

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
57th LEGISLATURE - REGULAR SESSION
COMMITTEE ON AGRICULTURE**

Call to Order: By **CHAIRMAN DONALD L. HEDGES**, on February 8, 2001
at 3:00 P.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Donald L. Hedges, Chairman (R)
Rep. Linda Holden, Vice Chairman (R)
Rep. Ralph Lenhart, Vice Chairman (D)
Rep. Darrel Adams (R)
Rep. Norma Bixby (D)
Rep. Rick Dale (R)
Rep. Dave Gallik (D)
Rep. Kathleen Galvin-Halcro (D)
Rep. Verdell Jackson (R)
Rep. Jim Keane (D)
Rep. Larry Lehman (R)
Rep. Clarice Schrupf (R)
Rep. Butch Waddill (R)
Rep. Karl Waitschies (R)

Members Excused: Rep. Gilda Clancy (R)
Rep. Christopher Harris (D)
Rep. Holly Raser (D)
Rep. Frank Smith (D)
Rep. Merlin Wolery (R)

Members Absent: None

Staff Present: Krista Lee Evans, Legislative Branch
Robyn Lund, Committee Secretary

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

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 387, 2/1/2001; HB 418,
2/1/2001; HB 464, 2/1/2001; HB
397, 2/1/2001

HEARING ON HB 387

Sponsor: Don Hedges, HD 97

Proponents: Pam Langley, MABA, MSTA
Mark Peterson, MSU, MAES
Carol Lambert, WIFE
Lorna Karn, Montana Farm Bureau
Bob Stevens, Montana Grain Growers
John Semple, Association of Aerial Applicators

Opponents: None

Opening Statement by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 0.5}

Representative Donald Hedges, HD 97, introduced HB 387. This bill does for plant material what the legislature did in the early 1990's for animal research. It moves the penalty for destroying research materials that are an ongoing research project from a misdemeanor vandalism charge to a felony. It is easy to understand that field trials in crops can be set back by at least one growing season if not several. Therefore it needs to be treated separately.

Proponents' Testimony:

{Tape : 1; Side : A; Approx. Time Counter : 1.8}

Pam Langley, Montana Agro Business Association and the Montana Seed Trade Association, submitted written testimony.

EXHIBIT (agh32a01)

Marc Peterson, farmer, submitted written testimony for Sharon Quisenberry, MSU. **EXHIBIT (agh32a02)**

Bob Stevens, Montana Grain Growers Association, said that this is a much needed piece of legislation because of the research that is going on, and some of the research that will be going on the future.

Carol Lambert, WIFE, feels that this bill is overdue. All research is good and needs to be protected.

Lorna Karn, Montana Farm Bureau Federation, feels that this bill is just as important now as the animal protection bill was in 1991. She urges for a do pass.

Questions from Committee Members and Responses:

{Tape : 1; Side : A; Approx. Time Counter : 13.3}

REPRESENTATIVE DAVE GALLIK asked a question of the sponsor. One of the concerns that he has, as we see more and more of this type of legislation, is the idea of designer crimes whereby we are segregating out a special segment of society and saying that when we do damage to something then there will be a special law and a special penalty for that. What is wrong with the regular criminal mischief and trespassing? **Rep. Hedges** told of a row of sugar beets and some blank ground around it, how would you establish the value of those sugar beets? If they were plowed up some night, that would be \$20 worth of damage. However, if those sugar beets had been researched in a greenhouse and the seed propagated and put out for a field trial to determine specific factors, if they are destroyed mid-growing season you have destroyed thousands of dollars worth of research. The researchers have to wait a whole growing season to start over. You do need to designate certain things as designer crimes, this is an example of that.

Closing by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 16.8}

Rep. Hedges urged the committee for a do pass.

