

MINUTES OF THE MEETING OF THE HOUSE AGRICULTURE,  
LIVESTOCK AND IRRIGATION COMMITTEE, MARCH 11, 1983

The meeting was called to order by Vice Chairman Holliday on Friday, March 11, 1983 at 12:30pm in Room 129, State Capitol. All members were present with the exception of Representatives Jacobsen, Bengston, Hanson, Howe, Roush and Underdal, who were excused.

HEARINGS

SENATE BILL 294. SEN. FRANK HAZELBAKER, District 41, Beaverhead County, testified as sponsor of the bill, which would make three substantive changes in assessment of irrigation districts and remove the \$5 fee, for lands unable to receive water. He said the bill would provide assessments for construction of gravity systems and set an administrative fee of up to \$25 for small tracts of land. He told the Committee the bill would allow districts to enter into contracts with the State of Montana as well as the federal government, adding gravity systems would save users thousands of dollars in energy costs.

PROPOSERS

MR. DICK KENNEDY, East Bench Irrigation District, Dillon, testified in support of the bill and said Section 85-7-2103, MCA, is an important code as it relates to assessment of irrigation district and that it removes the exception for tracts of land of one acre or less. He explained administrative costs were not functional on a cost-per-acre basis, were amended in the past and later amended to \$5, adding subdivided tracts would not be removed from assessment. Mr. Kennedy told the Committee an individual may not be able to receive water when an easement is not provided during subdivision of the land that such subdividing activity does not reduce costs which must be paid to the water district as part of a federal obligation. He said Section 3 of the bill provides coverage for the State in contracting with water districts for improvements and paragraph 7 covers rules and regulations of the districts, which permit gravity irrigation to blocks of land as special improvement districts within a given district.

MR. ROBERT A. ELLIS, Helena Valley Irrigation District, expressed his support of the bill and told the Committee removal of the small acreages cap would eliminate the need for the annual search for new land owners when at assessment time.

MR. KEN KELLY, Montanan Water Development Association, stated his support of prior statements made in support of the bill.

OPPONENTS

There were no opponents of the bill.

QUESTIONS

REP. KOEHNKE asked for an explanation of gravity flow systems. Mr. Kennedy replied in his area, 93,000 acres of land are sprinkler irrigated via gravity flow at a direct savings to the farmers. He said the irrigation district only provided water to the pump, adding the system is financed through a water company formed by the farmers, themselves, which charges an assessment for the special improvement district within the district.

REP. SPAETH asked Mr. Ellis if the districts wanted to charge more than \$5. Mr. Ellis replied the intent of the bill was to cover administrative costs, adding some districts need more funds than others.

REP. SPAETH asked if landowners would get much for their \$25 assessment if such a cap were set. Mr. Ellis explained drains must be maintained in addition to other duties, adding land owners would definitely receive full benefit of the assessment.

REP. BLISS asked how a vote was arrived at in irrigation districts for gravity flow assessment. Mr. Kennedy advised the members who receive the benefit would pay for the assessment.

REP. JENSEN asked if the assessment would be collected by the county treasurer. Mr. Kennedy replied it would be.

IN CLOSING, Sen. Hazelbaker told the Committee he would assign a representative to carry the bill if it were concurred in.

SENATE BILL 415. SEN. MAX CONOVER, District 36, Yellowstone County, testified as sponsor of the bill, which cleans up language in the seed law for grasses planted in reclamation areas. He said page 2, line 2 of the bill includes seeds for revegetation of disturbed sites since some grasses brought from other states are not adapted to the area and provided committee members with a letter from Loren Wiseman, Plant and Soil Science Department, Montana State University (exhibit).

PROPOSERS

There were no proposers of the bill.

OPPOSERS

There were no opposers of the bill.

QUESTIONS

REP. SPAETH asked why page 6 was amended and if it would be possible to clarify language whereby a person offering seed for sale make certain it is labeled. Sen. Conover replied he would have no objection to such a change, adding any noxious weed sold in seed cannot be sold as pure.

REP. HOLLIDAY asked what recourse a purchaser would have if impure seed were received. Sen. Conover advised the individual could consult the the Department of Agriculture for recourse.

IN CLOSING, Sen. Conover appointed Rep. Spaeth to carry the bill if it were concurred in.

SENATE BILL 259. SEN. JUDY JACOBSON, District 42, Butte, testified as sponsor of the bill which would reestablish the Board of Livestock, and explained various sections of the bill to the Committee. She said Sections 1 and 2 reestablish the Board; page 8, line 8 removes a requirement for transmittal of taxes, as it is addressed in another bill; Section 4, page 8, lines 21 allows the Department of Agriculture to set fees by Departmental rule; Section 5, page 9, line 13, requires only certain brand inspectors to take exams and allows slaughterhouse fees to go the the earmarked revenue fund instead of the general fund; Section 10, page 16, line 19, is a repealer requiring inspection of each animal prior to sale; Section 12, page 23, line 10, clarifies costs to be held by the Department for strays and provides procedures for bringing strays to market; page 25, line 19, increases per diem to \$25 per day; Section 24, page 29, provides authority to charge a fee for mile permits and administrative costs thereof; and Section 29, page 34, line 17, repeals bonding requirements as they are duplicated at the federal level.

