

MINUTES

MONTANA SENATE 55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE, LIVESTOCK & IRRIGATION

Call to Order: By VICE CHAIRMAN RIC HOLDEN, on February 3, 1997,
at 3:18 p.m., in Room 413/415.

ROLL CALL

Members Present:

Sen. Ric Holden, Vice Chairman (R)
Sen. Gerry Devlin (R)
Sen. Don Hargrove (R)
Sen. Reiny Jabs (R)
Sen. Greg Jergeson (D)
Sen. Walter L. McNutt (R)
Sen. Linda J. Nelson (D)
Sen. Bill Wilson (D)

Members Excused: Sen. Kenneth "Ken" Mesaros, Chairman (R)
Sen. Thomas A. "Tom" Beck (R)

Members Absent: None

Staff Present: Doug Sternberg, Legislative Services Division
Angie Koehler, Committee Secretary

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

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 189, 01/30/97
Executive Action: None

HEARING ON HB 189

Sponsor: REPRESENTATIVE JOE BARNETT, HD 32, BELGRADE

Proponents: Les Graham, Agricultural Preservation Association,
MT Livestock Auction Association, MT
Cattlemen Association
Marc Bridges, MT Department of Livestock

Opponents: None

Opening Statement by Sponsor:

REPRESENTATIVE JOE BARNETT, HD 32, BELGRADE: Submitted and read written testimony. (EXHIBIT 1) Basically, I just said there would be some deputy field inspectors trained to inspect the animal, get the markings on the horse and then make a recommendation to the state stock inspector who would still have to be the one to issue the permit.

Proponents' Testimony:

Les Graham, Agricultural Preservation Association, MT Livestock Auction Association, MT Cattlemen Association: The idea for this bill came about from a discussion I had with **Marc Bridges**. The problem is with the influx of horse owners in particular parts of the state, it is difficult for them to get someone to issue a lifetime horse permit. Under current law, that can only be done by a state salaried inspector. The reason we had it for state salaried inspectors only was because that lifetime horse inspection, as **Mr. Bridges** will show you, was developed by some of us in a meeting in Albuquerque, New Mexico. New Mexico and Montana picked it up right away. At that time it was a picture of a horse with the description just like a driver's license that fit in a wallet. It gave them title to that animal and they were free of restrictions on transportation anywhere in the United States where that was recognized, particularly in the western half of the United States. You could take horses into Florida and Georgia and they would recognize that as a bill of sale and ownership on that animal. At the time we did that we wanted to make sure we were doing it properly. Also, 15 to 20 years ago the horse population wasn't what it is today. The state salaried people are asked to do these inspections and it's taking them away from other duties at livestock markets and/or investigations because they don't have the staff to keep up with what has happened in the horse industry in the state.

{Tape: 1; Side: A; Approx. Time Count: 3:25 p.m.}

Marc Bridges, Administrator of Brand Enforcement Division, MT Department of Livestock: We support this bill as introduced. I have some examples of lifetime horse inspections and applications for further clarification. (EXHIBIT 2) (Examples of the lifetime permits had to be given back.)

Quinn Holzer, MT Stockgrowers Association: We support this bill for the reasons you've heard.

Questions From Committee Members and Responses:

SEN. GERRY DEVLIN: Is there any reason why this couldn't be put into effect sooner?

REP. BARNETT: The reason for October 1, 1997 is because that's generally when they go into effect. I would not object to seeing an earlier date.

SEN. DEVLIN: I was thinking there is probably more call in the springtime when everybody starts roping and all this than any other time. There is a lot of 4-H movement in the fall. That's why I asked if there was any objection to having it earlier.

REP. BARNETT: That would be an improvement in the bill and I would appreciate you adding it.

SEN. DEVLIN: You have no objection?

REP. BARNETT: No objection.

SEN. REINY JABS: Do they carry this with them when they go? It's like a bill of sale.

Mr. Bridges: The statute says that the person who owns the horse must make application to a stock inspector. The stock inspector arrives, visually inspects the horse, photographs it, requests proof of ownership, draws the markings of the horse on the identification part and collects the fee. It takes a good hour to do one of these inspections. It is then remitted to the Department. Within that period of time, the individual travels on a temporary that's stamped temporary. When this application is received at the Department, our staff scrutinizes the application to make sure it's completed properly and upon it's final approval, this card is filled out by our staff in Helena. It's laminated and folds in two, is sent to the individual and they travel on it. They work quite well and are accepted by all the other brand states and we accept theirs so we don't have a lot of brand inspection duplication transpiring throughout this process, especially with interstate commerce and transportation.

SEN. JABS: This is filed with your office? **(EXHIBIT 2)**

Mr. Bridges: Yes, sir. This is on file in our office. The permits are numbered and cross-indexed in the computer so I can either type in the individual's name or permit number to draw it up and then go back to the file and pull that horse. We've used these in theft cases where we've needed a really good identification on a horse so we pulled up these lifetime horse inspection pictures and FAXED them out of state.

SEN. JABS: On page 1 you cancelled "the Department may appoint stock inspectors". Did something else take its place?