HEARING ON HB 397

Sponsor: Representative Verdell Jackson, HD 79

Proponents: Ronald Buentemeier, Flat Head Conservation District
Marc Spratt, RLK Hydro Inc.
John Wilson, Montana Trout Unlimited
Aidan Myhre, Montana Chamber of Commerce
Lorna Karn, Montana Farm Bureau Federation
John McDonald, Flint Creek Irrigators
Carol Lambert, WIFE
Mike Murphy, Montana Water Resources Association
Ellen Engstedt, Montana Wood Products Association
Mark Lalum, Ag Producers of Flathead Valley
John Bloomquist, Montana Stock Growers Association
Warren McConkey, land owner
Patrick Heffernan, Montana Logging Association
Eugene Manley, Flint Creek Basin Water Shed
Management Committee

Holly Franz, PPL Montana
Neil Colwell, Avista Corporation

Opponents: None

Informational: Jack Stults, DNRC
Clayton Matt, Confederated Salish-Kootenai Tribes

Opening Statement by Sponsor:

Representative Verdell Jackson, HD 79, submitted written testimony giving an overview of the history and purpose of HB 397 and a related map. **EXHIBIT (agh32a03) EXHIBIT (agh32a04)**

Proponents' Testimony:

Ronald Buentemeier, Flat Head Conservation District, submitted written testimony. **EXHIBIT (agh32a05)**

Marc Spratt, RLK Hydro Inc., submitted written testimony.
EXHIBIT (agh32a06)

John Wilson, Montana Trout Unlimited, stated there are some loose ends in this basin and some potential for conflict as well. Trout Unlimited has participated in similar forums throughout the state that have had good success in achieving a balance between consumptive uses and fisheries uses. There is some potential for litigation here if we don't all sit at the table and try to work it out.

Lorna Karn, Montana Farm Bureau Federation, said that water is an important and very valuable commodity in the state. Farm Bureau members are very interested in protecting existing water rights and to insure that there will be water available in the future for agriculture, domestic use and recreational use. The consensus council is an excellent place for this management plan to be. They would urge their members to become involved in water management in this area.

John McDonald, Flint Creek Irrigators, said that the purpose of his organization shall be to consider and deal with, by all lawful means, common problems in the protection and enhancement of the rights of irrigators to the use of the waters of Flint Creek. They are proponents of this bill, but are concerned about the make up of the task force. They feel that agriculture should be represented by the old time water users who understand these basins. They can add a lot to this group with their experience.

Aidan Myhre, Montana Chamber of Commerce, sees this as a truly logical step to look at a plan for a variety of users. A variety of businesses rely on water and we need to be logical in our procedures in dealing with management plans.

Carol Lambert, WIFE, supports all conservation and use of water. They feel that water is Montana's greatest commodity and they believe that water rights and use need to be protected, not just for agriculture, but also for all the other uses. They, too, have a concern about the make-up of the task force and urge that agriculture have a prestigious seat on this task force.

Mike Murphy, Montana Water Resources Association, stated that the issues have significant potential impacts to Montana water users. With the energy situation at present, water rights and those issues are going to become more and more to the forefront. This task force has the opportunity to address the issues. It has the opportunity to compliment the activities that have taken place in the past. A provision that hasn't been noted yet is the notice to new water use permit recipients; they feel that is a good idea. They also feel that the representation on this task force should be heavily weighted towards irrigated agriculture and those individuals who know the local issues and impact and affects associated with irrigation.

Ellen Engstedt, Montana Wood Products Association, agrees that this is the first step toward resolving difficult issues by providing a forum for negotiations. As everyone knows, water is probably the most contentious issue you can come up with.

Mark Lalum, Ag Producers of Flathead Valley, stated that production agriculture in the Flathead Valley is a \$24 million industry. Irrigation is the foundation for the success of many crops. The loss of water to the producers would be economically devastating. Calling for a task force is the only prudent and responsible thing to do. If we can learn anything from the electrical issues that we have, it is important to be proactive and not reactive. The time to resolve potential problems is before they happen.

