

3/29/1977

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

March 29, 1977  
10:10 a.m.  
Rm. 431  
State Capitol Bldg.

The meeting was called to order by Chairman Day with all members present except Representatives Brand, Conroy, and Gunderson.

Senator Dover, chief sponsor of SB 114, stated that this bill would give a little more clarification of the gas refund and should make reporting a little easier. This bill would not change the gas refund form or change the options as they are used now. The department may need to add a notation on to the form.

This bill will make option two so that one tank can be stored on the ranch for solely farm use. The fuel for highway use: (1) may be stored in another tank on the ranch and when the ticket is made out the gas is marked for "Highway Use" (2) or, it may be bought retail and the tickets saved and turned in. In either case the amount of fuel used and the car mileage for the year must be turned in. (prepared statement attached)

Representative Staigmiller asked if meters would still be used on their tanks? The Senator replied; yes.

Representative Smith asked if they still had the same three options, as before? The Senator replied; yes.

Senator Graham, chief sponsor of SB 124, explained that this bill was a request from the Department of Agriculture. It had been gone through thoroughly in the Senate Agriculture Committee and it was felt that this was a good bill. Mr. Gary Gingery, Department of Agriculture, will explain the bill thoroughly, to prevent duplication he closed.

PROPOSERS:

Gary Gingery, Department of Agriculture, explained that this bill revises various sections and provisions of the Montana Pesticides Act, passed in 1971. The major revisions set forth in this bill provide for clarification of intent, a reduction in government regulatory powers, and an improvement in delineating the department's inspection and enforcement responsibilities. There are numerous grammatical and punctuation corrections, made by the Legislative Council, improving the structure and readability of the bill.

Currently individuals desiring to register experimental pesticides must pay a \$10 registration fee. SB 124, will not require them to pay this fee to register for an experimental use permit. The reason for this is to bring newer, safer, more effective, economical and tested pesticides into Montana.

The current act requires the department to review all pesticide registrations every two years. This bill will omit this review

because they do not feel it is necessary since the Environmental Protection Agency reviews all pesticide products every five years. The department is allowed to participate in this process if they wish to.

The present act only allows the departments of Health and Fish and Game three days to make a decision on registration of a pesticide. This bill will allow them 10 days, giving them time for a thorough review.

A new provision that application for applicator's licenses and for dealers licenses establishes that the deadline for licensing be set on May 1st. There is no deadline now. The department also proposes that dealer licensing be revised to include the option of licensing as a dealer on a biennium basis. This will reduce paper work, manpower and costs for the department and individual dealers.

Farm applicators licensing; would require them to obtain an annual special use permit, upon passage of an examination. There are about 8 to 12,000 farmers and ranchers that will need to be certified in the year 1978, in order to purchase and use any or all restricted pesticides. This bill will allow the department to issue five year certificates or permits instead of the present annual permit. These permits will still need to be renewed annually with local county agent offices, department, district offices or at the department Helena office. (prepared statement attached explaining all the changes made in the bill)

Senator Graham, closed with a, be concurred in recommendation.

Representative Curtiss asked how many local training courses, for farm applicators would be set up? Mr. Gingery replied that this program had been used in Teton County and 274 private applicants had attended the training courses. They had seven or eight different locations set up. The county agents will have the authority to set the number of training locations that they feel are necessary and determine how they are run.

Representative Ellerd, chief sponsor of HJR 91, stated that there seemed to be problems with the marketing laws that came up this session. If we could make a study of the laws and propose modification to them next session we could eliminate some of the problems that have arisen. This resolution is asking the Governor to appoint a committee to study the movement and marketing of livestock and to make recommendations for change to the 46th session of the legislature.

Representative Ellerd proposed an amendment to the resolution on page 1, line 22, by striking: "seven" and inserting: "ten" and on page 2, line 1, strike: "three" and insert: "six", on the same line following: "producers" insert: "or directly connected with livestock oriented state organizations or associations". These amendments would increase the number of persons on the committee. The committee will meet on a voluntary basis, no money will be needed out of the state funds for this study.

PROPOSERS:

Mr. Gene Donaldson, Department of Livestock, stated that this resolution would review all the marketing laws, dealer licensing and market health type conditions. Basically they are in pretty good condition but, this would allow them to stop and take a good look and put the strength in areas where needed and determine where not needed. At any rate we would be able to come up with a model marketing act.