PROPOSERS

MR. BOB GILBERT, Montana Wool Growers and Stock Growers Associations stated his support of the bill as amended, adding the Board of Livestock has served the public well.

MS. JEANNE RANKIN, Montana Farm Bureau and Women Involved in Farm Economics, urged committee support of the bill.

REP. RAY LYBECK, District 16, Kalispell, Montana Cattlemen's Association, stated his support of the bill and also testified on behalf of the Montana Farmers Union and the National Farmers Organization in support of the bill.

REP. BOB ELLERD, District 75, Gallatin County, told the Committee he became affiliated with the Board in 1951 as a licensed dealer and has worked through the Legislature to increase the Board to an odd number. He said he would like the Committee to be aware of how great the Board of Livestock is, adding he travels nine states himself within a 20 state jurisdiction. Rep. Ellerd said the Board has the greatest respect in the Northwest of any board and is the envy of many states. He told the Committee he is proud of the Board and of his association with it and advised he has never seen a governor criticize it. He explained he was speaking on behalf of the 17 member Montana Marketing Association, adding the Montana Board of Livestock is presented throughout the U.S. as a model board.

OPPOSERS

There were no opposers of the bill.

QUESTIONS

REP. SCHULTZ asked Mr. Graham why fixed fees were eliminated throughout the bill. Mr. Graham replied actual costs would be determined via administrative rule in the future, at the recommendation of the Legislative Auditor.

CHAIRMAN JACOBSEN told the Committee a Statement of Intent would cover the change in fee structure.

REP. KOEHNKE asked if the change would inhibit efficiency. Mr. Scott Seacatt, Deputy Legislative Auditor, said the

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recommendation was made to save legislators' time in changing fees and told the Committee he would check existing statutes and if a high fund balance were observed it would be brought to the attention of the Audit Committee.

REP. KOEHNKE asked what kind of check and balance system the Board has for costs. Mr. Graham advised the members of the Board are also the directors of the Department, since it has no director as do other state agencies, adding the directors set budgets, hire and fire employees. He said brand inspection fees have not been charged since 1972 and that the Board always notifies interested parties prior to any changes. Mr. Gilbert added board members pay fees just as any other individual.

REP. LYBECK asked if there would be a new license fee in addition to a milk producer's license, referring to page 31, Section 26 of the bill. Dr. Glosser replied there would not, but cost auditing would influence the price of a license to a producer. He said the Board must promulgate the costs through administrative rules and solicited testimony, adding it is not the intent of the Board to require a license for each route. He explained approximately 75 licenses are in effect for delivery routes which will not be affected by proposed changes.

REP. SPAETH asked if the penalty fee would be set by administrative rule, referring to page 34 of the bill, and if so, why it was not addressed in the Statement of Intent. Dr. Glosser replied the penalty fee would be set by administrative rule, adding he did not object to the fee being addressed in the Statement of Intent.

IN CLOSING, Sen. Jacobson addressed an editorial referring to placement of a consumer on the Board and told the Committee the Audit Committee did not believe a change in board structure was necessary (exhibit). She explained she had no intention of amending the bill, adding Rep. McBride would carry the bill if it were concurred in.

VICE CHAIRMAN HOLLIDAY, acting in the absence of Chairman Jacobsen, told the Committee she would retain draft copies of House Joint Resolution 36 and distribute them after discussing it with Chairman Jacobsen.

REP. LYBECK apologized to the Committee for not clearing the exhibit pertaining addition of a consumer to the Board of Livestock, prior to the hearing.

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REP. SPAETH commented he believed an agricultural interest should be represented on the Legislative Audit Committee.

The meeting was adjourned at 1:50pm.

  
REP. GAY HOLLIDAY, VICE CHAIRMAN

Joann T. Gibson, Secretary

HOUSE Agriculture COMMITTEE

DATE 3/11/83

DATE 3/11/83

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## VISITORS' REGISTER

HOUSE

# Agriculture

COMMITTEE

BILL

SB 415

Date 3-11-83

SPONSOR

Conover

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.



## VISITOR'S REGISTER

HOUSE Agriculture COMMITTEE

BILL SB 259-

DATE 3-11-83

SPONSOR Jacobsen

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

WITNESS STATEMENT

Name Richard H. Kinsch Committee On House Agr.  
 Address 1100 Hwy. 41 Dillon, MT 59725 Date 3/11/83  
 Representing Ed + Ruth White Support ✓  
of her Irrig District  
 Bill No. SB 294 Oppose \_\_\_\_\_  
 Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. Adds Gravity ~~to~~ Systems to exemption of same costs to irrigable lands.
2. Remove \$5 maximum on small tracts not receiving water

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name R. A. Ellis Committee On House Agric  
Address Helen Valley Date 3/11/82  
Representing Mont Water Dev Dist Support ✓  
Bill No. 294 Oppose \_\_\_\_\_  
Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1.