John Bloomquist, Montana Stock Growers Association, stated that they support this bill for all the reasons that have been heard. He thought that a technical amendment on page 2, line 12, would be to insert existing water rights and uses.

Warren McConkey, land owner, endorses a do pass from the committee for doing a proactive plan. Doing something ahead of time is critical. This issue is current and needs to move forward. He learned of the moratorium when he tried to secure a

water right for new irrigation on his land. It's time to move forward and identify the restrictions, identify how new irrigation can come into existence. Land in the Flathead Valley is very high priced, irrigation makes the prices viable.

Patrick Heffernan, Montana Logging Association, said that many of their members work in these river basins and they have an interest in the availability of water for occasional use. This is a sensible way to proceed and try to work out what the future is going to be for water rights in this part of the state.

Eugene Manley, Flint Creek Basin Water Shed Management Committee, said that his organization recommends a do pass.

Holly Franz, PPL Montana, said that PPL has been involved in a number of basin planning efforts before. This bill is significant because it recognizes the interrelationships of the far-flung sub-basins that the Bitterroot influences. This is a good way to get everybody sitting down together, thinking and planning for the resource.

Neil Colwell, Avista Corporation, said that they would support this bill. They have a long history of participation of various sub-basins throughout the Clark Fork to facilitate a determination of who has what water and when can they use it and how much there is for everyone. They participated two years ago in the suggestion that the basin be closed. They would like to see that closure stay in place. The purpose for that is to not have the problem get worse before we can figure out what all we are dealing with. That is not part of this bill, but that would be their preference. He would suggest an amendment to the bill in that the consensus council is identified as the entity that has several responsibilities. One of those that is implied, but not directly stated, is that the consensus council should have the responsibility for facilitating the meetings of the task force itself. When Avista received its license they didn't see any reason that the conversation should stop at that time. They felt that there was no reason to discontinue any discussions on what the best uses of water in the basin might be and who had what rights and how to deal with the allocation of water. It was unfortunate that the process abruptly concluded and they support that it be reinitiated.

Informational Testimony:

{Tape : 1; Side : B; Approx. Time Counter : 8.1}

Jack Stults, DNRC, submitted written testimony. **EXHIBIT (agh32a07)**

Clayton Matt, Confederated Salish-Kootenai Tribes, stated that he is providing informational testimony because at this time the tribal government has not yet taken a position of yes or no on this bill. He thinks, having viewed the initial drafts of this, it is important that the committee understand that they are watching this. He wanted to clarify some things that are being glossed over. As the tribal government, sitting in western Montana, the reservation consists of 1.2 million acres, 126,000 irrigated acres irrigated by the Flathead Indian Irrigation Project on the reservation. The northern boundary of the reservation cuts across the center of Flathead Lake. They own the bed and banks of Flathead Lake. They consider themselves to be the owner of the resources to the exterior boundaries of the reservation. This bill talks about planning, tribal government knows about planning, they support that. One of the things that the committee just heard is that it is important to understand the resource, the amount of the resource; it is important to do this to protect the water rights. But he asks, whose water resources are you planning to plan with? The water rights throughout Montana do not exist yet. The water law that the DNRC talked about has not yet completed the quantification of the rights that many people assume that they have. Those rights will be quantified and finalized once the Montana Water Court does its job. As part of that process, under the 1972 constitution as amended by the 1979 water law, the state of Montana set up the Montana Reserve Water Rights Compact Commission. He stated that they are in the middle of what they consider to be a very important planning process. They have been waiting to negotiate their water rights with the state of Montana since that time. In 1995 they began to reinitiate that process with the state. The tribes and the federal government formulated a working relationship through a tribal water rights negotiation team and a federal rights negotiation team. About that time they began informal, slow discussions with the MRWRCC. That process is still ongoing. In the last year there have been only two sessions with the Compact Commission. All the same complexities that have been discussed exist on the Flathead Reservation. That is the reason that it is going to take time to complete the negotiation of water rights. There has been talk of planning; it is important for any individual to know what water resources they are planning with. What is your right and how much is it? This is the place to begin. Many people throughout western Montana do not know that, so what water resources do you plan with? The rights that they talk of and that they will negotiate are rights that extend throughout the reservation and consist of both surface water and ground water; those rights will be quantified based on past, present and future uses. To his knowledge, tribal governments are the only entities that have the legal right to actually quantify the water right for future use. He stated that you can not plan until you understand whose water you are

