

THE MINUTES OF THE MEETING OF THE AGRICULTURE COMMITTEE
March 11, 1981

The meeting was called to order on March 11, 1981 by CHAIRMAN CARL SMITH in room 431 of the Capitol. All members were present but REPRESENTATIVE FEDA and REPRESENTATIVE MANUEL and REPRESENTATIVE CONROY, all excused.

IN CONSIDERATION OF SENATE JOINT RESOLUTION NO. 16.

CHAIRMAN SMITH called upon SENATOR GALT who introduced SJR 16 for the Senate Committee on Agriculture as; A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THE UNITED STATES CONGRESS TO AMEND PUBLIC LAW 90-583, THE CARLSON-FOLEY ACT OF 1968, TO REQUIRE THE FEDERAL GOVERNMENT TO IMPLEMENT A MANAGEMENT PROGRAM FOR THE PREVENTION, CONTROL, AND CONTAINMENT OF NOXIOUS PLANTS ON LANDS ADMINISTERED BY FEDERAL AGENCIES. (EXHIBIT A)

SENATOR GALT said it should have been put before this committee when Senate Bill 4, Weed Research and Education, was. One argument against Senate Bill 4 was that it did not touch the weed problem on federal land. The two resolutions before the committee now does this.

HJR 16 would ask that the congress amend the Carlson-Foley Act of 1968, which did address noxious weed problems on federal lands but did not appropriate any money to address that problem. This amends or replaces the Carlson-Foley Act with a new section which would read: "The departments or agencies of the Federal Government shall implement and pursue an effective management program for the prevention, control, and containment of noxious plants on lands under their control or jurisdiction." BE IT FURTHER RESOLVED, that such a management program be in accordance with state and federal weed laws.

IN CONSIDERATION OF SENATE JOINT RESOLUTION NO 18, A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THE CONGRESS OF THE UNITED STATES TO INCREASE WEED CONTROL AND MANAGEMENT PROGRAMS ON FEDERAL, STATE, AND PRIVATE LANDS AND TO ALLOW FEDERAL LAND MANAGEMENT AGENCIES TO ENTER INTO COOPERATIVE AGREEMENTS WITH STATE AND LOCAL WEED MANAGEMENT AGENCIES. SENATOR GALT stated that this resolution would give the federal agency the ability to contract with and enter into cooperative agreements with state and local weed management agencies for control of noxious weeds. (EXHIBIT B)

They have this authority now to contract and cooperate with private landowners and control of diseases in timber, industry, insects. The resolutions increase the scope of this and lets them deal with the noxious weed problem, both private and federal.

GARY GINGERY, Department of Agriculture, stated that he represented the Department in support of SJR 16 and SJR 18 and would answer any questions.

DONNA PRATT, representing W.I.F.E., Women Involved in Farm Economics, spoke as a proponent. Statement attached.

REPRESENTATIVE UNDERDAL urged passage of the joint resolutions as strong proponent, saying until they catch the weeds at the headwaters of the streams which are located on federal lands in many cases and destroy them from the beginning, they will come downstream and spread.

REPRESENTATIVE ROUSH, District 13, stated that 90% of his county is on the reservation and supports these resolutions for the reasons that have been stated.

REPRESENTATIVE KROPP, District 5, said that they have a bad problem with spurge in the southriver valley and for that reason will support these resolutions.

There being no other proponents and no opponents, the meeting was opened up for discussion by the committee. No questions were asked so SENATOR GALT closed by urging passage of this bill.

IN CONSIDERATION OF SENATE BILL 363, CHAIRMAN SMITH called upon SENATOR OCHSNER, District 26, as sponsor of this bill, "AN ACT TO CONTROL THE IMPORTATION AND KEEPING OF ALFALFA LEAF-CUTTING BEES AND TO PROVIDE FOR THE CERTIFICATION OF HEALTH OR ALFALFA LEAF-CUTTING BEES IMPORTED INTO OR KEPT IN MONTANA; PROVIDING AN IMMEDIATE EFFECTIVE DATE." (EXHIBIT C)

SENATOR OCHSNER turned the meeting over to his proponents.

CHARLES EMMONS, Olive, Mt., President of the Montaan Alfalfa Seed Assoc., said that he would like to express that they would like support on S.B. 363, and that it is very important for the alfalfa seed association and for the bees in Montana.

AR SHAW, former extension agronomist in Bozeman, Mt., and now a retired, and operating a commercial pollinator of alfalfa, using the alfalfa leaf-cutting bee, spoke as a proponent.

He stated that in 1950, alfalfa seed production in Montana was quite a large industry, particularly in eastern Montana. The down turn in alfalfa seed production as seed production moved out of the northwest into the southwest and into California which still remains the largest seed production and moved into the Idaho and Oregon. The increase was due to the fact that Montaan production was rapidly going down. There was lower yield and lower prices.

Mr. Shaw said that it came back into the other areas because of the alkali bee and production went from 100 in Montana and they were receiving five pounds per acre out in that area and that is tough competition.

In the late 50's and early 1960's the alkali bee was a difficult one to propagate and the leaf-cutter bees, specific to alfalfa and to pollination, was introduced as easier to manage.

