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 carr

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 legisalture 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

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

ROLL CALL

AGRICULTURE		COMMITTEE		
46th	LEGISLATIVE	SESSION	_	1979

NAME	PRESENT	ABSENT	EXCUSED
SEN. KOLSTAD	1		
SEN. AKLESTAD	1		
SEN. BOYLAN	lar		
SEN. CONOVER		- Lorenton	
SEN. GRAHAM			
SEN. HAGER	1/		
SEN. NELSON	and the second		
SEN. GALT, Chairman		*	
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Each Day Attach to Minutes.

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.

1. Page 2, lines 23 and 24. Following: "government"

Insert: """

"which has an approved Dutch elm disease control program Strike: 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: 11 11

Insert:

lines 16 and 17 in their entirety Strike:

"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 "in that disease control area that might harbor diseased elm Insert: 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

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

	*******	Harch 14	1979
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man at a se			
MR. President			
We, your committee on	riculture, Livesto	ock & Irrigation	· ·
having had under consideration	Fouse	•••••	Bill No. 863
Curtiss (Boylan)			
our cros (nog ran)			
			•
Respectfully report as follows: That	House		253,
Respectfully report as follows: Thatthird reading bill, be as	rended as follows:	***************************************	Bill No
·	an hayanda da hayah hayah hayah — Amih dasah — Amih hasah dada, ada, hayah hayah hayah ga		
1. Page 2, line 16.	•		
Following: "assistance." Insert: "(1)"			
•			
2. Page 2. Following: line 20			
Insert: "(2) If the cou	inty attorney is us	nable to provide	legal
assistance because of l	lack of staff or co	onflict of inter	rest then
the matter may be refer of matural resources an	red to the attornal conservation. "	ey general or to	e department
1			
And, as exended			
BE CONCURRED IN			
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JACK E. GALF, Chairman.

STATE PUB. CO. Helena, Mont.

STANDING COMMITTEE REPORT

	Morch 14	19 79
MR. President		
We, your committee on Agriculture, Livesto	ock and Exrigation	
having had under consideration	Fouse	275
naving had under consideration		Bill No
Kanduch (Hager)		
Respectfully report as follows: That third reading bill, be amended as follows:	Bouse Sws:	Bill No. 875,
1. Fage 2, line 22. Strike: "any		
2. Page 2. Following: line 22 Strike: "government"		
Inserf: "governments"		
3. Page 2, lines 23 and 24. Following: "government" Insert: "."		
Strike: "which has an approved Dutch of and is receiving a subsidy from the s	elm disease control state."	program
4. Page 5, line 14. Following: "the" Strike: "commissioner" Insert: "director"		
00743 5		

STATE PUB. CO. Helena, Mont.

(continued)
Chairman.

5. Page 7, line 9. Tollowing: "tree" Strike: "inspection" Insert: "inspector"

6. Page 7, line 12. Pollowing: "program"

Strike: "that is receiving a state subsidy"

7. Page 7, line 15. Pollowing: "disease" Strike: "." Insert: ","

8. Page 7, lines 15 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 20 and 25 in their entirety Insert: "in that disease control area that might herbor discased ela trees, provided prior notice is given as required by rules of the department made pursuant to [section 3]."

10. Page 8, line 6. Pollowing: "of" Strike: "a" Insert: "the"

11. Page 8, line 23 through line 1 on page 9. Strike: section II in its entirely Resumber: subsequent subsections

12. Page 9.

Following: line 12

Insert: "Section 13. THERE IS A NEW MCA SECTION THAT MEADS: 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 reoponsibility and liability of the department to conduct or participate in this program shall be limited to the amount of funds available."

And, as amended, BY CONCURRED IN

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