negotiating and planning with and how much it is. Their water rights also extend off reservation. These aboriginal water rights have been recognized by federal and state law. The aboriginal territory in the state of Montana is at least the Clark Fork Basin. Planning is necessary, but it is probably inadequate to have something in your bill that simply says that you will send us a copy of the bill once you've passed it. He asks the committee to keep in mind the amount of time that they have spent planning and negotiating. He stated that it is unlikely the tribes will find it very valuable to participate in that planning process until they have completed their negotiations. He asked the committee to realize that if tribal involvement is wanted, then you need to help them get through the negotiation process and define whose rights we are planning with and how much we are planning with.

Matthew McKinney, Montana Consensus Council, submitted written testimony. **EXHIBIT (agh32a08)** In reference to the task force, he said that these processes are most effective when it is the participants or the stake holders that design the process and determine who sits at the table.

Questions from Committee Members and Responses:

{Tape : 1; Side : B; Approx. Time Counter : 25.3}

REPRESENTATIVE LINDA HOLDEN asked a question of Jack Stults. She noticed that this would take \$75,000 from the general fund, she was wondering if there are funds in the DNRC for water planning groups. **Mr. Stults** replied that they don't have funds for supporting water shed groups. In the fiscal note they have all ready pledged to allocate one quarter of an FTE that they would have to take away from some other existing commitment to put towards this effort. There are sources available, but you would have to look for them. **REP. HOLDEN** asked if he had any data on study groups that have done water shares for the state before. **Mr. Stults** said that the DNRC is currently involved with about 17 different groups across the state, providing technical, clerical and facilitation support. They vary in cost depending on the size of the task and the group. **REP. HOLDEN** was wondering if the commission would break it down to smaller townships or communities. **Mr. Stults** replied that it would be up to the task force to decide how they want to address that. The bill is written in such a way that it gives the task force maximum freedom and latitude to design its own process. He gave various examples of other task forces and said that it was best to let the task force determine its own structure.

REPRESENTATIVE DAVE GALLIK asked if it appears that we may be jumping the gun a little bit with this particular study plan, given the fact that we don't have the quantification that Mr. Matt had mentioned. **Mr. Stults** replied that there is no question that the status of the rights of the Federated Salish-Kootenai tribes is a large question that needs to be answered, but they have that question in differing sizes across the state. There are large areas of the state that have yet to come to a decree as to the state-based rights that are before the Montana Water Court. That means that there is possibly a question about the finality of the quantification of existing water rights. Often, though, these groups are not looking for the legal quantification of their right because that comes into play in the legal system of management of water rights. That is first in time, first in right. That system is insensitive to social structure in a community and to the hydrology of a basin. So what you are looking at in a process like this is actual use rather than the legal entitlement. You can come up with a water management plan that is not dependant on the legal quantification.

REP. GALLIK asked the sponsor, given the previous answer and the concerns that have been raised by Mr. Matt, how will you respond on the floor to the question that Rep. Lewis won't support any further money going to studies. **Rep. Jackson** said that Rep. Lewis doubted whether the studies were practical enough to use. In this case they are going to make sure that they have a real good report, that they do have information that is pulled together that will probably lay the basis for some future legislation. It may be the basis for doing things that don't require legislation as well. He pointed out that the bill lists all the different documents that will be gone through; they will be looking at the work that has all ready been done and put that data into a usable context. The reason this takes a long time is that you have conflict that you have to deal with.