Statistical reports from Washington showed that the other states were declining. Montana's production is going up. There is not enough research going on regarding the leaf-cutting bee.

BOB MADSON, Integrated Pest Management of Montana State University, spoke as a proponent and showed slides to the committee that explained the alfalfa leaf-cutting bee.

This film showed what the bee does and some of the diseases. The alfalfa leaf-cutting bee is a pollinator that produces seed. This is a homing bee and does not stray, except to its immediate area to pollinate, and then return to its homing area.

Montana uses the loose sell system, which are boards with holes, that come apart for testing and cleaning. This has helped eliminate diseases in Montana. The other states use a system called the board system, which is boards with holes in them and these are impossible to clean, thus the cause of so many diseases in those states at this time.

In this region, the total worth is about \$4,000,000 and there are about 20,000 gallons of cutter bees in Montana, 10,000 are live larva and the work of that is \$4,000,000 at current market prices.

Adult bees last only about 6 weeks. They pollinated the alfalfa and bring back the pollen for their young and produce more bees.

The trappers that are coming into the area and setting up boards to collect these bees are creating a problem in that they are bringing in diseases; another threat to the bee is the insects that kill.

The Montana University has testing equipment that finds the quality of bee sellers in the U.S. The bees are worth about 2¢ each in this state

GARY KNUDSON, Malta, Mt., representating himself and engaged in farming and in the leaf-cutting bee production, said that at one time they were parasite free, until they helped a neighbor bring in bees from Idaho that did have parasite problems. It took along time to dispose of this disease and they do not want this to happen again. Therefore, Mr. Knudson asked for a 'do pass' on this bill to protect the industry.

PAUL KROPP went on record as supporting this bill.

Question by REPRESENTATIVE ROBBINS was if out of staters ask for permission before putting out their boards to collect bees.

MR. KNUDSON said that permission was asked and granted but that the farmer was not familiar with the diseases they could carry.

REPRESENTATIVE SCHULTZ asked, in reference to the statement giving rule making authority to the Department of Agriculture and to the \$15 per sample as stated in the testimony.

GORDON MCOMBER, Department of Agriculture, stated that the inspection of the bee was the problem and the department has analyzed the cost of support, as far as their function, will be \$135. There is a provision that the program will be self supporting.

The department is concerned that they be reimbursed so they can carry out the intent of the bill. Page 8, section 10, shows a provision that the program is self supporting.

The source of revenues connected with this bill deals with the registration of the fees and also charge of testing and lab analysis. They are not sure of the fees, it could be lower or higher, depending on who wishes to use the facilities.

MR. EMMONS said that the price of \$39,000 could be less if contracted to the extension agency or some other agency but, at the same time, they feel through the rules committee, they have about 20,000 gallons of bees throughout the state of Montana and by assessing \$1 to \$2 per gallon to those people, they could easily come up with that money.

Enforcement of this law of bringing bees into Montana was questioned, and it was said that enforcement is always a problem. That is why this bill sets up the mechanism for enforcement.

REPRESENTATIVE JACOBSEN asked about the 1 FTE equired. If it is on board, or do you have to wait for money to fund it.

GORDON McOmber stated with the wheat commission, they borrowed the money for the FTE and reimbursed it.

REPRESENTATIVE HOLLIDAY referred to the fiscal note where it says 300 samples reflects the growers as an average.

MR. EMMONS said that reflects the bees they handle. The state department had to come up with a figure, and they came up with \$135, but he does not believe they will go that direction. He believes the \$1 to \$2 rate per gallon will be more acceptable.

SENATOR OCHSNER stated that they were asking for October 31st as an effect date, but the Association asked for a date of July 1, 1981. This would be on line 9 of the title and on line 24 and 25 of page 8. In closing, Senator Ochsner asked for support of this bill.

No questions were asked. The CHAIRMAN closed the meeting on S.B. 414.

SENATOR BOYLAN, sponsor of S.B. 414, was not present at this moment, therefore, REPRESENTATIVE ELLERD MOVED the Bill in his behalf.

LES GRAHAM, Department of Livestock, explained SENATE BILL 414, "AN ACT TO CLARIFY THE LAW WHICH ADDRESS THE CONDITIONS UNDER WHICH THE CHANGE OF OWNERSHIP LIVESTOCK INSPECTION REQUIREMENTS DO NOT APPLY; AMENDING SECTION 81-3-211, MCA." (EXHIBIT D).

MR. GRAHAM said that they recieved word from several county attorneys throughout the state saying the language with the exemption, that was passed in 1979, was a problem. The intent of the law is that there be a change of ownership brand inspection except when there is a five hitter list, and also an exception, put in 1979, that if the livestock stay on the premises, and the change of ownership was between family members or family corporations, and no outside livestock introduced, they would delay the ownership brand inspection.

The attorneys informed them that it was not enforceable as written and therefore asked that the wording be moved from where it is down about two sentences.

He stated a case in Dillon, Montana, where a change of ownership, not between family members, but sold to a Nevada buyer and then to another buyer and they never changed ownership transaction and outside cattle were introduced that brought in diseases. There is a law suit that is a real mess and the county attorney said due to the language he could not enforce this.