Ms. Alice Fryslie, Montana Cattlemen's Association, stated they were in support of HJR 91. Any uniform affect you get from the livestock people when they get together is worth while.

Mr. Mons Teigen, Montana Stockgrowers and Montana Woolgrowers Associations, stated that these organizations supported HJR 91. They felt the livestock was over inspected in some areas and the study would observe this. It would also allow the committee to take a look at all the needed and not needed areas of the markets to allow them to do the best job possible.

Mr. Bill Asher, Agricultural Preservation Association, stated that because of a lack of communication with his group he could not take a stand for the organization but felt that they would support HJR 91, if they had been approached. Representing himself he was in full support of the measure.

Mr. Wallace Edland, representing himself, stated that he felt this bill had a lot of merit and was in full support of HJR 91.

Representative Ellerd closed by stating that he felt the purpose is outlined well in HJR 91, and would accomplish a lot. The people from the city do not understand how complex the marketing industry is. Recommending the adoption of HJR 91.

Representative Staigmiller asked if the following amendment would be acceptable to the sponsor: page 1, line 23, following: "dealer," insert: "a livestock brand inspector"? Representative Ellerd raised no objection.

Representative Johnston asked if the livestock board would furnish an attorney? Representative Ellerd replied that he felt they would have the service of the state livestock board attorney. He assured the committee there would be no expense for an attorney but they would have the help they needed.

Representative Bengtson asked who would serve on the committee without pay? Mr. Les Graham, Department of Livestock, stated that all the bills that they had requested this legislative session were the result of a volunteer committee which met during the interim.

Representative Day asked why there was a request for only one legislator instead of two legislators from each house? Representative Ellerd replied he had no objection to more legislators but

felt they may not want the travel expences, which they would have to pay themselves.

EXECUTIVE SESSION:

Representative Dassinger moved HJR 91, do not pass. After a brief discussion and Representative Ellerd stating he would withdraw the resolution if the committee felt it was not necessary, Representative Dassinger withdrew his motion.

Representative Bengtson moved the adoption of the proposed amendments to HJR 91. Representative Severson seconded the motion. The motion was passed unanimously. (amendments attached)

Representative Johnston moved HJR 91, do pass as amended. It was seconded by Representative Staigmilller. The motion passed unanimously.

Mr. Ted Doney, chief council, Department of Natural Resources, was present to explain SB 135. He apologized for not being at the hearing when SB 135 was heard. This bill was drafted after the Governor recommended all the departments repeal the laws that were no longer being used. The state brand is not used anymore, and logs are not driven down rivers anymore. The Columbia Interstate Compact was never adopted by the neighboring states of Oregon and Idaho so it is not effective. For these reasons they are not needed in the law books.

Representative Curtiss asked if it would do any harm to leave the Compact on the books? Mr. Doney replied it would do no harm but the law would never be effective because the other states didn't adopt it.

Dave Cogley proposed the amendments discussed at the earlier hearing. which were as follows:

1. Amend title, line 9.

Following: "45-421"

Strike: "45-420"

Insert: "45-421"

2. Amend page 1, section 1, line 17.

Following: "45-421"

Strike: "45-420"

Insert: "45-421"

Representative Bengtson moved the adoption of the above amendments to SB 135. The motion was seconded by Representative Dassinger. The motion was passed unanimously.

Representative Dassinger will carry SB 135, on second reading.

Representative Severson moved SB 114, be not concurred in. It was seconded by Representative Bengtson. The motion was passed with Representatives Johnston, Staigmilller, and Smith opposed.

Minutes

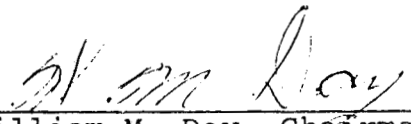
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Representative Bengtson moved the adoption of the amendments proposed to SB 124. It was seconded by Representative Dassinger. The motion was passed with Representatives Curtiss and Davis opposed. (amendments attached)

Representative McLane moved SB 124, be not concurred in as amended. It was seconded by Representative Curtiss. The motion failed 5 to 6. The vote was reversed and SB 124, was concurred in as amended 6 to 5.

The meeting was adjourned at 12:05 p.m.

  
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William M. Day, Chairman

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