REPRESENTATIVE RICK DALE asked if the sponsor had discussed with the governor whether or not she would sign such a measure if it works its way through everything and appropriation. **Rep. Jackson** had not asked her that question, but he had met with her when he first started the bill. They felt that it was best coming through the governor's office because they are going to be working with several different state agencies. It makes it easier to deal with these agencies when it is coming out of the governor's office.

REPRESENTATIVE FRANK SMITH asked if this study was practical until the compact gets more done. **Mr. Stults** replied that he thinks that it is practical. To characterize this as a study is not entirely accurate, this is the development of a plan and how

you actually manage water. This group will take the study that has all ready been done and turn it into a plan of action. **REP. SMITH** asked that on some of the reservations they are finding out that they have conflicts with the irrigators, you don't think this will happen? **Mr. Stults** is sure that there will still be conflicts. This process helps to minimize those and also gives you a way in which you may be able to manage those conflicts so that they don't grow.

REPRESENTATIVE JIM KEANE asked, of the sponsor, how can the people on the Upper Clark Fork be assured that they will be represented on this committee? **Rep. Jackson** replied that that was the job of the consensus council. Part of the process is making sure that we do have representation from every area.

REPRESENTATIVE KARL WAITSCHIES asked, if this passes, in two years there will be a task force coming with recommendations, will you need a new commission, will DNRC have regulatory rights over this basin, what will happen? **Rep. Jackson** replied that at the end of two years they are going to have some informatin that will help them in terms of reaching the goal of using the water more efficiently, working out agreements in the basin so that they don't dramatically impact users. Some things may require legislation and some may not. **REP. WAITSCHIES** then asked who would have the regulatory rights of what this task force finds. **Rep. Jackson** replied that he believed that the DNRC usually has the job of issuing permits and calling hearings. To some extent the individual will have to enforce their own irrigation rights. Another possibility would be a commission.

Closing by Sponsor:

{Tape : 2; Side : A; Approx. Time Counter : 3.4}

Rep. Jackson said that Avista was correct, we should have kept this process going, but unfortunately it stopped. He feels that this legislation is necessary to get it restarted. The consensus council doesn't exist in law so it can't be put in the law, but informally we know who will be doing this. It is better to be proactive rather than reactive. Now is the time to do it.

HEARING ON HB 418

Sponsor: Representative Cindy Younkin

**Proponents: Carol Lambert, WIFE
John Bloomquist, Montana Stock Growers**

John Semple, Montana Cattle Women
Gordon Morris, MACo

Opponents: None

Opening Statement by Sponsor:

{Tape : 2; Side : A; Approx. Time Counter : 6.2}

Representative Cindy Younkin, HD 28, said that last session they basically defined how you get to annex into an existing herd district. This bill redefines that a little bit and also covers a fencing issue. Section 2, line 21, deals with how many people have to agree to be annexed into an existing herd district. Last session they said that all land owners had to agree, now she is clarifying that it has to 55%, rather than 100%. This makes it consistent with the creation statute. There is an amendment to this because the way it is drafted right now it is 55% of the people rather than 55% of the effected land. The other thing that this bill does is to define the obligations of the parties with fencing the perimeter fence around a herd district or around a new piece of land that is newly annexed into a herd district. The duties are defined in 70-16-205 MCA. There will be a grandfather clause so that this will apply only to a newly created herd district or a newly annexed portion. This will clarify who will fence it. There is nothing in code about who fences the perimeter fencing on the outside edge of a herd district.

Proponents' Testimony:

{Tape : 2; Side : A; Approx. Time Counter : 11.9}

Gordon Morris, MACO, said that section 2 deals with county commissioners. He said that he concurred with the amendments because that makes the language consistent with the creation, dissolution and withdrawal sections of the code. He also thinks that the reference to the effective date is appropriate. He feels that the title of the bill should also be amended.

John Bloomquist, Montana Stock Growers, supports this bill as amended. The amendments will make it consistent with the creation statute.