ESTHER RUUD, representing W.I.F.E, stated their support and turned in a written statement, attached.

There being no other proponents and no opponents, question was called.

REPRESENTATIVE SCHULTZ asked if this will meet all the legal requirements.

LES GRAHAM said several attorneys and the legal council said that this will clarify it.

No other questions, SENATOR BOYLAN closed on his bill stating it was a hard bill to carry on the floor due to the technicality.

REPRESENTATIVE ELLERD WAS CHOSEN TO CARRY THIS BILL TO THE FLOOR.

THE MEETING WAS CALLED INTO EXECUTIVE SESSION:

REPRESENTATIVE MOVED THAT the Committee Concur in HJR 16.
MOTION BE CONCURRED IN.

REPRESENTATIVE SCHULTZ MOVED that the Committee concur in HJR 18. MOTION WAS CONCURRED IN WITH ALL VOTING AYE.

REPRESENTATIVE ROUSH MOVED S.B. 363 ammendment of July 1, 1981 BE CONCURRED IN. MOTION WAS CONCURRED IN.

REPRESENTATIVE ELLERD MOVED that S.B 414 be concurred in.
MOTION CONCURRED IN.

REPRESENTATIVE UNDERDALL was chosen to carry SJR 16 and SJR 18 to the floor.

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REPRESENTATIVE CARL SMITH was chosed to carry S.B. 363 to the House floor.

There was an announcement of a meeting to be held on Monday, March 16, 1981, for executive action of S.B. 156.

Motion was made to adjourn the meeting at 1:45 p.m.



CARL SMITH, CHAIRMAN

lmw

1 INTRODUCED BY *Sen. [Signature]* JOINT RESOLUTION NO. *16*
Committee on Agriculture

2 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
 3 REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THE
 4 UNITED STATES CONGRESS TO AMEND PUBLIC LAW 90-583, THE
 5 CARLSON-FOLEY ACT OF 1968, TO REQUIRE THE FEDERAL GOVERNMENT
 6 TO IMPLEMENT A MANAGEMENT PROGRAM FOR THE PREVENTION,
 7 CONTROL, AND CONTAINMENT OF NOXIOUS PLANTS ON LANDS
 8 ADMINISTERED BY FEDERAL AGENCIES.

9 WHEREAS, undesirable plant species, including noxious
 10 plants, on lands administered by federal agencies have been
 11 and continue to be a major problem in Montana and other
 12 western states because they reduce forage needed for
 13 livestock production and wildlife and interfere with the
 14 forest product industries; and

15 WHEREAS, certain federal agencies managing public lands
 16 have failed to initiate, implement, and fund viable
 17 management programs for the prevention, control, and
 18 containment of these undesirable plant species; and

19 WHEREAS, two federal laws of beneficial intent address
 20 noxious weed management, Public Law 90-583, the
 21 Carlson-Foley Act of 1968, which calls for the destruction
 22 of noxious weeds, and Public Law 93-629, the Federal Noxious

1 Weed Act of 1974, which regulates the movement of noxious
 2 weeds; and

3 WHEREAS, neither federal law requires the federal
 4 agencies administering public lands to manage for the
 5 prevention, control, and containment of undesirable plant
 6 species; and

7 WHEREAS, the management practices of the federal
 8 agencies administering these lands are inconsistent with the
 9 management practices for undesirable plant species on the
 10 existing state, county, and private levels; and

11 WHEREAS, section 3 of Public Law 90-583, the
 12 Carlson-Foley Act of 1968, reads: "There are hereby
 13 authorized to be appropriated to departments or agencies of
 14 the Federal Government such sums as the Congress may
 15 determine to be necessary to carry out the purposes of this
 16 Act." However, no appropriations have yet been authorized
 17 under this section.

18 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
 19 OF REPRESENTATIVES OF THE STATE OF MONTANA:

20 That section 3 of the Carlson-Foley Act of 1968 be
 21 replaced with a new section that would read as follows: "The
 22 departments or agencies of the Federal Government shall
 23 implement and pursue an effective management program for the
 24 prevention, control, and containment of noxious plants on

1 lands under their control or jurisdiction."

2 BE IT FURTHER RESOLVED, that such a management program
3 be in accordance with state and federal weed laws.

4 BE IT FURTHER RESOLVED, that such management program be
5 implemented in cooperation with the state Department of
6 Agriculture or with a state-designated weed control
7 organization.

8 BE IT FURTHER RESOLVED, that the Secretary of State of
9 the state of Montana send copies of this resolution to the
10 Governor, the Montana Congressional Delegation, the
11 President of the United States Senate, the Speaker of the
12 United States House of Representatives, the chairman of the
13 United States Senate Agriculture, Nutrition, and Forestry
14 Committee, the chairman of the United States House
15 Agriculture Committee, and the chairmen of the House and
16 Senate Agriculture Committees of North Dakota, South Dakota,
17 Wyoming, and Idaho.

