

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

March 14, 1979

The twenty-fifth 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 1:00 p.m.

ROLL CALL: All members present with the exception of Senators Graham and Conover.

The purpose of the meeting was for executive action on two House Bills.

HOUSE BILL 863: Representative Curtiss had introduced this bill. She said during the hearing on this bill the county attorneys had been in opposition to it because they felt they could not provide the staff. She proposed an amendment that she felt would take care of this problem. See attachment #1.

Bob Biggerstaff, Montana Association of Conservation Districts, said they had no problem with the proposed amendments. He felt it gave the county attorneys the out that they were looking for and not let them get tied up with a lot of litigation.

Senator Nelson moved the proposed amendments.

Senator Aklestad didn't like the amendments because it put the department of natural resources into providing legal assistance. The amendments were adopted on a roll call vote of 3 to 2. Senator Hager abstaining. Senators Graham and Conovers absent.

DISPOSITION OF HOUSE BILL 863: Senator Boylan moved that House Bill 863 As Amended BE CONCURRED IN. Motion carried. Senator Aklestad voting No. Note absences. Sen. Boylan will carry

CONSIDERATION OF HOUSE BILL 875: Dan Mizner, league of city and towns had met with the Agriculture department and with the State Foresters and worked out some proposed amendments that he presented to the committee, see exhibit #2. The appropriation for the program is in the last amendment. They felt this amendment would leave it up to the Legislature if they wanted to appropriate money they could and if they don't the department can still operate with what money they have available and then report back to the legislature in two years.

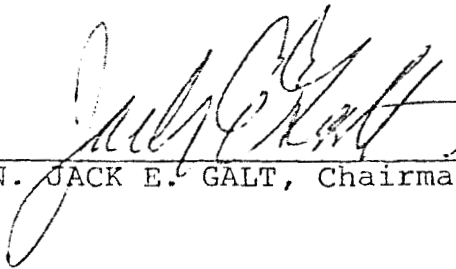
DISPOSITION OF HOUSE BILL 875: Senator Hager moved the proposed amendments. Motion carried.

Mr. Mizner said this bill authorizes some charges at the local level

Page 2.

Senator Hager moved that House Bill 875 As Amended
BE CONCURRED IN. Motion carried. Senator Hager will carry
the bill on the floor.

The meeting was then adjourned.



SEN. JACK E. GALT, Chairman

PROPOSED AMENDMENTS TO HOUSE BILL 863

- (1) Page 2 line 16
Following: "ASSISTANCE"
Insert: (1)
- (2) Page 2
Following: line 20
Insert: (2) If the County Attorney is unable to provide legal assistance because of lack of staff or conflict of interest then the matter may be referred to the Attorney General or the Department of Natural Resources and Conservation.

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Amendments to HB 875

1. Page 2, lines 23 and 24.

Following: "government"

Insert: "."

Strike: "which has an approved Dutch elm disease control program
and is receiving a subsidy from the state."

2. Page 5, line 14.

Strike: "commissioner"

Insert: "director"

3. Page 7, line 9.

Following: "tree"

Strike: "inspection"

Insert: "inspector"

4. Page 7, line 12.

Following: "program"

Strike: "that is receiving a state subsidy"

5. Page 7, lines 15, 16 and 17.

Following: "disease"

Strike: "."

Insert: "."

Strike: lines 16 and 17 in their entirety

Insert: "in that disease control area. Two or more local governments
may jointly appoint a tree inspector."

6. Page 7, lines 23, 24 and 25.

Following: "property"

Strike: the remainder of line 23 and lines 24 and 25 in their entirety

Insert: "in that disease control area that might harbor diseased elm
trees, provided prior notice is given as required by rules
of the department made pursuant to (section 3)."

7. Page 8, line 6.

Strike: "a"

Insert: "the"

8. Page 8, line 23 through line 1 on page 9.

Strike: section 11 in its entirety

Renumber: subsequent subsections

9. Page 9.

Following: line 12

Insert: "Section 13. Department to accept funds. Responsibility
and liability limited. The department is authorized to accept
funds from any source available, for use in this program. The
responsibility and liability of the department to conduct or
participate in this program shall be limited to the amount of
funds available."

STANDING COMMITTEE REPORT

March 14

1979

MR. President

We, your committee on Agriculture, Livestock & Irrigation

having had under consideration House Bill No. 863

Curtiss (Boylan)

Respectfully report as follows: That House Bill No. 863,
third reading bill, be amended as follows:

1. Page 2, line 16.

Following: "assistance."

Insert: "(1)"

2. Page 2.

Following: line 20

Insert: "(2) If the county attorney is unable to provide legal assistance because of lack of staff or conflict of interest then the matter may be referred to the attorney general or the department of natural resources and conservation."

And, as amended

BE CONCURRED IN

DO PASS

STANDING COMMITTEE REPORT

March 14 19 79

MR. President

We, your committee on Agriculture, Livestock and Irrigation

having had under consideration House Bill No. 375

Kanduch (Hager)

Respectfully report as follows: That House Bill No. 375, third reading bill, be amended as follows:

1. Page 2, line 22.
Strike: "any"

2. Page 2,
Following: line 22
Strike: "government"
Insert: "governments"

3. Page 2, lines 23 and 24.
Following: "government"
Insert: "."
Strike: "which has an approved Dutch elm disease control program and is receiving a subsidy from the state."

4. Page 5, line 14.
Following: "the"
Strike: "commissioner"
Insert: "director"

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(continued)

5. Page 7, line 9.

Following: "tree"

Strike: "inspection"

Insert: "inspector"

6. Page 7, line 12.

Following: "program"

Strike: "that is receiving a state subsidy"

7. Page 7, line 15.

Following: "disease"

Strike: "."

Insert: ", "

8. Page 7, lines 16 and 17.

Strike: lines 16 and 17 in their entirety

Insert: "in that disease control area. Two or more local governments may jointly appoint a tree inspector."

9. Page 7, lines 23, 24 and 25.

Following: "property"

Strike: the remainder of line 23 and lines 24 and 25 in their entirety

Insert: "in that disease control area that might harbor diseased elm trees, provided prior notice is given as required by rules of the department made pursuant to [section 3]."

10. Page 8, line 6.

Following: "of"

Strike: "a"

Insert: "the"

11. Page 8, line 23 through line 1 on page 9.

Strike: section 11 in its entirety

Reumber: subsequent subsections

12. Page 9.

Following: line 12

Insert: "Section 13. THERE IS A NEW MCA SECTION THAT REASS: Department to accept funds. Responsibility and liability limited. The department is authorized to accept funds from any source available, for use in this program. The responsibility and liability of the department to conduct or participate in this program shall be limited to the amount of funds available."

And, as amended,
BE CONCURRED IN

