

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

February 19, 1979

The eighteenth 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 Vice-Chairman Kolstad at 12:30 p.m. Senator Galt chaired the meeting at 1:30 p.m.

ROLL CALL: All members were present with the exception of Senator Graham who had been excused. Chairman Galt was present at 1:15 p.m.

The witnesses that were present are attached.

CONSIDERATION OF SENATE BILL 509: Senator Conover had introduced this bill at the request of the seed potato growers.

Mike Koehnke, a seed potato grower said they had worked on the bill for four months. The bill amends the existing law. He submitted to the committee a copy of the existing law, exhibit #1. He also presented a copy of a letter that combined MSU and the potato growers, exhibit #2. He went through the bill briefly explaining the sections. He said in the drafting of the bill certain things had been deleted or needed to be changed and for this reason he submitted proposed amendments, see exhibit #3. At this point Vice-Chairman Kolstad explained to the people present that this was the last day the committee had to consider bills to meet the transmittal deadline.

J. A. McLean, Montana Potato Improvement Association, said the reason for trying to amend the existing law is that in the present law there is no reference to seed potatoes. The existing law designates MSU as the certifier. They would like to keep MSU in the program as far as providing services and information, but take them out of the actual certification, because of the law suits that are pending. They do not want to lose the universities support and participation in giving them facilities and giving them expertise in this field.

Francis Koehnke, grower from Townsend, said the relationship between the MPIA and the university has been very good.

John Skutter, grower, said the university would still be involved in setting the rules, but would not be involved in certification. The growers have spent a lot of money on equipment that is used at MSU for certification and wondered what would happen to this equipment.

Bob Koenig, MPIA director, said the program they have been working under has been self-sustaining and they feel that if MSU took over their funds there could be problems.

Roger Todd, a grower, said they have appreciated MSU's cooperation and hoped it could continue. In some instances MSU has to put things out on bid and many times the growers can't wait for a bid to come in and he felt this was one reason why the MPIA should handle their own money.

Tom Murphy, a grower, reemphasized the good relationship with MSU.

The other proponents stood in support of the bill.

OPPONENTS:

Mr. Joe Asleson, from MSU, said they had reviewed the 1st and 2nd draft of the bill and could have supported it, but they felt there were some changes in the final draft that they could not support. They also agreed that the relationship between MSU and the growers had been good. They would have been happy to work under the old law, but the law suits that are pending have them worried. He felt with a few amendments they could support the bill. MSU would be more than willing to provide the service that they have provided in the past on a contract basis. As far as equipment goes he felt the equipment would go with the certification program.

Mr. Roger Flare, legal council for MSU and speaking for the preident, said they had no objection in turning the certification program over to the MPIA, but did have a few objections to the bill. They stated that they had not had a chance to look at the proposed amendments so could not speak to them. In the future they would like to provide only those services that they are competent to provide. They would like to amend the bill so the MPIA would contract with MSU all services except certification and inspection. They would also like to see the pre-ambule of the bill removed, because it was inappropriate.

Lew Barsell, MSU, thought the pre-ambule to the bill could be stating legislative intent. He also mentioned the good relationship between the two.

Gordon McOmber, Department of Agriculture, said the department is involved in grading of potatoes. On page 9, line 11 could be in violation of the Montana Procedures Act and could put the department in a very difficult situation.

During discussion by the committee, both the potato growers and the University people felt they could work together to come up with something compatible for both parties involved.

DISPOSITION OF SENATE BILL 365: The committee was presented with a proposed amendment to the bill which was quite extensive. Attachment #4. Senator Boylan moved that the proposed amendments be adopted. Motion failed on a roll call vote of 5 to 2. Senator Graham absent.

Senator Kolstad moved that Senate Bill 365 DO PASS Motion

failed on a vote of 5 to 2. Senator Graham absent. The committee then reversed the motion to DO NOT PASS. Motion carried by a vote of 5 to 2.

DISPOSITION OF SENATE BILL 513: Senator Boylan moved that this bill BE TABLED. Motion carried.

DISPOSITION OF SENATE BILL 512: Senator Boylan said that Montana was one of very few states that had two labs. There was some discussion on submitting a Senate Resolution for an interim study on the feasibility of combining the two.

Senator Conover moved that Senate Bill 512 DO NOT PASS. Motion carried. Roll call vote of 5 to 2.