-End-

1 *House* JOINT RESOLUTION NO. *18*
 2 INTRODUCED BY *Rep. C. Connolly*
 3 BY REQUEST OF THE SENATE AGRICULTURE COMMITTEE *Dr. J. J. Connolly*

4
 5 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
 6 REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THE
 7 CONGRESS OF THE UNITED STATES TO INCREASE WEED CONTROL AND
 8 MANAGEMENT PROGRAMS ON FEDERAL, STATE, AND PRIVATE LANDS AND
 9 TO ALLOW FEDERAL LAND MANAGEMENT AGENCIES TO ENTER INTO
 10 COOPERATIVE AGREEMENTS WITH STATE AND LOCAL WEED MANAGEMENT
 11 AGENCIES.

12
 13 WHEREAS, the State of Montana is concerned with the
 14 management of noxious weeds on private, state, and federal
 15 lands; and
 16 WHEREAS, noxious weed infestations in Montana result in
 17 an agricultural loss of at least \$100 million annually
 18 because of weed competition and the consequent reduction in
 19 crop production; and

20 WHEREAS, many acres of federal lands are infested with
 21 noxious weeds which reduce grazing capabilities and infest
 22 state and private lands that are managed for the control of
 23 noxious weeds; and

24 WHEREAS, a major problem for agriculture and livestock
 25 producers is the continuing and, in some cases, increasing

1 infestations of noxious weeds on their lands; and
 2 WHEREAS, county and state agencies and universities are
 3 responsibly increasing their weed management efforts in
 4 areas of research, education, coordination, and integrated
 5 control; and

6 WHEREAS, certain federal laws, regulations, and
 7 policies impede the establishment of cooperative weed
 8 management programs between federal land management agencies
 9 and state agencies, counties, and private landowners.

10
 11 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
 12 OF REPRESENTATIVES OF THE STATE OF MONTANA:

13 That the Congress of the United States is requested to
 14 amend section 5 of Public Law 95-313, the Cooperative
 15 Forestry Assistance Act of 1978, which pertains to insect
 16 and disease control on nonfederal forest lands, to include
 17 noxious weed control and management through cooperative
 18 efforts on federal, state, and private lands.

19 BE IT FURTHER RESOLVED, that the Congress is requested
 20 to allow federal land management agencies to enter into
 21 cooperative weed surveillance and control agreements with
 22 state and local weed management agencies for providing
 23 services and funds.

24 BE IT FURTHER RESOLVED, that the Congress is requested
 25 to increase the funding of weed management programs

1 conducted by federal land management agencies on federal
2 lands.

3 BE IT FURTHER RESOLVED, that the Montana Department of
4 Agriculture report to the 48th Legislature the status of
5 congressional action with regard to this resolution.

6 BE IT FURTHER RESOLVED, that the Secretary of State
7 send copies of this resolution to the Governor, the Montana
8 Congressional Delegation, the Montana Department of
9 Agriculture, the President of the U.S. Senate, the Speaker
10 of the U.S. House of Representatives, the chairman of the
11 U.S. Senate Agriculture, Nutrition, and Forestry Committee,
12 the chairman of the U.S. House Agriculture Committee, the
13 chairmen of the House and Senate Agriculture Committees of
14 Idaho, North Dakota, South Dakota, and Wyoming, and the
15 Secretaries of the United States Departments of Agriculture
16 and Interior.

-End-

NAME John J. [unclear] BILL No. 571 15418
ADDRESS 6 DATE _____
WHOM DO YOU REPRESENT M. J. [unclear]
SUPPORT V OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

WITNESS STATEMENT

NAME James H. Smith BILL NO. HJR 16-218
ADDRESS 2 E. 1st St. St. Louis, Mo. DATE March 1911
WHOM DO YOU REPRESENT House of Representatives
SUPPORT ✓ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Mr. Chairman - please be of the Committee

My name is James H. Smith. I am representing the House of Representatives - House of Representatives.

I am in support of the Civil Service Commission. It is a very important matter and it is a very important matter. It is a very important matter and it is a very important matter. It is a very important matter and it is a very important matter.

I am a member of the House of Representatives. I am a member of the House of Representatives. I am a member of the House of Representatives. I am a member of the House of Representatives. I am a member of the House of Representatives.

I am a member of the House of Representatives. I am a member of the House of Representatives. I am a member of the House of Representatives. I am a member of the House of Representatives. I am a member of the House of Representatives.

I am a member of the House of Representatives. I am a member of the House of Representatives. I am a member of the House of Representatives. I am a member of the House of Representatives. I am a member of the House of Representatives.

[illegible]

Large numbers in the photo are completely infected with the mite - many & expected in some of my other idiosyncratic & unknown. Which means I may have been feeding to be in the same in the last 10 weeks & that I may have been feeding to the same to the same to the same.

I have spent many weeks with the SC and a
 number of others in the S. to the other side
 of the Tropic. I hope you will give the same
 assistance as I have given.

NAME Paul Krupp BILL No. 54R-16-18
ADDRESS Malta DATE 3-11-81

WHOM DO YOU REPRESENT _____
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

NAME _____ BILL No. _____
ADDRESS _____ DATE _____
WHOM DO YOU REPRESENT _____
SUPPORT _____ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

NAME Robert J. Smith BILL No. 55E-127

ADDRESS _____ DATE 9/11/81

WHOM DO YOU REPRESENT _____

SUPPORT 1 _____ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

VISITORS' REGISTER

HOUSE

COMMITTEE

TTLL

HJR 16412

Date _____

SPONSOR

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

1 STATEMENT OF INTENT

2 SENATE BILL 363

3 Senate Agriculture, Livestock and Irrigation Committee

4

5 A statement of intent is required for this bill because
6 it delegates rulemaking authority to the Department of
7 Agriculture in section 3.

8 It is the intent of this bill that the Department
9 adhere as closely as possible to recommendations for rules
10 made by the advisory committee established in section 4.

11 First adopted by the Senate Agriculture, Livestock and
12 Irrigation Committee on the 13th day of February, 1981.

SENATE BILL NO. 363

INTRODUCED BY OCHSNER, ROTH, KOLSTAD,
HAMMOND, ASAY, SIVERTSEN, CONOVER

A BILL FOR AN ACT ENTITLED: "AN ACT TO CONTROL THE
IMPORTATION AND KEEPING OF ALFALFA LEAF-CUTTING BEES AND TO
PROVIDE FOR THE CERTIFICATION OF HEALTH OF ALFALFA
LEAF-CUTTING BEES IMPORTED INTO OR KEPT IN MONTANA;
PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Short title. This [act] may be cited as the
"Alfalfa Leaf-cutting Bee Act".

Section 2. Definitions. As used in this [act], the
following definitions apply:

(1) "Bee" means any stage in the life cycle of a bee
of the species *Megachile rotundata* (F), commonly known as
the alfalfa leaf-cutting bee.

(2) "Certification" means the process of analyzing
bees and equipment by the department to determine whether
they meet the required health standards.

(3) "Committee" means the advisory alfalfa
leaf-cutting bee ADVISORY committee established in [section
4].

(4) "Department" means the department of agriculture

established in 2-15-3031.

(5) "Equipment" means grooved boards, shelters, trays,
incubators, cell removers, tumblers, and other apparatus
used in rearing bees.

(6) "Nesting materials" means equipment, laminates,
and other apparatus used in nesting bees.

(7) "Parasite" means an organism living in or on any
stage of the alfalfa leaf-cutting bee obtaining nutriment
from the body of the bee.

(8) "Pathogen" means an organism, parasitic or
otherwise, that causes disease in the alfalfa leaf-cutting
bee.

(9) "Person" means an individual, association,
partnership, or corporation.

(10) "Wild trap" means to trap bees on property not
owned by the trapper.

Section 3. Department responsibilities -- adoption of
rules. (1) The department is responsible for the
administration of this [act].

(2) The department shall by rule adopt minimum
standards for the presence of pathogens and parasites in
bees to be certified, imported, and possessed or controlled
in the state of Montana.

(3) The department may enter into agreements with
other governmental agencies or private associations in

1 carrying out the provisions of this [act].

2 (4) In performing its duties under this [act], the
3 department may:

4 (a) enter upon any public or private premises to
5 inspect and sample bees or equipment that may be diseased or
6 contaminated by parasites;

7 (b) quarantine any bees or equipment found to be
8 infected or contaminated with pathogens at a level exceeding
9 certification standards;

10 (c) order the disinfection or destruction of any bees
11 or equipment that is infected or contaminated with parasites
12 or pathogens and that does not meet certification standards.

13 (5) (a) whenever the department has reasonable cause
14 to believe a person is in possession of any diseased or
15 parasitic bee or equipment or otherwise possesses any bee or
16 equipment in violation of this [act] or rules adopted under
17 [it], the department may order a quarantine for not more
18 than 30 days of the suspected bees or equipment and may
19 require any person in possession of such bees or equipment
20 to hold them under specified conditions until notified
21 otherwise in writing by the department.

22 (b) The department shall release any quarantine or
23 order to hold bees upon a finding that the bees and
24 equipment are disease-free and are possessed in compliance
25 with this [act].

1 Section 4. Advisory committee created -- membership --
2 compensation. (1) There is an advisory alfalfa leaf-cutting
3 bee ADVISORY committee consisting of five members appointed
4 by the governor. The committee is attached to the department
5 for administrative purposes only as prescribed in 2-15-121.
6 (2) The committee consists of:

7 (a) three members from the montana alfalfa seed
8 association;

9 (b) one member from the department; and

10 (c) one member from the cooperative extension service
11 at Montana state university.

12 (3) A list of nominees for appointment to the
13 committee may be submitted to the governor by the Montana
14 alfalfa seed association, the department, and the
15 cooperative extension service for the respective
16 appointments from each entity.

17 (4) Appointments to the committee are for 3 years.
18 Members may be reappointed at the discretion of the
19 appointing-authority GOVERNOR.

20 (5) Unless he is a full-time salaried officer or
21 employee of this state or of a political subdivision of this
22 state, each member is entitled to be paid from the earmarked
23 revenue fund established in Section--9 [SECTION 10]
24 compensation of \$25 for each day in which he is engaged in
25 the transaction of the official business of the committee,

1 together with expenses as provided for in 2-13-501 through
2 2-18-503.