Mr. Bridges: That was in the original draft version and we went back in the Executive Session because we had a statement of intent on here. The original part is on page 2, line 5. That was previous verbiage. If you go to line 1, that is present law. It exists now that enforcement personnel have to go through the

Montana Law Enforcement Academy and then have to take a separate livestock statutory test that the Board gives for stock inspector and detective duties. That doesn't pertain to what we would like to do here. We would like to take some deputy stock inspectors in urban areas that do mostly horse inspections all the time anyway and get them qualified and trained to be able to fill out these interstate commerce inspections. Our intent isn't to have 600 deputy stock inspectors across the state all of sudden doing lifetime horse inspections. Last year we inspected 40,000 head of horses and of those 40,000, we did 5,000 lifetime permits. I wouldn't anticipate the demand getting to be any less.

SEN. JABS: Did you put what you crossed out somewhere else?

Mr. Bridges: Line 22, page 2 defines the specially qualified deputy stock inspector and is specific to being able to do this. We will devise the qualifications under our rulemaking authority.

SEN. DON HARGROVE: Could you clarify a deputy state stock inspector and a specially qualified deputy stock inspector?

Mr. Bridges: A deputy state stock inspector by definition does not receive a salary or compensation from the Department. In other words, they receive their fees from the producer or service of inspection. This new definition on page 2, line 22 would be a specially qualified deputy stock inspector who may be allowed by law now to do a permanent horse inspection. Under previous law, only a state stock inspector could do a permanent horse inspection.

{Tape: 1; Side: A; Approx. Time Count: 3:35 p.m.}

SEN. HARGROVE: To clarify, we could say a specially qualified deputy stock inspector means a deputy state inspector who has been certified by the Department as qualified to just conduct an inspection for transportation permits for horses. Is that right? Is that all he does?

Mr. Bridges: He can do other inspections. He is still a deputy stock inspector so he can do an annual permit, show permit, county line inspection or a change of ownership inspection. Also, in those specialized places if he wishes to do permanent horse inspections then he's going to have another element of criteria to fulfill.

SEN. GREG JERGESON: Apparently it is a drafting amendment or something that Legislative Council does. On livestock you've stricken that it includes bison, sheep, elk and game farm animals. Maybe that's wild sheep. Where are sheep these days as livestock to say nothing of llamas, alpacas, emus and ostriches? A lot of those may be show animals. Why aren't they also accorded the same kind of permanent circumstance as a horse?

Mr. Bridges: We addressed this in Executive Session in the House and when reviewing the original draft of this bill, upon reading that definition, I realized that during the 1995 Session in the game farm legislation, the part that has been stricken is the old 1993 definition of game farm animals when the Department originally started inspecting game farm animals. That definition is duplicated presently in Section 87-4-406, Subsection 6. The inspection and transportation requirements are in the previous game farm legislation. All it does is remove that definition from our inspection of marks and brands. It's in the game farm legislation and doesn't affect it at all. Those are meant to be mountain sheep. We do write sheep permits per the 1993 Legislation. It's under part 5 of our livestock statute. The game farm statute is intact and during the last session we missed not repealing that portion of the definitions.

SEN. JABS: This is just for information. Are animals from game farms branded or identified somehow?

Mr. Bridges: Their mandatory identification is a game farm tattoo in their right ear and they have tags that are also recorded.

SEN. JABS: If you sell them, do you look at them like cattle? Do you put them in a chute and look at their ears?

Mr. Bridges: Yes, sir.

SEN. JABS: How about ostriches?

Mr. Bridges: Most ostriches are electronically identified for insurance purposes. We don't inspect ostriches or emus. We do find some strays every now and then.

VICE CHAIRMAN HOLDEN: On page 1, line 30 you've stricken deputy sheriff from the language on inspecting livestock. They can still be a deputy state stock inspector under the definition that's on page 2.



Mr. Bridges: That's still present law. When this bill was being drafted the verbiage that was in place would be page 2, lines 3-8 where it was originally modified to include a specially qualified state stock inspector. It also keyed in on those individuals as being enforced and they are not. We have an exemption from the Department of Labor in regard to their status. It is present law under appointment of powers and we wouldn't wish to jeopardize that or change it. Under 81-1-102, those are state stock inspector's police powers. On line 28 the Department shall designate which inspectors and detectives are considered law enforcement officers and those designated shall take the official oath required by law and shall have similar powers and authority to those conferred by law on a deputy sheriff. It talks about our stock inspectors and detectives law enforcement power.

Closing by Sponsor:

REP. BARNETT: Thank you for the good questions and hearing. I learned something. I want to mention something that came up in the House Committee hearing. They were concerned they would be forcing something onto a number of brand inspectors that would not want to do this. I was very careful to make it clear that not all brand inspectors would have to become deputy stock inspectors for this purpose. Only those that wanted to go through the effort of getting the training and the clearance with the state stock inspector. If you see fit to give it a favorable vote, SEN. HARGROVE'S name is on the bill and has agreed to carry it to the floor.

ADJOURNMENT

Adjournment: 3:45 p.m.

 SEN. KEN HAROS, Chairman	 ANGIE P. HLER, Secretary
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