Questions from Committee Members and Responses:

{Tape : 2; Side : A; Approx. Time Counter : 15.1}

REPRESENTATIVE KARL WAITSCHIES asked if the sponsor saw any size limitations on this or can you annex one lot into a herd district. **Rep. Younkin** said that when you establish a herd district you have to have 12 square miles. The way the law was before it was clarified there was no requirement for any particular quantity of land to be annexed and she didn't want to change the original intent of the law.

REPRESENTATIVE DON HEDGES said that, to the best of his recollection, the person with the livestock would be responsible for fencing the entire area if the person on the other side did not have livestock. **Rep. Younkin** replied that was correct.

REP. HEDGES asked, if there is a road that transects this proposed herd district and persons on neither side of the road have livestock, who would be responsible for fencing it, if anyone? **Rep. Younkin** replied that if no one has livestock you are not required to build fences. If you have livestock inside of a herd district you are required to fence them in.

Closing by Sponsor:

{Tape : 2; Side : A; Approx. Time Counter : 18.3}

Rep. Younkin thanked the committee for the good hearing.

HEARING ON HB 464

Sponsor: Representative Michelle Lee

Proponents: Fred Paoli, Attorney

Opponents: Carol Lambert, WIFE
Lorna Karn, Montana Farm Bureau
John Bloomquist, Montana Stock Growers

Opening Statement by Sponsor:

Representative Michelle Lee, HD 26, said that what HB 464 does is amend section 81-7-401. It says that if you kill a dog that has been harassing livestock, if the dog is wearing ID tags, you must notify either the appropriate law enforcement agency or the owner that is listed on the ID tags. If you fail to do this you shall be fined an amount not less than \$500. The code that this deals with was put on the law books in 1933. In the year 2001 lots has changed. The population has grown and communication is now easier. With all the new technology someone should be able to

pick up the telephone and notify the owner that their dog has been killed. The constitution gives people due process of law.

Proponents' Testimony:

{Tape : 2; Side : A; Approx. Time Counter : 21.8}

Fred Paoli, attorney, stated that this bill is important to him because of the story he was about to tell the committee. He said that he grew up in Montana, learning to be a bird hunter from his father. He learned to respect the land, the game, the firearms, and the ranchers and farmers who let them hunt on their land. In 1994 he and his wife moved out to the country. At the time they had two male black labs that had been trained as hunting dogs. The dogs had been trained not to chase large animals such as deer or livestock. If given the chance the dogs will roam, knowing that Mr. Paoli kept his dogs kenneled. One day they escaped and were never found. They spent two months running ads in the paper, putting up posters, et cetera. They spent several hundred dollars in this effort. January 31, 1998, he received a call for someone in San Francisco who said that he had read the ad in the paper and he thought he might have the dogs. This person said that he had picked them up at a gas station when he was driving through Montana and they matched the description in the paper. Mr. Paoli agreed to wire him \$700 to have his dogs sent home. Mr. Paoli was excited and went to lunch and was telling people that someone had found his dogs. Word got around the café and one of the ranchers came up to him and said, "Don't send the money, I ain't going to tell you who did it, but your dogs have been shot long ago." This bill is intended to bring a little balance to an issue that is very divisive in many communities in Montana. Certainly roaming dogs are a problem. His dogs weren't roaming dogs and they didn't deserve what they got. He and his wife didn't deserve two months of not knowing when all the rancher had to do was pick up the phone and call. His dogs were always collared and always tagged. This just lets the dog owner know. It will ease a lot of the tension and make ranchers think twice before they shoot a dog. He offered another idea that was the possibility of allowing a rancher who has picked up a dog on his property to charge the owner \$25 or \$50 to get the dog back. This might stop the killing and bring the communities together. He stated that we live together, we might as well try to get along together.