2.

3.

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name K. M. Kelly Committee On Agriculture & Dev  
Address Helena Date Mar 11, 1983  
Representing Mont. Water Development Assn Support X  
Bill No. SB 294 Oppose \_\_\_\_\_  
Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. We support SB 294 in order that irrigation districts may operate more efficiently and to assure adequate
2. funding. We also support the idea of users of gravity flow systems paying for the construction and use of
3. such system.

*K. M. Kelly*

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.



DEPARTMENT OF PLANT & SOIL SCIENCE

COLLEGE OF AGRICULTURE

MONTANA STATE UNIVERSITY, BOZEMAN 59717

February 17, 1983

TO: Senate Agricultural Committee

FROM: Loren E. Wiesner, Plant and Soil Science Dept.

RE: Senate Bill 415 - Montana Seed Law Changes

With this legislation we would like to accomplish two objectives:  
(1) to include indigenous species in the seed law and (2) to change the word "seed processing" to "seed conditioning."

Indigenous species are used for reclamation purposes. At the present time these species, such as fourwing saltbush, winterfat, skunkbush sumac, and others, are not required to be labeled unless they are also considered agricultural seed. This bill defines indigenous species and requires similar labeling information as for agricultural seed, except that (1) percent weed seeds and other crop seeds have been combined and called percent other seeds, (2) the 2 percent maximum allowable weed seeds prohibition has been removed for indigenous seeds, (3) seed lots will be labeled for percent viability instead of percent germination, and (4) oxeye daisy would be removed from the restricted noxious weed list, as it is presently being used for reclamation purposes. Percentage of other crop seed is being used because many of the species we consider weed seeds for agricultural uses are considered crop seed for reclamation purposes. The 2 percent weed seed limitation would need to be removed for indigenous species as some of the species used are considered weeds in the present law.

Many of the species used for reclamation purposes are difficult to germinate or procedures have not been developed for germination; therefore, these species are best labeled for percent viability.

Because of these exceptions for labeling of indigenous species, it is important that the label also displays the statement: "Labeled for reclamation purposes only."

The second part of this bill is to change the word "processing" to "conditioning" which more accurately describes what is accomplished when seed is cleaned. The American Seed Trade Association suggests that seedsmen and others use the words "conditioning" rather than "processing" to describe activities that do not change the form or nature of seed. Such activities merely condition the seed for distribution for planting purposes. The term processing implies that a product has been "manufactured" or changed in physical form. Seeds for planting are raw agricultural products and they have not been processed.

We strongly seek your favorable consideration for making these needed changes.

LEW/plh

WITNESS STATEMENT

Name Les Graham Committee On \_\_\_\_\_  
Address Helena Date \_\_\_\_\_  
Representing mt Dept of Lstlk Support ✓  
Bill No. SB 259 Oppose \_\_\_\_\_  
Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1.

Will answer Questions.

2.

Favor the Bill AS

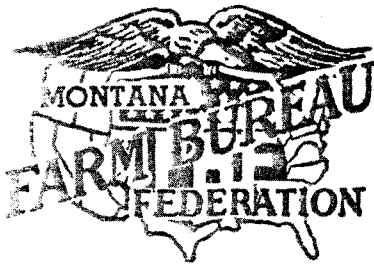
Amended

3.

in Senate

4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.



# MONTANA FARM BUREAU FEDERATION

502 SOUTH 19th

Dial 587-3153

BOZEMAN, MONTANA 59715

DATE March 11 1983

NAME JEANNE RANKIN BILL NUMBER SB 259

SUPPORT XXXXX OPPOSE        AMMEND XXX

Mr. Chairman, members of the committee:

For the record, my name is Jeanne Rankin and today I represent the Montana Farm Bureau Federation and the Women Involved in Farm Economics Organization.

We support SB 259 as ammended and believe this board is a working board and should be maintained ~~as is~~. without periodic evaluation.

Thank you.

*Jeanne Rankin*

NAME: End R Brann DATE: 3-11-83

ADDRESS: Whitchell

PHONE: \_\_\_\_\_

REPRESENTING WHOM? Nat'l Farmer's Org.

APPEARING ON WHICH PROPOSAL: ~~Nat'l Farmer's Org~~ 259

DO YOU: SUPPORT? X AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: (S B 259) We support  
this bill as originated from the  
senate.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



WITNESS STATEMENT

Name Esther D. Rued Committee On Agriiculture  
Address Malta, Mont. Date 3-11-83  
Representing Montana Cattlemen's Assn. Support X  
Bill No. SB 259 Oppose \_\_\_\_\_  
Amend \_\_\_\_\_

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. The support SB 259 as it came from the Senate
- 2.
- 3.
- 4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

NAME: Terry Murphy DATE: 3-11-83

ADDRESS: Gr. Falls

PHONE: \_\_\_\_\_

REPRESENTING WHOM? MT. Farmers Union

APPEARING ON WHICH PROPOSAL: SB 259

DO YOU: SUPPORT? X AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: We support SB 259 as it came from  
The Senate.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.