

2/3/1977

MINUTES OF THE MEETING OF
HOUSE AGRICULTURE, LIVESTOCK & IRRIGATION COMMITTEE
MONTANA HOUSE OF REPRESENTATIVES

February 3, 1977
4:00 p.m.
Rm. 434
State Capitol Bldg.

The meeting was called to order by Chairman Day, with all members present except, Representative Brand.

Representative Harrington, chief sponsor of HB 325, was present to explain the bill. He stated that this bill was a request from the Department of Revenue, eliminating the requirement that county clerk and recorders prepare monthly lists of nonresident loans secured by chattel mortgage upon grain. The department no longer prepares these lists, and HB 325 will just eliminate the requirements from the codes.

Mr. John Bell, Clerks and Records Office, was present as a proponent to HB 325. It was felt, by the office, that this repealer should have been eliminated years ago.

Representative Harrington closed with a do pass recommendation.

Representative Barrett, chief sponsor of HB 246, stated that this bill would allow the Department of Agriculture the authority to adopt rules concerning Rural Rehabilitation. HB 246, is needed to allow the department to put rules into the APA for the disbursement of funds.

Mr. George Lackman, Department of Agriculture, proponent to HB 246, stated that there was \$1,250,000 in the department funds for Rural Rehabilitation programs. When the corporation dissolved some years ago, the funds reverted to the department. The only stipulation was that 3% of this money was to be used for administrative purposes. The operating budget now is \$25,000, which is only 1.8% of the budget. Attached is a list of the programs and amount of outstanding loans.

Representative Barrett closed with a do pass recommendation

Representative Severson asked if the program was very well known? Mr. Lackman replied, that he believed in the last year the program was more known about, because of the employment of one full-time employee to handle the loan disbursements.

Representative Johnston, chief sponsor of HB 253, explained that this bill was a request from the Department of Agriculture, revising the laws relating to horticulture, bean warehousemen, itinerant merchants, and wholesale produce dealers. HB 253 would raise license fees and give the department the authority, by rule, to establish the license or permit of exemption fees.

George Lackman, Department of Agriculture, proponent to HB 253, stated that the reason for the change in these fees was the cost of inflation. At one time the department was run 50% by these various fees, now it is down to about 30%. The change, giving the department the authority to change these fees is for the purpose of not having to come

before the legislature each time the fees need to be changed.

Representative Bengtson asked Dave Cogley, researcher, if it was unusual for a department to ask for this authority to set such fees without legislative approval? Dave replied, it was not frequently done but was not an uncommon practice either.

The hearing on HB 253 was closed and the committee went into executive session.

Representative Staigmilller moved HB 325, do pass. It was seconded by Representative Bengtson. The motion was passed unanimously.

Representative Bengtson moved HB 246, do pass. It was seconded by Representative Staigmilller. A substitute motion was made by Representative Conroy, that all motions pending, HB 246 be tabled. It was seconded by Representative Johnston. The motion was passed with Representative Dassinger opposed.

Representative Gunderson proposed an amendment to HB 262. (amendment attached) Representative Gunderson said the amendment had been a request by the Department of Agriculture. The provision was provided for under another statute number.

Representative Gunderson moved the adoption of the amendment to HB 262. Representative Staigmilller seconded the motion. It was passed unanimously.

Representative Gunderson moved HB 262 do pass as amended. It was seconded by Representative Dassinger. Representative Ellerd made a substitute motion that HB 262, do not pass. It was seconded by Representative McLane. Discussion: Representative Ellerd stated that he didn't feel the 1% assessment should be taken out of the dairy producers income. If they don't pay, an additional 20% penalty would be put on them. If in violation of this act persons are guilty of a misdemeanor and are subject to fine and could go to jail. Representative Ellerd had letters from both proponents and opponents, other members had received similar letters. He didn't feel that they should legislate any legislation that would subject any person to jail for the promotion of advertising their products. Representative Ellerd had carried the Montana Pork Producers Marketing Act and there was no such penalty imposed upon them. They were subject to a \$25 to \$50 fine and there was no opposition raised when this act was proposed. He was sure the Wheat Research and Marketing Act had about the same penalty imposed upon their violators.

Representative Gunderson stated that this act was formed after the Wheat Research and Marketing Act and that act took ten years to pass but is working very well today. The 20% penalty was not to be directed at the producer, as Representative Ellerd stated, but directed to the processor. Also you must remember this act does provide for a refund so we are not taking money away from the producer. If he objects to the act he can apply for a refund.

Representative Davis asked if this penalty clause was amended out

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of the bill if Representative Ellerd would accept it? Representative Ellerd answered, no. He felt it was a poorly drafted bill and removing the penalty would not change his objections to the bill. The question was called.

The substitute motion that HB 262, do not pass, was passed with the vote 8 to 5.

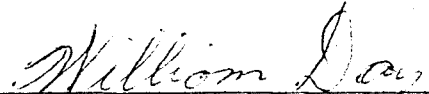
Representative Gunderson reported the subcommittee had a meeting on HB 317 and their recommendations were, do pass. (explanation of HB 317 attached) Dave Cogley proposed some minor amendments to HB 317. (attached)

Representative Gunderson moved HB 317, be amended as proposed. It was seconded by Representative Bengtson. The motion was passed unanimously.

Representative Gunderson moved HB 317, do pass as amended. It was seconded by Representative Johnston. The motion was passed with Representative Severson opposed.

Representative Dassinger moved to adjourn. The motion was passed unanimously.

Adjourned at 5:45 p.m.


William M. Day, Chairman

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