

MINUTES

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

COMMITTEE ON AGRICULTURE, LIVESTOCK & IRRIGATION

Call to Order: By CHAIRMAN CHUCK SWYSGOOD, on March 1, 1995, at 3:30 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: HB 386, HB 212, and HB 278
Executive Action: HB 212, HB 386, and HB 137

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

HEARING ON HB 386

Opening Statement by Sponsor:

REPRESENTATIVE JOHN "SAM" ROSE, HD 87, Choteau, said HB 386 was a livestock marketing bill designed to allow the Department of Livestock to regulate the video auctions in the same manner in which it regulates the livestock auction markets and livestock dealers in Montana. He said if they were going to buy livestock in the state of Montana a person should have financial security to do so.

Proponents' Testimony:

Les Graham, representing Montana Association of Livestock Auction Markets and representing George Paul from the Montana Farmers Union, said HB 386 puts all of the marketing in Montana on a level basis. He said they have Montana Livestock involved in weekly auctions and there are also several that sponsor video auctions as well. Video Auctions are a good way to sell cattle, but there needs to be some regulation. He said there was a video auction and 200,000 cattle were consigned. The camera fee was \$3.00 per head. They averaged \$500 per head on the sale. If those people were to come to Montana and hold a video auction, the custodial account and all the funds would stay in Montana until the sale was cleaned up. All of the principals of the custodial account would be on record with the state Department of Livestock. He said they feel HB 386 is important.

Cork Mortensen, representing the Board of Livestock, said currently they did not believe their marketing act covers the activity accurately. They support HB 386 and they want to protect the producer in Montana. HB 386 would require that they function under a Montana resident license and/or market agency as they function now. This would be creating protection for the producer. They must maintain custodial accounts. The definition of a livestock dealer was also being refined in HB 386.

Larry Brown, representing the Agricultural Preservation Association, said they support HB 386 without any amendments.

Rob Fraiser, representing Montana Video Contract Auction and also Miles City Livestock, stated they were in favor of HB 386. He said they abide by the laws in Montana. The Department of Agriculture was bonded, they are licensed within the state of Montana, their custodial accounts are in Montana banks, they want to be on a level playing field with their competition.

Jennifer Hill, representing Montana Stockgrowers Association, stated they supported HB 386.

Maureen Cleary-Schwinden, representing Women Involved In Farm Economics, stated they support HB 386 for all of the reasons that have been stated.

Jack McGinnis, representing Billings Livestock Commission Company and the founder of the Montana Video Contract Auction, stated he supported what was said by Rob Fraiser. He said they started the business themselves and it has grown substantially. They want to be on the same level as their competitors.

Lorna Frank, representing the Montana Farm Bureau, stated they supported HB 386.

Jules Marchesseau, Director of the Montana Farm Bureau, stated he supported HB 386.

(EXHIBIT #1 was mailed to the CHAIRMAN and handed out to the committee members)

Opponents' Testimony:

None

Informational Testimony:

None

Questions From Committee Members and Responses:

SENATOR GERRY DEVLIN asked **Mr. McGinnis** if the bond they post for the auction yard covers the video operation also? **Mr. McGinnis** replied that up until recently the bond that covered Billings Livestock covered the entire video. They have revised that and rebonded. They will have a separate bond. They pay for all of the cattle under the Billings Livestock custodial account. **SEN. DEVLIN** asked if they kept an account. **Mr. McGinnis** replied it was the same account they used with their everyday operation. **SEN. DEVLIN** replied their bonding does not come into play very much. **Mr. McGinnis** replied they had over \$100,000 bond.

SENATOR TOM BECK asked if there were any of the video auctions that were not tied to the livestock markets? **Mr. McGinnis** replied that Superior was not tied to a livestock market. He said they were all separate entities. He said when he started he thought it would be a nice complement to their business. Over half of the cattle are marketed privately. The video auctions have given the opportunity to sell on those same terms and conditions and still have the auction way where they get the best money. **SEN. BECK** asked if HB 386 required them to be tied to a livestock market with a video auction. He asked if there were any independents who were not tied to a livestock market. **Mr. McGinnis** replied HB 386 says in order to have a sale in Montana, they need to have a custodial account that is in Montana. He said if they want to have a separate entity and not be tied to a market, they need to apply for a license and have their own market. **SEN. BECK** said that is what the bill will do.

SENATOR GREG JERGESON asked **Cork Mortensen** are they going to adopt rules relating to the forms that applicants shall provide the information they are requesting and other activities in that section. He said there is no part of the section that says you shall adopt rules. **Cork Mortensen** asked if he was referring to section 2, on page 3. **SEN. JERGESON** replied that was correct. **Cork Mortensen** replied that was correct and they do have the rule-making authority as necessary. **SEN. JERGESON** asked because this is a new area of regulation and they have rule-making authority should the bill have a statement of intent?

Cork Mortensen replied he was not sure.

Lon Mitchell, staff attorney for the Department of Livestock, said they do not think a statement of intent was necessary.

SEN. JERGESON asked if the new section could be defined as anything but increased government regulation? **REP. ROSE** said no. This is not affecting the normal ranch operation at all. He said the idea was that there are people with camera's doing the auctions and some of them are questionable. He said if they are going to buy the cattle, they better have a bank account in Montana to pay for them. **SEN. JERGESON** replied it was not a regulation on the producer, but the seller of livestock, but is this not a regulation on the people operating in the livestock market business. **REP. ROSE** deferred the question.

Maureen Cleary-Schwinden said on page 2, line 3, section b, addresses the concern. She said if they choose not to go through the market that would allow them to undermine an ordinary farming operation the ability to sell video. That would not exclude the owner operator.

Les Graham said that if the bill was not here, for an individual to come in and have a video auction in the state he has to get a permit from the Department of Livestock. If he was going to host it in Montana, he would have to get a permit from the Department of Livestock to have a sale under the current livestock marketing act. HB 386 does not change that requirement, but if he did get granted a permit to have a sale under the old law he would have to keep the custodial account in Montana and be responsible for those funds until the sale was over and paid for. He said that was the only difference. He said if something goes wrong it is very hard to recover money or cattle when dealing out of the state.

SEN. JERGESON said there was an additional degree of regulations included in the bill, because they are adopting government regulation, because they are seeking to protect some members of the public.

Les Graham said they are currently hosting those sales. The only new thing would be if an out-of-state person comes in and wants to sell cattle.

SEN. DEVLIN said this does not in any way preclude someone as long as they have a custodial account in Montana from filming. He does not have to own a sale yard.

Les Graham said currently if they wanted to hold a video sale in Montana he would have to get a permit from the Department of Livestock. This does not preclude any individual from coming in and filming cattle. They would only have to be a licensed dealer or work for a license dealer and be covered under their bond.

The only change is if they host that sale within the confines of the state of Montana they have to have a custodial account.

SEN. JERGESON said in the bill it says "satellite video auction may transact business only through a licensed livestock dealer or through a livestock market" is that currently the situation?

Les Graham replied that was the current situation.

SEN. JERGESON asked if that was how the department has interpreted the existing livestock marketing law?

Les Graham replied there was a request two years ago from an out of state video company and it was denied because they did not meet the requirements or want to meet the requirements of the livestock marketing act. That same company has as many as 10 to 12 livestock dealers in Montana who have sold cattle in Montana. If they did decide to come in and host a sale, HB 386 would come into play. It would not preclude them from selling cattle, or soliciting cattle.

SEN. BECK asked if he sold his cattle on video at the Western Livestock show in Denver, Colorado, would the person who filmed his cattle have to have a fiduciary account in the State of Montana to cover what might happen? He would have the cattle in his possession until after the sale. **Les Graham** replied he would not have to have an account in the State of Montana to film that cattle and sell them out of state. **SEN. BECK** asked what protection would he have?

Closing by Sponsor:

REP. ROSE replied most of the answers came up earlier. Most of the people were already under a bond. The bill is a fairness to the auctions, the producer and it protects the producer.

HEARING ON HB 212

Opening Statement by Sponsor:

REPRESENTATIVE SHIELL ANDERSON, HD 25, Livingston, said HB 212 revised some of the pesticide act. He said it makes it more strict. Those who are violating provisions of the act would make it more difficult for those who are in compliance. It brings them into compliance so that are able to continue to use the pesticides and herbicides.

Proponents' Testimony:

Leo Giacometto, representing the Department of Agriculture, said he would go through the bill and point out the changes. On page 2, line 19, section 1, would clarify if a licensee does not satisfy a judgement imposed by the court, the department can

revoke the license. Amendments on page 3, will address the authority of the department to conduct an investigation. They already do the investigations, but this will clarify that they can. They also clarify the same point on page 3, lines 17 and 18, where an individual who is possibly selling pesticides without a license, they have the authority to go inspect that. On page 4, lines 23-26, would clarify that any actions or compliance order that the department does, would not affect any buyer/seller agreements. When property transactions take place, specifically they do the environmental assessments on all ranch property that is sold, and that will show it will not affect any buyer/seller agreements if it is shown that there was an underground storage tank containing pesticides. On page 6, lines 25-30, the civil penalties are changed from \$1,000 to \$2,500. The reason is because the Agriculture community want to say that there are severe penalties for the wrongful use of pesticides. The other is on an applicator, for a first time violation it would allow the department to go from a \$200 to a \$500 fine. The amendment on page 7, line 3, deal with a major violation which allows the department to go up to \$25,000 penalty. The reason for those is that last year there were some instances where someone may have applied liquid fertilizer to their grain and when running that through a protein analysis there was a large amount of protein found. It made the grain unfit for human consumption. He said someone now could only be fined \$2,500 and would be affecting a lot of people. This would make the law more strict. He said it would also provide for a felony of up to \$50,000 and a fine of up to 10 years of imprisonment. On page 7, it clarifies what the department does with labeling, protection standards, and ground water standards. On page 8, line 4, modifies the standard violation. Rather than saying once in a calendar year, anything occurring within the first 2 years of a violation. That would give them flexibility for the producers. On page 8, line 9-13 they would be deleting the section. It provides consistency with all of the other state statutes. He said the one that does raise a little bit of a question is currently in the law when they take a sample, if any detection comes back they have to send all of that in to the Department of Health and Environmental Sciences. Just by having that statement on a sheet, a lot of producers are afraid to have them test. They only want to know if there is any chemical contamination. He said they would like to try to make sure that is corrected. By striking that out of there it would not be listed on their contract. He said it gives the Agriculture community a lot more protection, clarifies and puts statutes in compliance, and it gives the department flexibility in determining violations.

John Arrigo, representing the Department of Health and Environmental Sciences, read (EXHIBIT #2 from Steve Pilcher)

Pam Langley, representing Montana Agribusiness Association, stated they supported HB 212. She said they were also speaking on the Association of the Montana Aerial Applicators.

Bob Carlson, the Silver Bow County weed supervisor, he said he was in support of HB 212 and urged the committee to pass the bill.

Jennifer Hill, representing the Montana Stockgrowers Association, stated they support HB 212.

Vince Thomas, Rosebud County weed supervisor, urged the committee's support on HB 212.

Bob Stephens, representing the Montana Graingrowers Association, said they supported HB 212.

Lorna Frank, representing the Montana Farm Bureau, stated they supported HB 212.

Larry Brown, representing the Agricultural Preservation Association, stated they supported HB 212.

Opponents' Testimony:

None

Informational Testimony:

None

Questions From Committee Members and Responses:

SEN. BECK asked **Leo Giacometto** about the statement that he really want to "put some teeth into the bill". The fine was \$1,000 and now it would be up to \$2,500. Did the \$1,000 have some "teeth" in the bill? **Leo Giacometto** said it was not just agriculture. All of the chemical dealers and there are some multimillion dollar operations. There are some companies that were doing lawns and illegal applying chemicals. It gets to be where \$1,000 is just not a large enough penalty.

Closing by Sponsor:

REP. ANDERSON said HB 212 addresses those problems where there is willful misconduct on the part of the applicator.

HEARING ON HB 278

Opening Statement by Sponsor:

REPRESENTATIVE DON HOLLAND, HD 7, Forsyth, said the legislature in 1987 introduced information and liability restrictions and set a termination date for that. He said the liability restrictions read as follows "The district as defined in section 7-22-2101 is liable for damages caused by abuse of herbicides only for an act of omission that constitutes gross negligence. The provision applies to board members, supervisors, and employees of

districts." As far as the information on herbicides, "the district must provide information on protective clothing, health hazards, and proper application techniques to mixers, loaders, and applicators of herbicides and makes information available for review by the public at the district office." He said this legislation was set to terminate in 1991. In 1991 the legislature renewed it for another 4 years to terminate in 1995. They intended to extend that for another 4 years, but saw no need for a termination date because it could be terminated at any legislative period if they saw fit. He said they should eliminate the termination date.

Proponents' Testimony:

Leo Giacometto, representing the Department of Agriculture, said they supported HB 278. It is beneficial to the county weed districts and it confines the weed districts with the liability of gross negligence. It ensures the weed districts mixing, and loading applicators of herbicide will be provided the information on protective clothing, health hazards and proper application techniques. It prevents any misuse by the weed districts.

Bob Carlson, the Silver Bow County weed supervisor, stated he supported HB 278 and urged the committee's support.

Vince Thomas, the Rosebud County weed district supervisor, urged the committee's support on HB 278.

Opponents' Testimony:

None

Informational Testimony:

None

Questions From Committee Members and Responses:

None

Closing by Sponsor:

REP. HOLLAND said he hoped everything was understandable and acceptable to the committee. He said **SENATOR MACK COLE** would carry the bill in the Senate.

EXECUTIVE ACTION ON HB 278

Motion:

SEN. DEVLIN MOVED HB 278 CONCUR IN.

Vote:

The MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 212

Motion:

SEN. HOLDEN MOVED HB 212 CONCUR IN.

Discussion:

SEN. BECK said on page 7, line 18, "misuse of pesticides that results in proven exposure to humans" is there a definitions of "proven exposure of humans" or why was that put into the bill?

Leo Giacometto said there was a lot of discussion about that because if they just said "exposure", and he opened up a can of Roundup, a person would be exposed. How would there be a significant harm there. To test that how do they know they were exposed to that chemical. There has to be some way to prove that, so there are complaints that they have been "harmfully exposed".

SEN. BECK asked if that protects them.

Leo Giacometto replied this would give a protection to the applicator, and a protection to the person who is not involved.

SEN. PIPINICH said there had been a lot of talk that in city spray was what they were talking about because the fumes would drift over where some children were playing and they could say that were harmed.

Leo Giacometto said that would be significantly harmed. That shows there is more than an exposure and there has been damage. If a spray truck was out and sprayed a person would smell it, but has there been an exposure or a harm, and that is why the language was changed.

SEN. HOLDEN asked on to explain on page 3, line 9, what were they trying to say? Leo Giacometto replied those were new federal laws they have to enforce all the label requirements. All of the pesticides purchased will have a label on them. The state will enforce those laws. The issue here was do you want the state Department of Agriculture enforcing the laws or does a person want the federal EPA enforcing the laws.

Vote:

The MOTION CARRIED 7 to 2 with SENATOR BECK and SENATOR PIPINICH voting no.

EXECUTIVE ACTION ON HB 386

Motion:

SEN. BECK MOVED to CONCUR IN HB 386.

Discussion:

SEN. DEVLIN said he would like to find more about the bill before they take action because he does not want to lock it down to only one video auction in the state.

SEN. JERGESON said if a person comes into Montana and violates the act, what was the penalty? He said in the new section 3, a person who gets the license and does not comply will not be issued another one.

CHAIRMAN SWYSGOOD replied if SEN. BECK would withdraw the motion they would wait on Executive Action.

SEN. BECK WITHDREW THE MOTION.

EXECUTIVE ACTION ON HB 137

Motion:

SEN. BECK MOVED to TABLE HB 137.

Discussion:

SEN. BECK WITHDREW THE MOTION.

Motion:

SEN. JERGESON MOVED TO CONCUR IN HB 137.

Discussion:

CHAIRMAN SWYSGOOD said there were a number of things HB 137 does that they have problems with. He said he received a letter from DNRC as it relates to some of the concerns that were raised and some of their answers.

SEN. DEVLIN said HB 137 would allow the department to go into a closed basin and issue temporary water rights.