Opponents' Testimony:

{Tape : 2; Side : A; Approx. Time Counter : 34.3}

John Bloomquist, Montana Stock Growers Association, stated that dogs are a problem in the livestock business. The sheep industry has major problems with dogs harassing and injuring livestock. As you get more people moving out into rural areas they will bring along their dogs. Some will take care of them and some won't. It's the irresponsible dog owner that is a problem. There are a lot of ranchers who could tell you stories about livestock being injured or killed by dogs. If you look at this amendment, the livestock owner who shot the dog would be required to notify someone. That is possible if the dog dies right where it was shot. What if it doesn't die right away and wanders off somewhere else to die? Would the rancher be liable under this situation, he thinks so. He also questions the penalty, which says not less than \$500 for the livestock owner and the dog owner's obligation is not more than \$500. Before these penalties are imposed on the livestock owner there should be some verification that the dog has been killed and that there are ID tags.

Lorna Karn, Montana Farm Bureau, opposes this bill. She likes the suggestion for verification if the committee does go ahead with this bill. There needs to be another mechanism to protect those farmers and ranchers if the animal goes off somewhere else to die.

Carol Lambert, WIFE, opposes the bill for the reasons previously mentioned by other opponents.

Questions from Committee Members and Responses:

{Tape : 2; Side : A; Approx. Time Counter : 40.5}

REPRESENTATIVE DARREL ADAMS asked if there was any way to take care of other problems with dogs, such as getting in the garbage or trampling the flower garden. **Mr. Paoli** thought that maybe the \$25 or \$50 rule might work. Anytime a land owner catches a dog on his property, grab him and call the owner and say, you owe me \$25. **REP. ADAMS** pointed out that it can be hard to catch dogs, the dogs don't cooperate. **Mr. Paoli** said that he could only speak to a lab and that if anybody calls a lab it will come wagging. This is one measure of balance.

REPRESENTATIVE DAVE GALLIK asked, of Mr. Bloomquist, with the changing of the fines to make them consistent, would that solve the concerns that he has addressed, given that it would require proof of intent in order to convict somebody of a misdemeanor? **Mr. Bloomquist** didn't think so. People are defending their property. This bill has a couple of problems, one is the fine. The other big problem is having the dog die somewhere else, yet

the rancher would still be liable. **REP. GALLIK** the said that, if you don't have the knowledge, in his understanding of the law, then you would not have the proper intent to have committed this crime because you couldn't notify the proper agency.

Mr. Bloomquist stated that he didn't see intent anywhere in this bill. **REP. GALLIK** asked, if we can solve the problem of making sure that the individual who kills the dogs knows that they killed the dog, will you, Mr. Bloomquist, be in support of this bill. **Mr. Bloomquist** responded that that would make this bill better. However, the fundamental issue here is someone defending their property. It would make a bad bill better, but he still wouldn't support it.

REPRESENTATIVE DON HEDGES asked what would constitute notification, would an anonymous letter to the sheriff count?

Rep. Lee said that she believed it would, as long as there is some notification that the animal wearing ID tags was killed.

REP. HEDGES clarified that they wouldn't have to say who it was, where it came from, or where to find the dog. **Rep. Lee** said that even if it's an anonymous letter, the owner still knows that their dog has been killed. They are only after the simple notification because that is clearly not going on. **REP. HEDGES** asked about the "kidnap the dog for reward amendment" that had been mentioned earlier, would the sponsor consider that?

Rep. Lee said that she would be in favor of that. She doesn't believe it would change the intent drastically, she is just wanting notification. There would have to be an adjustment to the title.

Closing by Sponsor:

{Tape : 2; Side : A; Approx. Time Counter : 50.2}

Rep. Lee stated that this is a tough issue and she is not bringing this forward to be divisive. They are here to start talking about and taking steps towards equality. Livestock is an important property, but when you destroy someone else's property in the course of defending yours, notification is the very least that we can offer.

ADJOURNMENT

Adjournment: 5:25 P.M.

REP. DONALD L. HEDGES, Chairman

ROBYN LUND, Secretary

DH/RL

EXHIBIT (agh32aad)