and who represent different geographical areas of the state"

11. Page 3, line 25.

Strike: "and"

12. Page 3, line 26.

Strike: subsection (i) in its entirety

Insert: "(g) the director of the Montana state university extension service or a designated representative, who is an ex officio, nonvoting member; and
(h) the director of the Montana state university agricultural extension service, who is an ex officio, nonvoting member."

13. Page 3.

Following: line 26

Insert: "(3) The members shall serve staggered 3-year terms. A member may not serve for more than two consecutive terms."

14. Page 4, line 12.

Following: "establish"

Strike: "forage inspection"

Following: "assessments"

Insert: "and accept other funds"

15. Page 5, line 9.

Following: "department"

Insert: ", based on the advice of the advisory council,"

16. Page 5, line 17.

Strike: subsection (f) in its entirety

Renumber: subsequent subsections

17. Page 5, lines 28 through 30.

Following: "(2)"

Strike: remainder of subsection (2) in its entirety

Insert: "The department may by contract allow for the collection of fees authorized under [section 7]. A portion of the fees collected may be retained by the collector, and the portion of the fees assigned to the department must be submitted to the department. The contract must require:

- (a) a record of the name of the person collecting fees;
- (b) a record of fees collected;
- (c) a record of the amounts submitted to the department;
- (d) a record of the amount retained by the collector; and
- (e) that all records be kept in accordance with generally accepted accounting principles."

18. Page 6, line 5.

Following: "department"

Insert: "for the administration of the noxious weed seed free forage program and"

19. Page 6, line 8.

Following: "may"

Insert: ", based on the advice of the advisory council appointed under [section 4],"

20. Page 9, line 18 through page 10, line 17.

Strike: section 18 in its entirety

Renumber: subsequent sections

21. Page 10, line 28.

Following: "9,"

Strike: "and"

Following: "18"

Strike: "through 20"

Insert: ", 19,"

-END-



HOUSE STANDING COMMITTEE REPORT

February 17, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Agriculture, Livestock, and Irrigation report that House Bill 564 (first reading copy -- white) do pass.

Signed: Joe Barnett
Joe Barnett, Chair

Committee Vote:
Yes 18, No 0.

411014SC.Hbk



HOUSE STANDING COMMITTEE REPORT

February 17, 1995

Page 1 of 2

Mr. Speaker: We, the committee on Agriculture, Livestock, and Irrigation report that House Bill 520 (first reading copy -- white) do pass as amended.

Signed: Joe Barnett
Joe Barnett, Chair

And, that such amendments read:

1. Title, line 5.
Following: "15-1-101,"
Insert: "15-24-921,"

2. Title, line 6.
Strike: "33-1-206,"
Strike: "60-7-201,"

3. Title, lines 6 and 7.
Strike: "69-14-707" on line 6 through "81-2-102," on line 7

4. Title, lines 7 and 8.
Strike: "81-4-215" on line 7 through "81-5-101," on line 8

5. Page 3.
Following: line 27
Insert: "Section 2. Section 15-24-921, MCA, is amended to read:
"15-24-921. Per capita tax levy to pay expenses of
enforcing livestock laws. (1) In addition to appropriations made
for those purposes, a per capita tax is authorized and directed
to be levied by the department on all poultry and bees, all swine
3 months of age or older, and all other livestock 9 months of age

Committee Vote:
Yes 16, No 2.

411016SC.Hbk

or older in each county of this state for the purpose of aiding in the payment of the salaries and all expenses connected with the enforcement of the livestock laws of the state and for the payment of bounties on wild animals as provided in 81-7-104.

(2) As used in this section, "livestock" means cattle, sheep, swine, poultry, bees, goats, horses, mules, asses, llamas, alpacas, domestic bison, ostriches, rheas, and emus, and domestic ungulates."