3 Section 5. Duties of committee. The committee shall
4 advise the department with respect to any contemplated
5 rulemaking. The committee shall meet to review the minimum
6 standards adopted by the department at least once a year.

7 Section 6. Alfalfa leaf-cutting bees -- inspection --
8 certification -- fees. (1) No person may import, possess, or
9 control alfalfa leaf-cutting bees in the state of Montana
10 unless the bees are certified annually, as provided in this
11 section.

12 (2) To certify bees, a person must file a completed
13 application form provided by the department together with
14 the certification fee prescribed by the department. The
15 applicant must provide at least the following:

- 16 (a) name and place of residence;
- 17 (b) the general location and number of bees to be
18 registered; and
- 19 (c) other relevant information as may be required by
20 department rule.

21 (3) After receipt of an application for certification
22 a sample of the total population of bees to be certified
23 shall be selected by the department or its agent in a manner
24 prescribed by the department. The sample shall be inspected
25 for pathogens and parasites. If no pathogens or parasites in

1 excess of certification standards are found, the sample
2 shall be reported disease-free.

3 (4) When the department has in its possession a
4 completed application form, a certification fee, and a
5 report that the sample is disease-free, it may issue a
6 certificate for the bees.

7 (5) The department shall specify the date by which any
8 applicant must apply for recertification the following year.
9 Applications for recertification received after the date
10 specified shall be assessed a penalty equal to 10% of the
11 applicable certification fee.

12 Section 7. Bee laboratory authorized. The department
13 or its agent may develop and maintain a laboratory at
14 Montana state university for the purpose of providing
15 disease and parasite analytical services required to carry
16 out the provisions of this [act]. The laboratory may be
17 authorized by the department to provide services to persons
18 possessing any bees or equipment on a fee for service basis.

19 Section 8. Restrictions on importing bees and
20 equipment. (1) No bee may be imported into the state of
21 Montana except under the provisions of this section.

22 (2) Prior to the importation of any bee, the importer
23 must file a completed application form as required in
24 subsection (2) of [section 6] and arrange an approximate
25 date and time for inspection.

1 (3) Every imported bee must be shipped directly to the
 2 certification laboratory to be examined for infestation by
 3 parasites or pathogens. Prior to certification, each bee and
 4 associated transport equipment shall be quarantined at the
 5 laboratory.

6 (4) No bee may be imported except in loose cells or as
 7 adults. No bee may be imported in a drilled board, soda
 8 straw, or other equipment that prevents adequate inspection
 9 of the bee.

10 (5) A representative sample of the population of bees
 11 imported shall be inspected as the basis for certification.

12 (6) No person may import used equipment or nesting
 13 materials.

14 (7) No bee may be certified unless all other
 15 requirements for certification provided in [section 6] are
 16 met.

17 Section 9. Restrictions on the rearing, moving, and
 18 trapping of bees. (1) No person may rear any bee in a
 19 nesting material from which samples of loose larval cells
 20 cannot readily be obtained.

21 (2) No person may move any quarantined bee or
 22 equipment except by special permit issued by the department.

23 (3) No person may wild trap or attempt to wild trap
 24 bees unless that person has been issued a permit for such
 25 activity in accordance with rules adopted by the department.

1 Section 10. Fees to be set by rules -- program to be
 2 self-supporting -- earmarked account to be established. (1)
 3 Fees authorized to be charged by this [act] shall be set by
 4 department rule. Such fees shall be designed to reimburse
 5 the department for costs incurred in providing services and
 6 carrying out its duties under this [act]. It is the intent
 7 of the legislature that department activities under this
 8 [act] be self-supporting.

9 (2) ~~THERE IS AN EARMARKED REVENUE ACCOUNT KNOWN AS THE~~
 10 ~~LEAF-CUTTING BEE ACCOUNT FOR USE BY THE DEPARTMENT.~~ Fees
 11 collected UNDER [THIS ACT] shall be paid into the earmarked
 12 ~~revenue fund for use by the department~~ LEAF-CUTTING BEE
 13 ACCOUNT.

14 Section 11. Violation -- penalty. A person who
 15 imports, possesses, controls, moves, or wild traps or
 16 attempts to import, possess, control, move, or wild trap any
 17 bee or equipment in violation of this [act] or who
 18 interferes with or attempts to interfere with the efforts of
 19 the department or its agent to perform its duty under this
 20 [act] is guilty of a misdemeanor and upon conviction shall
 21 be fined not less than \$300 or more than \$500 for the first
 22 conviction and not less than \$300 or more than \$1,000 for
 23 each subsequent conviction.

24 Section 12. Effective date. This act is effective on
 25 passage and approval.

STATE OF MONTANA

REQUEST NO. 300-81

FISCAL NOTE

Form BD-15

In compliance with a written request received February 4, 19 81, there is hereby submitted a Fiscal Note for Senate Bill 363 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

Description of Proposed Legislation

Senate Bill 363 is an act to control importation and keeping of Alfalfa Leaf Cutting Bees and provide for the certification of health of Alfalfa Leaf Cutting Bees imported and kept in Montana.

Assumptions

1. That the act will be effective immediately upon passage and approval.
2. That committee of 5 members be appointed by the Governor, attached to the department for administrative purposes, hold meetings in Helena.
3. That the department will be responsible for inspections, sampling of bees, quarantines and/or destruction of disease infested bees.
4. That the act be self-supporting, fees set by department rules be earmarked for department use.
5. That to implement the act, 1 FTE would be required.
6. That, based on an average of 300 samples annually, a fee of approximately \$135 per sample would have to be charged to generate adequate revenue to administer this act.

Revenue Required for Proposed Legislation

	<u>FY 1982</u>	<u>FY 1983</u>
Revenue:	\$40,000	\$40,000

Expenditure Impact:

Personal Services	\$19,766	\$19,391
Operations	16,900	15,150
Equipment	1,500	0
	<u>\$38,166</u>	<u>\$34,541</u>
Administrative costs	1,200	1,200
	<u>\$39,366</u>	<u>\$35,741</u>

David M. Lewis

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-9-81

VISITORS' REGISTER

HOUSE COMMITTEE

BILL SB 363

Date _____

SPONSOR

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

1
2 INTRODUCED BY Sen. Bill No. 414
3
4 BY REQUEST OF THE SENATE AGRICULTURE COMMITTEE
5 AND THE DEPARTMENT OF LIVESTOCK

6 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE LAW
7 WHICH ADDRESSES THE CONDITIONS UNDER WHICH THE CHANGE OF
8 OWNERSHIP LIVESTOCK INSPECTION REQUIREMENTS DO NOT APPLY;
9 AMENDING SECTION 81-3-211, MCA."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 81-3-211, MCA, is amended to read:
13 "81-3-211. Inspection of livestock before change of
14 ownership or removal from county -- transportation permits.

15 (1) For the purposes of this section:

16 (a) "Members of the same family" means a group whose
17 membership is determined by including an individual, his
18 spouse, and his parents, children, grandchildren, and the
19 spouses of each.

20 (b) "Family business entity" means:

21 (i) a corporation whose stock is owned solely by
22 members of the same family;

23 (ii) a partnership in which the partners are all
24 members of the same family;

25 (iii) an association whose members all are members of

1 the same family; or
2 (iv) any other entity owned solely by members of the
3 same family.
4 (2) Except as otherwise provided in this part, it is
5 unlawful to remove or cause to be removed from a county in
6 this state any livestock or to transfer ownership by sale or
7 otherwise or for an intended purchaser or his agent to take
8 possession of any such animal subject to title passing upon
9 meeting or satisfaction of any conditions, unless the
10 livestock has been inspected for brands by a state stock
11 inspector or deputy state stock inspector and a certificate
12 of the inspection has been issued in connection with and for
13 the purpose of the transportation or removal or of such
14 change of ownership as provided in this part. The inspection
15 must be made in daylight. However, the change of ownership
16 inspection requirements of this subsection do not apply
17 when:
18 (a) such sale or change of ownership transaction
19 involves five or fewer such animals; or
20 (b) the change of ownership transaction
21 ~~is between~~
22 ~~members of the same family~~
23 ~~is a member of one family and the same family~~
24 ~~business entity or~~
25 ~~the same family's business entities~~

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1 ~~that~~ is accomplished without the livestock changing
2 premises~~1~~ and

3 ~~that~~ involves part of a herd to which no livestock
4 have been added other than by natural increase or after
5 brand inspection~~s~~, and is between:

6 ~~(i) members of the same family;~~

7 ~~(ii) a member of one family and the same family's~~
8 ~~business entity; or~~

9 ~~(iii) the same family's business entities.~~

10 (3) (a) It is unlawful to sell or offer for sale at a
11 livestock market any livestock originating within any county
12 in this state in which a livestock market is maintained or
13 transported under a market consignment permit until the
14 livestock has been inspected for marks and brands by a state
15 stock inspector, as provided in this part.

16 (b) It is unlawful to slaughter livestock at a
17 licensed livestock slaughterhouse unless the livestock have
18 been inspected for marks or brands by a state or deputy
19 state stock inspector.

20 (4) It is unlawful to remove or cause to be removed
21 any livestock from the premises of a livestock market in
22 this state unless the livestock has been released by a state
23 stock inspector and a certificate of release for the
24 livestock has been issued in connection with and for the
25 purpose of the removal from the premises of the livestock

1 market. The release obtained pursuant to this subsection
2 will permit the movement of the livestock so released
3 directly to the destination shown on the certificate.

4 (5) The person in charge of livestock being removed
5 from a county in this state, where inspection thereof is
6 required by this section or where change of ownership has
7 occurred or when moved under a market consignment permit or
8 a market release certificate, shall have in his possession
9 the certificate of inspection, market consignment permit,
10 transportation permit, or market release certificate issued
11 in connection therewith and shall exhibit the certificate to
12 any sheriff, deputy sheriff, constable, highway patrolman,
13 state stock inspector, or deputy state stock inspector upon
14 request. Section 81-3-204 shall be extended to livestock
15 transported or sold under the above-mentioned permits.