DISPOSITION OF SENATE BILL 509: The committee felt the bill had merit but felt they would not have enough time to consider all the proposed amendments.

Senator Conover moved the bill DO PASS. Motion carried.



SENATOR JACK E. GALT, Chairman

Date 2-19

ROLL CALL

AGRICULTURE COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
SEN. KOLSTAD	✓		
SEN. AKLESTAD	✓		
SEN. BOYLAN	✓		
SEN. CONOVER	✓		
SEN. GRAHAM			✓
SEN. HAGER	✓		
SEN. NELSON	✓		
SEN. GALT, Chairman	✓		✓

Each Day Attach to Minutes.

SB 509

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Roger Totten	grower	5509	✓	
Robert Koening	MPIA District 3 grower	5509	✓	
James A. McLean	MPTA	5509	✓	
ROGER N. FLAIR	Montana State Univ.	5509		✓
LEO A NICHOLS	Deer Lodge, MT.			
Carl B Meyer	Deer Lodge MPIA	5509	✓	
William Cotton	Dillon	5509	✓	
John Verdugen	Manhattan	5509	✓	
Edward J. Koehnke	Jaynesville	5509	✓	
Francis Koehnke	Jaynesville	5509	✓	
Donald Johnson	Polson	5509	✓	
Don Callahan	St. Ignace	5509	✓	
Wilbur Kinn	Manhattan	5509	✓	
Dean Widensack	Manhattan	5509	✓	
Jack Weikman	Manhattan	5509	✓	
Bud Jacobson	Deer Lodge	5509	✓	
Robert Fleming	Polson	509	✓	
W. Schutte	Manhattan	509	✓	
Ed Johnson	Deer Lodge	509	✓	
Bill Kober	Brown	509	✓	
James Brewick	Kelispell	509	✓	
Walter Mangle	Polson	509	✓	
Ernest Lake	Ronan		✓	
Thompson Aken	Whitfish	5509	✓	
Orville Beck	Deer Lodge	5509	✓	
Don Lake	Ronan	509	✓	

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Opp
Tom Murphy	Sioux	509	<input checked="" type="checkbox"/>	
Carl Hoffman	Mont State Univ.	509		<input checked="" type="checkbox"/>
Marjorie Reistad	Deer Lodge Potatoes	509	<input checked="" type="checkbox"/>	
Melvin E. Reistad	Deer Lodge Potatoes	509	<input checked="" type="checkbox"/>	
Akahoaka	Townsend	"	<input checked="" type="checkbox"/>	
William DeGrua	MSU - Bowman	"		
Joe Ashman	MSU - Bowman	"		

80-5-208. Deposit of funds. All money collected under the provisions of this part shall be deposited to the general fund.

History: En. Sec. 8, Ch. 442, L. 1973; R.C.M. 1947, 3-317.

Part 3

Certification

80-5-301. Application of sections. A person, firm, association, or corporation which issues, uses, or circulates any certificate, advertisement, tag, seal, poster, letterhead, marking, circular, or written or printed representation or description pertaining to seeds or plant parts intended for propagation or sale or sold or offered for sale in which the words "Montana state certified", "state certified", "Montana certified", or similar words or phrases are used or employed is subject to 80-5-301 through 80-5-305.

History: En. Sec. 1, Ch. 11, L. 1951; amd. Sec. 43, Ch. 218, L. 1974; R.C.M. 1947, 3-809.

80-5-302. Rules by Montana state university — certification agencies. Every person, firm, association, or corporation subject to the provisions of 80-5-301 through 80-5-305 shall observe, perform, or comply with all rules and standards for seed certification established or specified by Montana state university, hereafter referred to as the university, as to what crops grown or to be grown in Montana shall be eligible for certification hereunder, as to the conduct of such certification, either by said university directly or by agents or agencies authorized by it for the purpose, and as to standards, requirements, and forms of and for certification hereunder; provided, however, that not more than one such agent or agency for certification shall be designated for any one specified crop. No certification within the provisions of 80-5-301 through 80-5-305 shall be made or authorized except by or through said university.

History: En. Sec. 2, Ch. 11, L. 1951; amd. Sec. 7, Ch. 390, L. 1973; R.C.M. 1947, 3-810.

80-5-303. Certification work on self-supporting basis. Certification work, whether conducted by said university or by an agency designated by it, shall be on a self-supporting basis and not for financial profit.

History: En. Sec. 3, Ch. 11, L. 1951; amd. Sec. 8, Ch. 390, L. 1973; R.C.M. 1947, 3-811.

80-5-304. Withholding certification. The said university or its designated agency or agencies may withhold certification from any grower of seeds or plant parts who is engaged in or attempting to engage in any dishonest practices for the purpose of evading the provisions of 80-5-301 through 80-5-305, including standards and rules laid down by the said university or its designated agency or agencies to cover certification.

History: En. Sec. 5, Ch. 11, L. 1951; amd. Sec. 10, Ch. 390, L. 1973; R.C.M. 1947, 3-813.

80-5-305. Unlawful use of certification — penalty. A person, firm, association, or corporation may not issue, make, use, or circulate any document purporting to be or represented as a seed or plant part certification certificate, represent seeds or plant parts as certified, or use the terms "Montana state certi-

MONTANA STATE COLLEGE
BOZEMAN

OFFICE OF THE PRESIDENT

June 25, 1952

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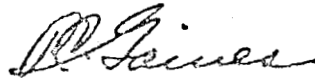
Mr. Sam W. Mitchell
Secretary of State
Helena, Montana

Dear Mr. Mitchell:

This is to inform you that the Montana Potato Improvement Association has been named the agent of Montana State College to carry out the provisions of Chapter 11 of the 1951 Session Laws. Mr. E. E. Isaac of Montana State College is secretary of this Association.

The Montana Seed Growers Association has been named the agency to serve a similar purpose in connection with the certification of State Certified Seed of all field crops except potatoes. Mr. R. D. Mercer of Montana State College is secretary of this organization.

Sincerely yours,



P. C. Gaines
Acting President

PCG:ls

cc: Dean McKee

PROPOSED AMENDMENTS TO SENATE BILL 509

First Reading (White Copy):

1. Page 1, line 17.
Following: "amended,"
Insert: "for the purpose of seed potato certification"
2. Page 4, line 6.
Following: "potatoes,"
Strike: "whatever the source."
Insert: "which are collected or voluntarily contributed
for the sole benefit of the associations
membership."
3. Page 4, line 11.
Following: "[subsections]"
Strike: "4"
Insert: "1"
4. Page 4, line 15.
Following: "inspection."
Insert: "The power of the association is limited to
having authority over its members only and
shall be governed by a constitution and
by-laws adopted by its membership."
5. Page 4, line 17.
Following: "potatoes," *subject to approval by*
Insert: "~~Such certification procedures and rules shall
be equivalent to or better in all respects
with the latest standards established by the
dean of Montana State university college of
agriculture, for certified seed potatoes.~~"
6. Page 4, line 24.
Following: "particular purpose,"
Strike: "or"
Insert: "nor"
7. Page 5, line 10.
Following: "profit."
Insert: "The applicant for seed potato certification
must voluntarily agree to pay and shall be
liable for the expenses of such certification
on a unit cost basis as determined from time
to time by the board of directors of the
association."
8. Page 5, line 22.
Following: "Section 7."
Strike: "Liabilities"
Insert: "Limitations"

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AMENDMENTS TO SB 365

1. Title, line 5.

Following: "AUTHORIZE"

Strike: "A"

Insert: "THE"

Following: "MILK"

Strike: remainder of lines 5 and 6 in their entirety.

Insert: "CONTROL BOARD TO"

2. Title line 7.

Strike: "MAY"

3. Title line 8.

Following: "AND,"

Insert: "TO END THE REGULATION OF MINIMUM MILK PRICES AT THE
RETAIL LEVEL BY THE BOARD OF MILK CONTROL; AMENDING SECTIONS
81-23-101, 81-23-102, 81-23-104, 81-23-105, 81-23-201 THROUGH
81-23-203, 81-23-205, 81-23-301 THROUGH 81-23-305, 81-23-402
AND 81-23-405, MCA."

4. Pages 1 through 11.

Strike: All of the bill following the enacting clause.

Insert: "

Section 1. Section 81-23-101, MCA, is amended to read:

"81-23-101. Definitions. (1) Unless the context requires otherwise, in this chapter the following definitions apply:

(a) "Board" means the board of milk control provided for in 2-15-1802.

(b) "Class I milk" includes all bottled or packaged milk, low fat, buttermilk, chocolate milk, whipping cream, commercial cream, half-and-half, skim milk, fortified skim milk, skim milk flavored drinks, and any other fluid milk not specifically classified in this chapter, whether raw, pasteurized, homogenized, sterile, or aseptic.

(c) "Class II milk" includes milk used in the manufacture of ice cream and ice cream mix, ice milk, sherbet, eggnog, cultured sour cream, cottage cheese, condensed milk, and powdered skim for human consumption.

(d) "Class III milk" includes milk used in the manufacture of butter, cheddar cheese, process cheese, livestock feed, powdered skim other than for human consumption, and skim milk dumped.

(e) "Consumer" means a person or an government agency, other than a dealer, who purchases milk for consumption or use.

(f) "Dealer" means a producer dairy farmer, distributor, producer-distributor dairy farmer-distributor, jobber, or independent contractor.

STANDING COMMITTEE REPORT

February 19 19 79

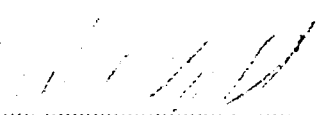
MR. President

We, your committee on Agriculture, Livestock and Irrigation

having had under consideration Senate Bill No. 509

Respectfully report as follows: That Senate Bill No. 509

DO PASS



SENATOR JACK E. GALT, Chairman.

J.E.

SENATE COMMITTEE AGRICULTURE

Date _____ Senate Bill No. 365 Time 2:00

NAME	YES	NO
SEN. KOLSTAD		✓
SEN. AKLESTAD	✓	
SEN. BOYLAN		✓
SEN. CONOVER	✓	
SEN. GRAHAM		
SEN. HAGER	✓	
SEN. NELSON	✓	
SEN. GALT, Chairman	✓	
	5	2

Sally Watson
Secretary

JACK E. GALT
Chairman

Motion: Motion to reverse the
action.

Do Not Pass

Motion Carried

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

SENATE COMMITTEE AGRICULTURE

Date 2-19 Senate Bill No. 365 Time _____

NAME	YES	NO
SEN. KOLSTAD		✓
SEN. AKLESTAD		✓
SEN. BOYLAN	✓	
SEN. CONOVER		✓
SEN. GRAHAM		
SEN. HAGER		✓
SEN. NELSON	✓	
SEN. GALT, Chairman		✓
	3	5

Sally Watson
Secretary

JACK E. GALT
Chairman

Motion: amendment
Sen. Boylan's motion to adopt
amendments.
Motion failed

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

SENATE COMMITTEE AGRICULTURE

Date 2-19 Senate Bill No. 365 Time 2:00

NAME	YES	NO
SEN. KOLSTAD	✓	
SEN. AKLESTAD		✓
SEN. BOYLAN	✓	
SEN. CONOVER		✓
SEN. GRAHAM		
SEN. HAGER		✓
SEN. NELSON		✓
SEN. GALT, Chairman		✓
	2	5

Sally Watson
Secretary

JACK E. GALT
Chairman

Motion: Do Pass
Sen. Kolstad's motion to Do Pass
Motion Failed

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

STANDING COMMITTEE REPORT

.....February 19..... 19 79.....

MR. President.....

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

having had under consideration Senate..... Bill No. 365.....

Respectfully report as follows: That Senate..... Bill No. 365.....

DO NOT PASS
DO PASS

SENATE COMMITTEE AGRICULTURE

Date 2-19 Senate Bill No. 512 Time 2:10

NAME	YES	NO
SEN. KOLSTAD	✓	
SEN. AKLESTAD	✓	
SEN. BOYLAN		✓
SEN. CONOVER	✓	
SEN. GRAHAM		
SEN. HAGER	✓	
SEN. NELSON		✓
SEN. GALT, Chairman	✓	
	5	3

Sally Watson
Secretary

JACK E. GALT
Chairman

Motion: Senator Conover moved
SB. 512 Do Not Pass
Motion carried

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

STANDING COMMITTEE REPORT

February 19 1979

MR. President

We, your committee on Agriculture, Livestock & Irrigation

having had under consideration Senate Bill No. 512

Respectfully report as follows: That Senate Bill No. 512

DO NOT PASS
~~DO PASS~~

J. E. Galt
SENATOR JACK E. GALT, Chairman.

J. E.