Renumber: subsequent sections

6. Page 5, line 7 through page 7, line 8.

Strike: section 5 in its entirety

Renumber: subsequent sections

7. Page 8, lines 1 through 10.

Strike: section 7 in its entirety

Renumber: subsequent sections

8. Page 9, line 15 through page 12, line 29.

Strike: sections 9 through 12 in their entirety

Renumber: subsequent sections

9. Page 13, line 24 through page 15, line 12.

Strike: sections 15 through 20 in their entirety

Renumber: subsequent sections

-END-

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Agriculture Committee

HB 445

DATE _____ BILL NO. _____ NUMBER _____

MOTION: _____

Rep Story - Amend (Gady's)

NAME	AYE	NO
Rep. Sam Rose, Vice Chairman, Majority		
Rep. Don Larson, Vice Chairman, Minority		
Rep. Jon Ellingson		
Rep. Dick Green		
Rep. Harriet Hayne		
Rep. George Heavy Runner		✓
Rep. Rick Jore		
Rep. Gay Ann Masolo		
Rep. Judy Rice Murdock		
Rep. Karl Ohs		
Rep. Jay Stovall		
Rep. Bill Ryan		
Rep. Dore Schwinden		
Rep. Robert Story		
Rep. Lila Taylor		
Rep. Cliff Trexler		
Rep. Ken Wennemar		
Rep. Joe Barnett, Chairman		

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Agriculture Committee

H/BC/45

DATE _____ BILL NO. _____ NUMBER _____

MOTION: _____

Rep Jore - Slider Amend
Amend 2, 4, 5, & 6

NAME	AYE	NO
Rep. Sam Rose, Vice Chairman, Majority		
Rep. Don Larson, Vice Chairman, Minority		
Rep. Jon Ellingson		
Rep. Dick Green		
Rep. Harriet Hayne		
Rep. George Heavy Runner		
Rep. Rick Jore		
Rep. Gay Ann Masolo		
Rep. Judy Rice Murdock		
Rep. Karl Ohs		
Rep. Jay Stovall		
Rep. Bill Ryan		
Rep. Dore Schwinden		✓
Rep. Robert Story		✓
Rep. Lila Taylor		✓
Rep. Cliff Trexler		
Rep. Ken Wennemar		
Rep. Joe Barnett, Chairman		

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Agriculture Committee

DO PASS
AS AMEND

DATE _____ BILL NO. _____ NUMBER _____

MOTION: ~~Rep. [scribble]~~ HB 443

Motion carried

NAME	AYE	NO
Rep. Sam Rose, Vice Chairman, Majority		
Rep. Don Larson, Vice Chairman, Minority		
Rep. Jon Ellingson		
Rep. Dick Green		
Rep. Harriet Hayne		
Rep. George Heavy Runner		
Rep. Rick Jore		
Rep. Gay Ann Masolo		
Rep. Judy Rice Murdock		
Rep. Karl Ohs		
Rep. Jay Stovall		
Rep. Bill Ryan		
Rep. Dore Schwinden		
Rep. Robert Story		
Rep. Lila Taylor		
Rep. Cliff Trexler		
Rep. Ken Wennemar		
Rep. Joe Barnett, Chairman		

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Agriculture Committee

HB 564

DATE _____ BILL NO. _____ NUMBER _____

MOTION: _____
 Rep Schwinder DO Pass

NAME	AYE	NO
Rep. Sam Rose, Vice Chairman, Majority		
Rep. Don Larson, Vice Chairman, Minority		
Rep. Jon Ellingson		
Rep. Dick Green		
Rep. Harriet Hayne		
Rep. George Heavy Runner		
Rep. Rick Jore		
Rep. Gay Ann Masolo		
Rep. Judy Rice Murdock		
Rep. Karl Ohs		
Rep. Jay Stovall		
Rep. Bill Ryan		
Rep. Dore Schwinden		
Rep. Robert Story		
Rep. Lila Taylor		
Rep. Cliff Trexler		
Rep. Ken Wennemar		
Rep. Joe Barnett, Chairman		

Motion
 Carried
 Unanimous

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Agriculture Committee

HB 520

DATE _____ BILL NO. _____ NUMBER _____

MOTION: _____

Rep OHS - moved Ex 4 Amends

NAME	AYE	NO
Rep. Sam Rose, Vice Chairman, Majority		
Rep. Don Larson, Vice Chairman, Minority		
Rep. Jon Ellingson		
Rep. Dick Green		
Rep. Harriet Hayne		
Rep. George Heavy Runner		
Rep. Rick Jore		
Rep. Gay Ann Masolo		
Rep. Judy Rice Murdock		
Rep. Karl Ohs		
Rep. Jay Stovall		
Rep. Bill Ryan		
Rep. Dore Schwinden		
Rep. Robert Story		
Rep. Lila Taylor		
Rep. Cliff Trexler		
Rep. Ken Wennemar		
Rep. Joe Barnett, Chairman		

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Agriculture Committee

DATE _____ BILL NO. _____ NUMBER HB 520

MOTION: Ryan

Do Pass as Amend

NAME	AYE	NO
Rep. Sam Rose, Vice Chairman, Majority		✓
Rep. Don Larson, Vice Chairman, Minority		
Rep. Jon Ellingson		
Rep. Dick Green		
Rep. Harriet Hayne		
Rep. George Heavy Runner		
Rep. Rick Jore		
Rep. Gay Ann Masolo		
Rep. Judy Rice Murdock		
Rep. Karl Ohs		
Rep. Jay Stovall		
Rep. Bill Ryan		
Rep. Dore Schwinden		
Rep. Robert Story		
Rep. Lila Taylor		✓
Rep. Cliff Trexler		
Rep. Ken Wennemar		
Rep. Joe Barnett, Chairman		

Rep Wenner Yes

I like with Rep. Lander 2/12/15-

or all action taken

Rep. Lander H. Lander

Amendments to House Bill No. 445
Introduced Reading Copy

Requested by Rep. Grady
For the Committee on Agriculture

Prepared by Doug Sternberg
February 10, 1995

1. Title, line 7.

Strike: "STATUTORILY APPROPRIATING PROGRAM FUNDS;"

2. Title, line 9.

Following: "AMENDING"

Strike: "SECTIONS"

Insert: "SECTION"

Following: "7-22-2126"

Strike: "AND 17-7-502"

3. Page 3, line 15.

Strike: "nine"

Insert: "10 voting"

Following: "members"

Insert: "and 2 ex officio, nonvoting members"

4. Page 3, line 17.

Strike: subsection (b) in its entirety

Renumber: subsequent subsections

5. Page 3, line 18.

Strike: "one member who is a producer"

Insert: "four members who are producers"

6. Page 3, line 19.

Following: "program"

Insert: "and who represent different geographical areas of the
state"

7. Page 3, line 21.

Following: "livestock"

Insert: "or agricultural"

8. Page 3, line 22.

Strike: subsection (f) in its entirety

9. Page 3, line 23.

Strike: "one member"

Insert: "two members"

10. Page 3, line 26.

Strike: subsection (i) in its entirety

Insert: "(g) the director of the Montana state university
extension service or a designated representative, who is an
ex officio, nonvoting member; and
(h) the director of the Montana state university

agricultural extension service, who is an ex officio,
nonvoting member."

11. Page 3.

Following: line 26

Insert: "(3) The members shall serve staggered 3-year terms. A
member may not serve for more than two consecutive terms."

12. Page 4, line 12.

Following: "establish"

Strike: "forage inspection"

Following: "assessments"

Insert: "and accept other funds"

13. Page 5, line 17.

Following: "tonnage"

Insert: "of processed forage"

14. Page 5, lines 28 through 30.

Following: "(2)"

Strike: remainder of subsection (2) in its entirety

Insert: "The department may by contract allow for the collection
of fees authorized under [section 7]. A portion of the fees
collected may be retained by the collector, and the portion
of the fees assigned to the department must be submitted to
the department. The contract must require:

- (a) a record of the name of the person collecting fees;
- (b) a record of fees collected;
- (c) a record of the amounts submitted to the department;
- (d) a record of the amount retained by the collector; and
- (e) that all records be kept in accordance with generally
accepted accounting principles."

15. Page 6, line 5.

Following: "department"

Insert: "for the administration of the noxious weed seed free
forage program and"

16. Page 6, line 8.

Following: "may"

Insert: ", based on the advice of the advisory council appointed
under [section 4],"

17. Page 9, line 18 through page 10, line 17.

Strike: section 18 in its entirety

Renumber: subsequent sections

18. Page 10, line 28.

Following: "9,"

Strike: "and"

Following: "18"

Strike: "through 20"

Insert: ", 19,"

Don't know
EXHIBIT 2
DATE 2/16/95
HB HB 445

HB 445
NOXIOUS WEED SEED FREE FORAGE ACT

Re: Representative Cliff Trexler's Suggested Change To Enforcement Section

Representative Cliff Trexler suggested an amendment to the enforcement section of HB 445 (section 10, page 6, lines 21 through 27). Representative Trexler suggested striking the current language and inserting, "subject to any complaints or suspicion of a violation of any portion of the act certification will be suspended until problem is solved".

There is serious legal problems with Representative Trexler's language as written. When suspending or revoking a legal right such as a license, registration or certification, the Montana Department of Agriculture is required to follow the standards outlined in the Montana Administrative Procedure Act (Title 2, chapter 4). This Act protects the interests and legal rights of Montana citizens when enforcement action is anticipated or taken by state government agencies. Under the Act the department can not revoke or suspend a license, registration, or certification without substantiated justification and following due process.

Representative Trexler's language gives the department authority to temporarily suspend a certification "subject to any complaint or suspicion of a violation". The department would not have the authority to investigate a "complaint or suspicion of a violation" to verify that, in fact, a violation had occurred. If the department suspended an individual's certification without due process, the department's action would be in conflict with the Administrative Procedures Act, and may also be unconstitutional.

Section 10 as written limits the department's authority by requiring consent or warrant to enter property, and ensures that the department follows the Montana Administrative Procedure Act. These provisions protect citizens from unacceptable agency actions.

Amendments to House Bill No. 445
First Reading Copy

Requested by Representative Sliter
For the House Committee on Agriculture, Livestock, and Irrigation

Prepared by Connie Erickson
February 16, 1995

1. Page 3, line 23.
Strike: "one"
Insert: "two"

2. Page 3, line 24.
Following: "association"
Insert: "and who represent different geographical areas of the
state"

3. Page 5, line 4.
Strike: ", if required,"

4. Page 5, line 9.
Following: "department"
Insert: ", on the advice of the advisory council,"

5. Page 5, line 17.
Strike: subsection (f) in its entirety
Renumber: subsequent subsections

6. Page 6, line 8.
Following: "department"
Insert: ", on the advice of the advisory council,"

Amendments to House Bill No. 520
First Reading Copy

Requested by Representative Fuchs
For the House Committee on Agriculture, Livestock, and Irrigation

Prepared by Connie Erickson
February 15, 1995

1. Title, line 5.
Following: "15-1-101,"
Insert: "15-24-921,"

2. Title, line 6.
Strike: "33-1-206,"
Strike: "60-7-201,"

3. Title, lines 6 and 7.
Strike: "69-14-707" on line 6 through "81-2-102," on line 7

4. Title, lines 7 and 8.
Strike: "81-4-215" on line 7 through "81-5-101," on line 8

5. Page 3.
Following: line 27
Insert: "Section 2. Section 15-24-921, MCA, is amended to read:
"15-24-921. Per capita tax levy to pay expenses of
enforcing livestock laws. (1) In addition to appropriations made
for those purposes, a per capita tax is authorized and directed
to be levied by the department on all poultry and bees, all swine
3 months of age or older, and all other livestock 9 months of age
or older in each county of this state for the purpose of aiding
in the payment of the salaries and all expenses connected with
the enforcement of the livestock laws of the state and for the
payment of bounties on wild animals as provided in 81-7-104.
(2) As used in this section, "livestock" means cattle,
sheep, swine, poultry, bees, goats, horses, mules, asses, llamas,
alpacas, domestic bison, ostriches, rheas, and emus, and domestic
ungulates.""
Renumber: subsequent sections

6. Page 5, line 7 through page 7, line 8.
Strike: section 5 in its entirety
Renumber: subsequent sections

7. Page 8, lines 1 through 10.
Strike: section 7 in its entirety
Renumber: subsequent sections

8. Page 9, line 15 through page 12, line 29.
Strike: sections 9 through 12 in their entirety
Renumber: subsequent sections

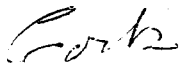
9. Page 13, line 24 through page 15, line 12.
Strike: sections 15 through 20 in their entirety
Renumber: subsequent sections

EXHIBIT 5
DATE 2/16/95
HB 564

HOUSE BILL 564

Mr. Chairman and members of the committee, for the record my name is Cork Mortensen and I am the Executive Secretary to the Board of Livestock. The Board and Department of Livestock has no problem with this legislation and while we take no official position on it, we do feel that it will alleviate a problem for a small number of producers.

Thank you for your time and consideration in this matter. If you have any questions or need more information, I should be happy to respond.



E.E. "Cork" Mortensen, Executive Secretary
To the Board of Livestock

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Agriculture, Livestock

COMMITTEE

BILL NO. HB 564DATE 2/16/95

SPONSOR(S) _____

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Larry Brown	Ag Pk. Assoc.			X
Cork Mortenson	Brd. of Livestock	564		X
MARC BRIDGES	DEPT. OF LIVESTOCK	564		X

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