16 (6) The following transportation permits may be
17 issued:

18 (a) If a saddle, work, or show horse is being
19 transported from county to county in this state by the owner
20 for his personal use or business or where a purebred cow is
21 being transported from county to county in this state by its
22 owner for show purposes and where there is no change of
23 ownership, the inspection certificate required by this
24 section may be endorsed as to the purpose and extent of
25 transportation by the inspector issuing the certificate in

1 order to serve as a travel permit in this state for a period
 2 not to exceed 1 year for the horse or cow described thereon.
 3 The permit becomes void upon any transfer of ownership or if
 4 the horse or cow is to be removed from the state. In such
 5 instances an inspection must be secured for removal and the
 6 endorsed certificate surrendered.

7 (b) The owner of a saddle, work, or show horse may
 8 apply for a permanent transportation permit valid for both
 9 interstate and intrastate transportation of the horse until
 10 there is a change of ownership. To obtain a permit a horse
 11 must have either a registered brand that has been legally
 12 cleared or a lip tattoo or the owner must present proof of
 13 ownership to a state stock inspector. A written application,
 14 on forms to be provided by the department, must be completed
 15 by the owner and presented to a state stock inspector
 16 together with a \$5 permit fee for each horse. The
 17 application shall contain a thorough physical description of
 18 the horse and list all brands and tattoos carried by the
 19 horse. Upon approval of the application by a state stock
 20 inspector, a permanent transportation permit shall be issued
 21 by the department to the owner for each horse and such
 22 permit shall be valid for the life of the horse. If there is
 23 a change of ownership in a horse the permit shall
 24 automatically become void. The permit must accompany the
 25 horse for which it was issued at all times while the horse

1 is in transit. This permit shall be in lieu of other permits
 2 and certificates required under the provisions of this
 3 section. The state of Montana shall recognize as valid
 4 permanent transportation permits issued in other
 5 jurisdictions to the owner of a saddle, work, or show horse
 6 subsequently entering the state. Such a permit shall be
 7 automatically void upon a change of ownership.

8 (c) When livestock owned by and bearing the registered
 9 brand of a bona fide rodeo producer is being transported
 10 from county to county in this state by the owner for rodeo
 11 purposes and where there is no change of ownership, the
 12 inspection certificate required by this section may be
 13 endorsed as to the purpose and extent of transportation by
 14 the inspector issuing the certificate in order to serve as a
 15 travel permit in this state for the livestock described
 16 thereon. The certificate is effective only between April 1
 17 and October 31 of the year for which it is issued. The
 18 certificate shall be issued by a state stock inspector.

19 (d) An owner of livestock or his agent may be issued a
 20 transportation permit allowing the movement of his livestock
 21 into an immediately adjoining county and return when the
 22 livestock is being moved for grazing purposes and when it is
 23 being moved to and from land owned or controlled by the
 24 owner of the livestock or his agent. The permit is valid for
 25 6 months and must be issued by a state stock inspector. The

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1 fee for the permit is \$5, which shall be paid to the state
2 stock inspector at the time the permit is issued and
3 remitted by him to the department for deposit in the state
4 treasury to the credit of the earmarked revenue fund for the
5 use of the department. This permit may be used in lieu of
6 the inspection and certificate required by this section for
7 movement of livestock across a county line.■

-End-

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16 inspection requirements of this subsection do not apply
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19 involves five or fewer such animals; or

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21 (i) is between:

22 (A) members of the same family;

23 (B) a member of one family and the same family's
24 business entity; or

25 (C) the same family's business entity;

-2- THIRD READING

SB 414

1 ~~that~~ is accomplished without the livestock changing
2 premises ~~and~~

3 ~~that~~ involves part of a herd to which no livestock
4 have been added other than by natural increase or after
5 brand inspection ~~and is between:~~

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LC 1413/01

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2 stock inspector at the time the permit is issued and
3 remitted by him to the department for deposit in the state
4 treasury to the credit of the earmarked revenue fund for the
5 use of the department. This permit may be used in lieu of
6 the inspection and certificate required by this section for
7 movement of livestock across a county line."

-End-

WITNESS STATEMENT

Name Ester Lund Date 3-11-81
 Address Box 487, Maltby, Mont. 59538 Support ? X
 Representing N. I. F. E. Oppose ?
 Which Bill ? S.B. 414 Amend ?

Comments:

Mr. Chairman, and members of the Committee,
 For the record, my name is Ester Lund,
 and I am representing Women Involved In
 Farm Economics.

We are very appreciative of the changes
 in ownership transaction of livestock between
 family members or family businesses, that
 this bill would provide.

While we feel that brand inspection
 is a necessity in our regular marketing
 procedure, this amendment would be very
 helpful to us. It would allow many of us
 to move our cattle between our families and
 businesses with greater freedom and, thereby
 relieving us of a very time consuming
 process.

We concur with S.B. 414

Please leave prepared statement with the committee secretary.

NAME

John L. ...

BILL No.

5150/44

ADDRESS

DATE

WHOM DO YOU REPRESENT

1st Dist. ...

SUPPORT

☒

OPPOSE

AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

*Bill was at request of
Capt. R. ...*

NAME Rep. Paul Kropp BILL No. 363
ADDRESS Matte DATE 3-11-81
WHOM DO YOU REPRESENT _____
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: