

MINUTES

MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE, LIVESTOCK & IRRIGATION

Call to Order: By CHAIRMAN CHUCK SWYSGOOD, on January 11, 1995,
at 1:00 p.m.

ROLL CALL

Members Present:

Sen. Charles "Chuck" Swysgood, Chairman (R)
Sen. Gerry Devlin, Vice Chairman (R)
Sen. Thomas A. "Tom" Beck (R)
Sen. Don Hargrove (R)
Sen. Ric Holden (R)
Sen. Reiny Jabs (R)
Sen. Greg Jergeson (D)
Sen. Linda J. Nelson (D)
Sen. Bob Pipinich (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: none
Executive Action: SB 44

EXECUTIVE ACTION ON SB 44

Discussion: SENATOR TOM BECK passed out copies of the amendment and stated that the amendment proposed by SENATOR LOREN JENKINS will make the penalties in the entire bill consistent. The fines in the amendment were graduated.

Motion: SENATOR BOB PIPINICH moved to PASS the amendment.

Discussion: SENATOR LINDA NELSON asked SEN. JENKINS if the amendments were giving protection to the situation if a 4-H animal is mixed up with another person's animal the person is protected. SEN. JENKINS replied that this was correct and another problem that was being addressed was also neighboring land and the fine is then lowered for a first offense.

SENATOR REINY JABS asked if the amendment read a term of imprisonment for 6 months and a fine. **CHAIRMAN SWYSGOOD** stated that because of the way the amendment reads it states that it is a term of imprisonment, a fine or both. **Doug Sternberg** cleared up the way it was stated in the amendment.

SEN. BECK asked **Doug Sternberg** if there were codes determining what a first offense would be or if it was a lifetime record. **Doug Sternberg** replied that it would be a lifetime record of the offenses. Each offense regardless of when it occurs does constitute a conviction.

SENATOR DON HARGROVE asked **Doug Sternberg** to read the definition of negligent for clarification. He read the definition.

SENATOR GERRY DEVLIN gave a scenario of moving a person's own cattle to another pasture and in the process picked up three cattle each having different owners, would this be three different offenses? **Doug Sternberg** replied that each offense would require a conviction. Three different cattle picked up at one time would be considered one offense.

SENATOR RIC HOLDEN asked **Doug Sternberg** if a legal council would see it as a single occurrence. **Doug Sternberg** replied that this was generally correct.

SEN. BECK asked **Doug Sternberg** if the fine was \$250 or was it less. **Doug Sternberg** replied that \$250 was the maximum and a fine could be set that was less that amount.

Vote:

The amendment was passed unanimously.

Motion:

SEN. BECK moved to DO PASS SB 44 AS AMENDED.

Discussion:

SEN. JABS stated that the amendment by **SEN. GROSFIELD** concerning the trustees and managers was not a bad amendment. Having the amendment would make the managers or trustees responsible.

SEN. PIPINICH stated that **SEN. GROSFIELD** had another bill that the amendment would apply to to take care of that problem.

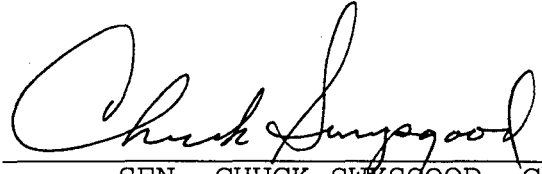
SEN. BECK stated that the amendment was addressing the buffalo.

CHAIRMAN SWYSGOOD stated that on Section 5 of SB 44 where it specifically underlines the owners in his view that it would be the owners brand that would be on the animal whether the owner was absent or not and the bill should cover those individuals also.

Vote: SB 44 PASSED with **SEN. PIPINICH** voting no.

ADJOURNMENT

Adjournment: 1:17 p.m.



SEN. CHUCK SWYSGOOD, Chair



JENNIFER GAASCH, Secretary


CS/JG

SENATE STANDING COMMITTEE REPORT

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January 11, 1995

MR. PRESIDENT:

We, your committee on Agriculture, Livestock, and Irrigation having had under consideration SB44 (second reading copy -- yellow), respectfully report that SB44 be amended as follows and as so amended do pass.

Signed: 
Senator Chuck Swysgood, Chair

That such amendments read:

1. Page 3, lines 6 and 7.

Following: "forbidden." on line 6

Insert: "(1)"

Following: "willfully"

Strike: remainder of line 6 through "negligently" on line 7

2. Page 3, line 9.

Strike: "90 days"

Insert: "6 months"

3. Page 3, line 11.

Following: line 10

Insert: "(2) A person who negligently moves or causes to be moved any cattle, horses, mules, swine, llamas, alpacas, bison, or sheep from their owner's customary range without the permission of the owner shall upon conviction be punished by:

(a) a term of imprisonment in the county jail not to exceed 6 months;

(b) a fine not exceeding:

(i) \$25 for a first offense;

(ii) \$250 for a second offense; and

(iii) \$500 for a third or subsequent offense; or

(c) both imprisonment and the appropriate fine."

-END-



Amd. Coord.

091400SC SRF

DATE 1-11-95

SENATE COMMITTEE ON Agriculture, Livestock, and Irrigation

BILLS BEING HEARD TODAY: SB 44

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
<i>Senator Loren Jansen</i>		SB44	X	
<i>Cork Mortensen</i>	Brd. of Livestock	✓	X	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY