

MINUTES OF THE MEETING
AGRICULTURE, LIVESTOCK & IRRIGATION
MONTANA STATE SENATE

January 24, 1979

The sixth meeting of the Agriculture, Livestock and Irrigation Committee was called to order on the above date in Room 415 of the State Capitol Building by Chairman Galt at 1:30 p.m.

ROLL CALL: All members were present with the exception of Senator Nelson

Since there had been a computer problem with House Bill 5, Senator Conover moved that the committee reconsider its actions on the bill. Motion carried unanimously.

Senator Kolstad said there had been some unclear language placed in between line 11 and line 12 due to the computer error. A corrected copy was presented to the committee.

Senator Kolstad then withdrew the amendment that the committee had placed on the bill at its last meeting. Motion carried.

Senator Conover moved that House Bill 5 BE CONCURRED IN. Motion carried unanimously. It has also been unanimous that this bill be placed on the consent calendar.

CONSIDERATION OF HOUSE BILL 10: Larry Weinberg, staff attorney from Legislative Council was present to speak on the bill. He said this was a code commissioner bill dealing with state lands. He stated that the first change was to put all the penalty sections into one. The next change is "of" to "or". He felt this would not change the law. It would include someone who has an interest in state land to come under the penalty section. On page 5, line 4, multiple use management means management of the land for many uses. He stated that reference to the multiple use act is changed to the public law reference since there is more than one multiple use act. Section 8 was rewritten for clarity. Section 9 concerns delayed drilling process. Line 10 on page 8, changing second to fifth should have been changed to update the bill. The Department of State Lands was going to submit a bill on this one item. He said the repealer section dealt with the state land agent of which there is none. It is required that the department be the ones to send in the information. Mr. Weinberg said he had also added a severability clause to protect the bill. If one part of the bill was proven unconstitutional the rest of the bill would still be all right. He said in this bill nothing is really dependent on any other part. Attached is a brief explanation that he presented to the committee. Exhibit #1.

DISPOSITION OF HOUSE BILL 10: Senator Conover moved that House Bill 10 BE CONCURRED IN. Motion carried unanimously.

Senator Kolstad moved that this bill be placed on the consent calendar. Motion carried unanimously. Senator Kolstad will handle any questions on the floor.

CONSIDERATION OF SENATE JOINT RESOLUTION 6: Senator Aklestad, chief sponsor of the resolution said this had been introduced to make the people of Montana aware and acknowledge the trade relationship between Montana and Taiwan. There are many people in the state that deplore the manner in which the relationship with Taiwan was severed. He said this not only benefits agricultural people but it benefits everyone in the economic spectrum in the United States. He mentioned that the word "continually" on line 14, probably should be changed to "previously" since some wheat, he thought had been accepted.

Senator Kolstad agreed with what Senator Aklestad had said. He said Montana has benefited directly with our trade relationship with Taiwan.

Senator Galt asked if this resolution should be sent to anyone. Senator Aklestad felt there should be some news coverage about it and felt it should be sent to the Montana Congressional Delegation, members of the U.S. House and Senate Agriculture Committee, the President of the U.S. and the Secretary of Agriculture. This was put into a form of a motion. The motion was carried.

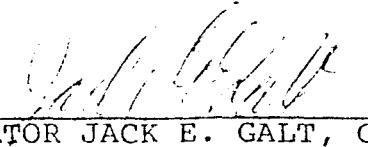
Senator Aklestad moved that on line 14, "continually" be stricken and "previously" be inserted. After discussion on his motion he withdrew it.

Senator Boylan moved that lines 13 through 15 be deleted. Senator Kolstad made a substitute motion that on line 14, following "of" that "falsely" be inserted. This motion failed on a roll call vote of 2 to 5. Senator Boylan then withdrew his motion.

Senator Aklestad moved that on line 14, following "wheat" the remainder of line 14 and line 15 be stricken and on line 14 strike "continually" and insert "previously". The motion was carried.

DISPOSITION OF SENATE JOINT RESOLUTION 6: Senator Kolstad moved that Senate Joint Resolution 6 as amended DO PASS. The motion was carried unanimously.

The meeting was then adjourned.


SENATOR JACK E. GALT, Chairman

Date 1-24-79

ROLL CALL

AGRICULTURE COMMITTEE

46th LEGISLATIVE SESSION - 1979

Each Day Attach to Minutes.

SENATE MEMBERS

CAROLINE GRAHAM
CHAIRMAN

FRANK HAZEL PARKER
Vice CHAIRMAN

CLIFFORD A. COOK

PAUL GOODMAN

SHANA S. DOWLING
EXECUTIVE DIRECTOR
CODE COMMISSIONER

ELEANOR FICK
ADMINISTRATIVE ASSISTANT

ROBERTA MOODY
DIRECTOR LEGISLATIVE SERVICES



HOUSE MEMBERS

JOHN R. DRUGGOT

OSCAR KVAALEN

ED LYNCH

ROBERT E. MARKS

ED DAVID COGLEY
DIRECTOR LEGAL SERVICES

ROBERT PETERSON
DIRECTOR RESEARCH

Montana Legislative Council

State Capitol

Helena, 59601

(406) 449-3064

LC 0022

1979 Legislature Code Commissioner Bill - Summary

House Bill No. 10

AN ACT TO GENERALLY REVISE AND CLARIFY THE LAWS RELATING TO STATE LANDS; AMENDING SECTIONS 77-1-112, 77-1-113, 77-1-114, 77-1-115, 77-1-117, 77-2-201, 77-2-214, AND 77-3-424, MCA; AND REPEALING SECTION 84-510, R.C.M. 1947.

(This summary does not include discussion of routine form or grammatical changes.)

Section 1. 77-1-112. This section is rewritten for clarity. References to "Chapter 60, Laws of 1927" are changed to "this title" to provide a complete reference. A former subsection (2) is deleted as superseded by material in 77-1-112 and 77-1-115.

Section 2. 77-1-113. This section is rewritten for grammar.

Section 3. 77-1-114. "[act]" is changed to "title", in accordance with the changes made in 77-1-112 (section 1 of this bill) to clarify the reference.

Section 4. 77-1-115. An internal reference to "77-1-112(1)" is changed to "77-1-112" to reflect changes made in 77-1-112 (section 1 of this bill).

Section 5. 77-1-117. The phrase "unless otherwise provided" is added to avoid conflict with other statutes which provide for a different disposition of money received by the department.

Section 6. 77-1-203. Subsections (1)(a) and (b) are rewritten for clarity. The language should be examined to insure that the intent of the legislature is preserved.

LC 0022

Section 7. 77-2-201. "The Multiple Use Act" is changed to "P.L. 88-607, as amended, (43 U.S.C. §§1411-1418)" to provide a correct reference as there is no official short title.

Section 8. 77-2-214. This section is rewritten for clarity.

Section 9. 77-3-424. In subsection (1), "second year" is changed to "fifth year" for consistency with later amendments which were made to subsection (1)(b)(i) referring to the sixth year of a lease.

Section 10. Repealer. Section 84-510, R.C.M. 1947, is repealed as obsolete and superseded by 77-2-313 (former 81-928, R.C.M. 1947).

STANDING COMMITTEE REPORT

.....January 24..... 19 79....

MR.President.....

We, your committee onAgriculture, Livestock and Irrigation.....

having had under considerationHouse..... Bill No. 5.....

Respectfully report as follows: That..... House..... Bill No. 5.....

BE CONCURRED IN

DKPSSX

STANDING COMMITTEE REPORT

January 24 1979

MR. President

We, your committee on Agriculture, Livestock and Irrigation

having had under consideration House Bill No. 10

Respectfully report as follows: That House Bill No. 10

BE CONCURRED IN

DO PASS

SENATE COMMITTEE AGRICULTURE

Date 1-24 SJR Bill No. 6 Time 2:00

Sally Watson
Secretary

JACK E. GALT
Chairman

Motion: Sen. Kolstad - substitute motion
Line 14 - Following: "of" Insert:
"falsely"
Motion Failed

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

.....January 24..... 1973.....

MR. President.....

We, your committee on..... Agriculture, Livestock and Irrigation.....

having had under consideration..... Senate Joint Resolution..... Bill No. 6.....

Respectfully report as follows: That..... Senate Joint Resolution..... Bill No. 6,..... introduced bill, be amended as follows:

1. Page 1.

Following: line 13
Strike: "continually"
Insert: "previously"

2. Page 1, lines 14 and 15.

Strike: "because of alleged smut disease"

3. Page 1

Following: line 24

Insert: "(3) That copies of this resolution be sent by the Secretary of State to the President of the United States, all members of this State's Congressional Delegation, the U.S. Secretary of Agriculture, the chairman of the U.S. Senate Agriculture Committee, and the chairman of the U.S. House of Representatives Agriculture Committee."

And, as so amended,

DO PASS