SEN. JERGESON asked Gary Fritz to describe the two main parts of the bill.

Gary Fritz stated HB 137 allows a person to apply for a small temporary use of water in a closed basin. They often get requests from people for this. He said in every closed basin in the state of Montana uses are allowed. The uses can be for stock water purposes, domestic purposes, municipal purposes, and for storage purposes. He said the legislature has already built in exceptions for closed basins. He said HB 137 is for small temporary uses of water. When they notice water right decrees they have to notice the person who originally owned the water right when the claim was submitted and any other intervening land owners including the current land owner and water right owner of that claim. He said that was overkill. HB 137 would require the water court only to notice the current owner of the water right. The current way costs them about \$4,000 to \$5,000 per year to notice the people who no longer have an interest in the water right.

{Tape: 1; Side: B}

SEN. JERGESON said the reason why he felt HB 137 was applicable in his basin was because his basin was one of the first basins to be closed in Montana. He said the oil and gas companies cannot get temporary permits for their water needs. He said the people who have sold a farm or property which had a water right, why are they being noticed about the claim? He said that was unnecessary.

SEN. BECK said if a contractor wants to drop his hose in the irrigation ditch without a permit, the department will come after him. If he was given permission by the owner, does he really need that permit. He said the contractors would have to get one more permit to wet down the road to control dust. It would just be another permit.

SEN. JERGESON said for a person to change the use of their water right permit they have to get a change of use permit. If a person was using the water for another use then that person would be in violation of the law. He said that would give a person a temporary permit so that no one would be violating the law.

SEN. BECK asked if the whole thing was getting out of perspective?

SEN. JERGESON replied no.

SEN. BECK said if a person took 500 gallons of water out of a ditch which was probably blowing 10,000 gallons of water within ten minutes time. Where do they quit issuing permits or citing people because they were just trying to hold the dust down while working on the road.

SEN. JERGESON asked what the smallest denomination of a permit that people file a water right on?

Gary Fritz replied those things happen all of the time, but HB 137 would give both people a possibility of being in compliance of the law. He said sometimes people use someone's water without permission.

SEN. BECK said if someone dropped a hose in his ditch and he did not did not want them to, he would ask them to leave. He asked if that truck went to a city and filled out of a fire hydrant, would he also need the permit.

Gary Fritz replied probably not. He said that would typically include industrial use.

SEN. DEVLIN asked how far away from the basin would the wells going to be?

SEN. JERGESON replied they use trucks to go get their water.

SEN. DEVLIN said do they not buy the water sometimes from someone with a stock reservoir.

SEN. JERGESON said they would do that, but technically it would change the use of that water. He said it would be a legal violation.

SEN. DEVLIN asked if the wells are all in the Milk River basin.

SEN. JERGESON said the basin was broad.

CHAIRMAN SWYSGOOD replied he did not have a problem with section 1, but he did have problems with section 2. He said the intent behind the basin closure was the surface water was already over appropriated. For the department to issue a temporary permit, they have to get the water from somewhere and it will affect somebody. Going through the process for a temporary permit has an affect upon a user of that water. They would file an objection which costs \$50.

Gary Fritz said HB 137 would provide the opportunity for people to apply for the permit. They are not guaranteed the permit. It is a question of equity.

CHAIRMAN SWYSGOOD said this is a very little known problem out there. The people have got their water through whatever process until now. This bill is here for a reason and it was not just to take care of a few complaints.

SEN. HARGROVE said they were forcing people to break a law and that should not be done. He said they do not have to issue permits if they do not want to. Some of the uses are very legitimate.

SEN. BECK said there was a limit of 10 acre feet per year, but is there a limit on the time that the 10 acre foot can be drawn?

Gary Fritz said that would have to be established on the application. The applicant has to say when they will be taking the water so that it can be public information. If they prove that the water cannot be taken the permit will not be issued.

Motion:

SEN. BECK MOVED to strike Section 2 from the bill in it's entirety.

Discussion:

SEN. SWYSGOOD asked Doug Sternberg to make that current law with the exception of what was on bottom.

Doug Sternberg said it would not need Section 3 because it applies only to Section 2 and he would also make the appropriate changes in the title.

SEN. SWYSGOOD asked SEN. BECK to include section 3 in the motion.

SEN. BECK included Section 3 and to make the appropriate changes in the title of HB 137.

SEN. JERGESON replied he would resist that amendment because they were reading the wrong things into the bill.

Vote on the amendment:

The MOTION CARRIED with a Roll Call Vote of 5 to 4 with SENATORS DEVLIN, BECK, NELSON, PIPINICH, and SWYSGOOD voting yes and SENATORS HARGROVE, HOLDEN, JABS, and JERGESON voting no.

Motion:

SEN. JERGESON replied he would renew his motion to CONCUR IN AS AMENDED.

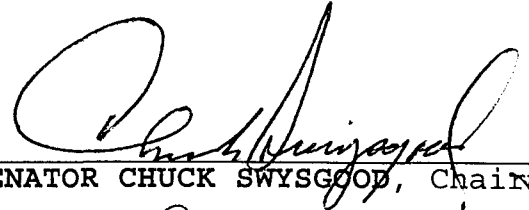
Vote:

The MOTION CARRIED with a Roll Call vote of 6 to 3 with SENATORS BECK, HARGROVE, HOLDEN, JABS, JERGESON, and NELSON voting yes and SENATORS DEVLIN, PIPINICH, and SWYSGOOD voting no.

SENATOR JERGESON will carry HB 137 on the Senate floor.

ADJOURNMENT

Adjournment: 4:50 p.m.



SENATOR CHUCK SWYSGOOD, Chairman



JENNIFER GAASCH, Secretary

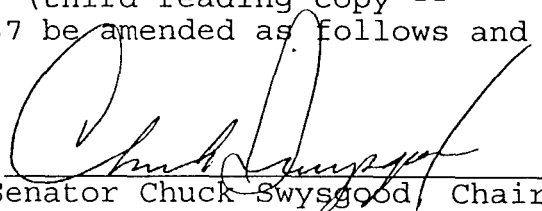
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SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 2, 1995

MR. PRESIDENT:


We, your committee on Agriculture, Livestock, and Irrigation having had under consideration HB 137 (third reading copy -- blue), respectfully report that HB 137 be amended as follows and as so amended be concurred in.

Signed: 
Senator Chuck Swysgood, Chair

That such amendments read:

1. Title, lines 9 and 10.
Strike: "PERMITTING" on line 9 through "ACTION;" on line 10
2. Title, line 11.
Strike: "SECTIONS"
Insert: "SECTION"
Following: "85-2-232"
Strike: "AND 85-2-319"
3. Title, lines 12 and 13.
Following: "DATE" on line 12
Strike: remainder on line 12 through "PROVISION" on line 13
4. Page 5, line 18 through page 6, line 30.
Strike: sections 2 and 3 in their entirety
Renumber: subsequent section

-END-

 Amd. Coord.
SA Sec. of Senate

SEN. JERGESON
Senator Carrying Bill

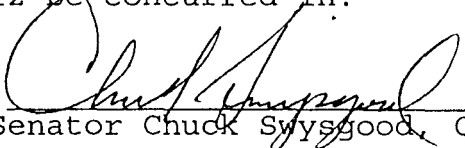
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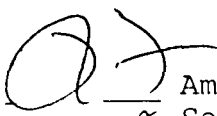
SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 2, 1995

MR. PRESIDENT:

We, your committee on Agriculture, Livestock, and Irrigation having had under consideration HB 212 (third reading copy -- blue), respectfully report that HB 212 be concurred in.

Signed: 
Senator Chuck Swysgood, Chair

 Amd. Coord.

SR Sec. of Senate

SEN. HOLDEN

Senator Carrying Bill

491104SC.SRF

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 2, 1995

MR. PRESIDENT:

We, your committee on Agriculture, Livestock, and Irrigation having had under consideration HB 278 (third reading copy -- blue), respectfully report that HB 278 be concurred in.

Signed: Chuck Swysgood
Senator Chuck Swysgood, Chair

AS
Amd. Coord.
SA Sec. of Senate

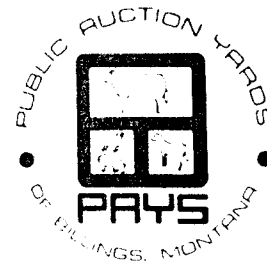
SEN. COLE
Senator Carrying Bill

491102SC.SRF

PUBLIC AUCTION YARDS OF BILLINGS, MONTANA

P. O. Box 1781

Phone (406) 245-6447



PAT GOGGINS

February 16, 1995

Senator Chuck Swysgood
Senator Gerry Devlin
Senator Tom Beck
Senator Don Hargrove
Senator Ric Holden
Senator Reiny Jabs
Senator Greg Jergeson
Senator Linda Nelson
Senator Bob Pipinich

SENATE AGRICULTURE

EXHIBIT NO: 1

DATE 3-1-95

BILL NO. HB 386

Dear Senators:

I urge your support of HB 386, the Video Bill. This Bill has passed the House Ag Committee and reportedly will pass the House Floor. Over the long term, this is a very sound Bill and to insure soundness and integrity to all of the livestock producers of Montana in future years, it is important that this Bill pass.

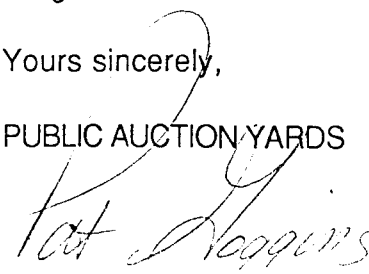
All of the established auction markets in the state of Montana have a investment from \$500,000 to \$10 million: are very heavy taxpayers to the local and state communities; pay heavy licensing fees at all levels; furnish guaranteed immediate checks to its consignors; and the moneys derived from these auction markets stays within the state of Montana.

We're coming into an era in the livestock business that could be on the 'down' side for a few years and that's the area where some real "wrecks" could happen and leave livestock produces high and dry.

I urge a "Do-Pass on HB 386"!!

Yours sincerely,

PUBLIC AUCTION YARDS


Patrick K. Goggins
President

DEPARTMENT OF
HEALTH AND ENVIRONMENTAL SCIENCES
WATER QUALITY DIVISION

COGSWELL BUILDING
1400 BROADWAY



STATE OF MONTANA

(406) 444-2406
FAX (406) 444-1374

PO BOX 200901
HELENA, MONTANA 59620-0901

Memorandum

FROM: Steve Pilcher, Division Administrator

DATE: January 24, 1995

SUBJECT: Testimony in support of HB-212

The Department of Health and Environmental Sciences supports HB-212; specifically Section 5 and Section 7. Section 5 eliminates the requirement that ground water monitoring data be reported to the Department of Health and Environmental Sciences. This reporting requirement is unnecessary because in cases where pesticides are detected at levels that exceed the triggers specified in 80-15-212, MCA, the Department of Agriculture shall develop and implement a specific agrichemical management plan. Management plans must be submitted to the Department of Health and Environmental Sciences for review.

Authority granted to the Department of Health and Environmental Sciences to assess administrative penalties is unnecessary because the department has existing administrative penalty authority under the Montana Water Quality Act and the Montana Public Water Supply law. The department supports elimination of this duplicate authority.

DATE March 1, 1995

SENATE COMMITTEE ON Agriculture

BILLS BEING HEARD TODAY: HB 212, HB 278, HB 386

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
Josh Klabson	MLAM	386	✓	
Bob Frazer	Bullhogs Livz	386	✓	
Jack McGinnis	✓	386	✓	
Cook Mortensen	Bad. of Lurelock	386	✓	
John Arrigo	DITES	212	✓	
Larry Brown	Ag. Prod. Assoc.	212 386	✓	
Pam Langley	Assoc of Mt Aerial App. Montana Agri Business	212	✓	
Bob Carlson	Silver Bow weed Dist	212 278	✓	
Vince Thomas	Rosebud Co. weed Dist	212 278	✓	
Lorna Frank	MT. Farm Bureau	386 212	✓	
Bob Stephens	Mt Grain Growers	386 212	✓	
Janet Hill	MSGM, MWGA	386 212	✓	
Maurice Cleary-Schwinden	WIFE	386 278	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY