

MINUTES OF THE MEETING
AGRICULTURE, LIVESTOCK AND IRRIGATION
STATE CAPITOL BUILDING

February 2, 1983

The Agriculture, Livestock and Irrigation Committee meeting was called to order on February 2, 1983 in Room 415 of the State Capitol Building, at 1:00 p. m. by Chairman Galt.

ROLL CALL: Upon roll call all members were present.

SENATE BILL NO. 238: Senator Don Ochsner, District 26, introduced the bill in behalf of the Department of Agriculture. It is an act to generally revise the laws relating to the regulation of the sale and use of pesticides amending several sections.

This bill is attempting to clear up some of the problems raised by the Department of Health, Department of Fish, Game and Wildlife and Parks and others pertaining to the use of pesticides in Montana. Also to further regulate and license these people using, selling, and applying pesticides, by setting fees, licensing requirements, and educational programs. There are also penalties set for persons convicted of violations of any of the provisions of this bill.

PROPOSERS: Keith Kelly, Director of the Montana Department of Agriculture supported the bill as the state of Montana has had a lot of problems in the last few years with pesticides and herbicides. In rural areas, 2 4D drifts have become a problem due to the many small ranchettes of 10 acres or less.

I think the producer is being penalized not the user as our only authority was to jerk the license from the applicator. He explained the fee increases. His final comment was that this proposed legislation is for an educational program.

Darryl Meyer of Cascade County favored the bill but felt the fee was too high and that it should be amended to lower the fee.

Lowell E. Dorrington of the Montana Agriculture Business Association spoke in favor of the bill but suggested several amendments to the bill. Please see Exhibit No. 1.

Ron Marcoux, Department of Fish, Wildlife and Parks supported the bill and praised the Department of Agriculture for their efforts in working on this problem. Please see Exhibit No. 2.

Franklin Grosfield, a rancher from Big Timber, supported the bill and the amendment proposed by Mr. Dorrington on Page 9 Line 2 of the bill. Please see Exhibit No. 3.

Jo Brunner of the Women Involved in Farm Economics organization supported the bill but recommended that there be some amendments added especially on Page 9, Line 2.

Mons Teigen, representing the Montana Stockgrowers, Montana Woolgrowers, Cowbells, Farm Bureau and State Grazing Districts, spoke in support of the bill with a few changes such as mentioned by the former witnesses. His organizations do feel this is a step in the right direction and better than what we had to work with in the past.

Terry Murphy of the Montana Farmers' Union stated they have determined that a bill of this sort is needed and to hold to the suggestions by the Department of Agriculture.

Tom Daubert, Montana Environmental Information Center, was in support of the bill and said they were pleased to see this bill come before the Legislature. They felt it was clearly unjust to penalize farmers by putting applicators out of business at a time when they were needed to do the spraying. I have learned that out of bitter controversy comes cooperation.

Janet Ellis representing the Montana Audubon Council supported the bill., Please see Exhibit No. 4.

Ken Knudson, Montana Wildlife Federation with 2,000 members, spoke in support of the bill and praised Keith Kelly and his staff for doing a good job.

Fred Brown of the National Farmer's Organization supported the bill and recommended that all funds derived from the fees go into an education fund. Please see Exhibit No. 5.

OPPONENTS: Bill Asher representing the Agriculture Preservation Association, Park Preservation Association and Sweet Grass Preservation Association stated that they do have problems with the bill but would turn his time over to Paul Newby of Belgrade.

Paul G. Newby, representing the APA, opposed the bill as they felt the fee increases were not necessary and felt the training should be conducted by the chemical industry. I would like to see basically the amendments offered to this point with a few additions. I am in support of an amendment on Page 9, Lines 2 through 4. I am in support of tightening up the language. It appears it is needed to be polished considerably. Please see Exhibit No. 6.

Wayne Turner of Big Sandy, representing the Montana Aviation Trades Association, stated that in the event that the bill needs to be passed with major amendments, we want to go on record in opposition. The increases are excessive and he felt the industry should cover the cost of education. I might mention that the Montana Aviation Association is users not just dealers.

Senator Aklestad asked who made up the Board?

Keith Kelly stated that by statute there were 3 representatives from health, 3 from wildlife and 3 from chemical industries.

Did that board make a final decision on this proposal, Senator Aklestad asked.

Mr. Kelly stated they they generally concurred.

Senator Aklestad stated that he would like that vote made available.

Questions from the committee were directed at Mr. Kelly in regard to recertification.

Mr. Kelly stated they have to recertify and during a 5 year period you pick up 100 points for certification.

Senator Aklestad asked what are the number of credits needed now?

Gary Gingery of the Department of Agriculture replied at the end of a 5-year period you have to attend an approved training course and then you can be recertified. With the present system, someone could go 5 years with no training at all.

Senator Aklestad asked Mr. Teigen since he was representing many organizations did the organizations go on record that they were in favor.

Mr. Teigen stated that it came from executive committee action. Each and everyone have not been polled--they have not.

Senator Aklestad stated--No resolution was made at the State Convention?

Mr. Teigen answered "No Sir".

Senator Graham asked what do you anticipate at the end of 5 years for an operator on the farm-----his license will run out and then he has to take more schooling.

Mr. Gingery replied that's correct.

In regard to questions from the committee on the education program, Mr. Kelly stated that the education program would be handled through the local extension offices. Due to a cut in federal funding, the meetings would be limited to only the extension offices.

Senator Conover: Keith, how many FTE increases in next two years.

Mr. Kelly: 3.5 positions - going to the full-time appropriation committee.

Senator Lane: What do you think it would raise the cost per acre?

Mr. Newby: That would be entirely dependent on the number of acres each applicator does.

Senator Lane: What I mean - 100 acres - 200 acres.

Mr. Newby: \$20 would spray a hundred acres. 1,000 acres would be 2 cents and so on.

Senator Kolstad: Mr. Kelly, your training sessions-- are they going to be continued as a TV conference call thing.

Mr. Kelly: That's one possibility.

Senator Kolstad: The increase in rates and fees that this bill calls for will be primarily used for additional FTE's and training programs.

Mr. Kelly: Yes. Especially for our entomologist--he just donates leave or time each calendar year and we are afraid we are going to lose him.

The hearing on Senate Bill No. 238 was closed.

SENATE BILL NO. 265: Senator Graham, District 29, introduced the bill in behalf of the Department of Livestock. He said he would turn his time over to Dr. Jim Glosser of the Montana Department of Livestock who would explain the bill.

Dr. Glosser, Montana Department of Livestock, explained a situation that happened in southeastern Montana where 4,400 diseased cattle were brought into the state and the Department of Livestock had to gather all the cattle and dip them. The cost was \$7,500.00 including the airplane which we had to absorb. This bill will allow the Department of Livestock to enforce the rules so that they can collect fees for treating cattle that are in violation of the rules. Please see Exhibit No. 7.

PROPOSERS: Mons Teigen, Montana Stockgrowers, Woolgrowers, Cowbellers, and Farm Bureau, supported the bill but one problem that they had with the bill was that on Page 2 Lines 15 and 19, the seven days is too restrictive. They preferred a thirty day time period. Please see Exhibit No. 8.

There being no opponents, questions were asked by the committee.

Dr. Glosser stated that they have not had a case like this in 20 or 30 years and that they only have to use the statute every 2 or 3 years. He also said there would be no problem with changing the time for response to a notice of violation to 20 or 30 days. The law should be firm but fair.

Hearing was closed on SB 265.

DISPOSITION OF SENATE BILL 191: The committee had a brief discussion with Dennis Hemmer of the Department of State Lands regarding the fees for grazing.

Senator Boylan made a motion that Senate Bill 191 DO NOT PASS.

Senator Aklestad made a substitute motion that Senate Bill 191 be LAID ON THE TABLE.

Senator Galt: Am I correct in assuming that this will take a 2/3 vote of the committee to bring it back.

Senator Kolstad: Yes.

Upon roll call vote, motion was carried by 8 to 1 with Senator Graham voting no.

DISPOSITION OF SENATE BILL 192: Senator Kolstad stated that he would like to move that Senate Bill 192 be LAID ON THE TABLE. The reason I make this motion is that we have heard a lot of good testimony against the bill, economic times are so that it is a bad time to ask for a raise and I have had numerous calls against the bill and not one letter in favor of the bill. I feel I would do my constituents a disservice if I voted for this bill.

Senator Graham: Upon finding that the state does not pay for fertilizer or hail insurance, I feel that they are charging enough for leasing state land. The Department of State Lands should rewrite the bill and bring it back in 2 years with an adjusted schedule.

Senator Conover agreed with Senator Kolstad and Senator Graham.

Upon roll call vote there was a unanimous decision that Senate Bill 192 be LAID ON THE TABLE.

DISPOSITION OF SENATE BILL 233: Motion was made by Senator Ochsner that we accept the amendment on Lines 24 and 25, by striking "it must have" and inserting "there must be". Motion carried unanimously.

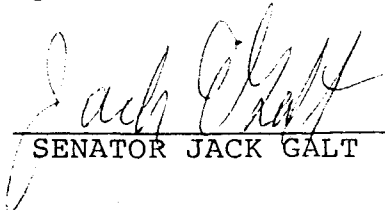
Motion was then made by Senator Lee that SB 233 be TABLED.

Upon roll call vote motion was carried.

DISPOSITION OF SB 38: Motion was made by Senator Conover that the Statement of Intent on SB 38 be accepted. Motion carried.

Motion was made by Senator Kolstad that SB 38 be LAID ON THE TABLE. Motion carried unanimously.

ADJOURNMENT: Meeting adjourned at 2:43 p. m.



SENATOR JACK GALT

ROLL CALL

AGRICULTURE COMMITTEE

48th LEGISLATIVE SESSION - - 19 83

Date 2-2-83

NAME	PRESENT	ABSENT	EXCUSED
GALT, Jack E.	✓		
KOLSTAD, Allen C.	✓		
AKLESTAD, Gary C.	✓		
OCHSNER, J. Donald	✓		
GRAHAM, Carroll	✓		
BOYLAN, Paul F.	✓		
CONOVER, Max	✓		
LANE, Leo	✓		
LEE, Gary	✓		

Each day attach to minutes.

SENATE COMMITTEE AGRICULTURE

Date 2-2-83 Bill No. SB 191 Time 2:21

NAME	YES	NO
SENATOR KOLSTAD	✓	
SENATOR AKLESTAD	✓	
SENATOR BOYLAN	✓	
SENATOR CONOVER	✓	
SENATOR GRAHAM		✓
SENATOR LANE	✓	
SENATOR LEE	✓	
SENATOR OCHSNER	✓	
SENATOR GALT, Chairman	✓	

Rita Tenneson

Secretary

Jack E. Galt

Chairman

Motion: Substitute motion was made by Senator
Akkestad that SB 191 be Laid on the Table
On a vote of 8 to 1 Motion carried.

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

SENATE COMMITTEE AGRICULTUREDate 2-2-83Bill No. SB 192 Time 2:28

NAME	YES	NO
SENATOR KOLSTAD	✓	
SENATOR AKLESTAD	✓	
SENATOR BOYLAN	✓	
SENATOR CONOVER	✓	
SENATOR GRAHAM	✓	
SENATOR LANE	✓	
SENATOR LEE	✓	
SENATOR OCHSNER	✓	
SENATOR GALT, Chairman	✓	

Rita Tenneson

Secretary

Jack E. Galt

Chairman

Motion: Motion was made by Senator Kolstad
that SB 192 Be Laid on The Table.
Motion carried unanimously.

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

SENATE COMMITTEE AGRICULTURE

Date 2-2-83 Bill No. SB 233 Time 2:35

NAME	YES	NO
SENATOR KOLSTAD	✓	
SENATOR AKLESTAD		
SENATOR BOYLAN	✓	
SENATOR CONOVER	✓	
SENATOR GRAHAM	✓	
SENATOR LANE	✓	
SENATOR LEE	✓	
SENATOR OCHSNER	✓	
SENATOR GALT, Chairman	✓	

Rita Tenneson

Secretary

Jack E. Galt

Chairman

Motion: Motion made by Senator Lee
that SB 233 be tabled.
Motion carried

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

STATEMENT OF INTENT
Senate Bill No. 38

A statement of intent is required for this bill because it grants rulemaking authority to the Board of Veterinary Technicians.

The bill requires that the board adopt rules governing the matter of examinations for licensure as a veterinary technician. It is the intent of the Legislature that the Board comprehensively review examinations administered in other states, particularly neighboring states, and consult with the American Veterinarian Medical Association as well as schools of veterinary technology before determining the matter of the examinations.

In giving reasonable notice of the time and place for holding examinations, the Board should publish such notification in local newspapers throughout the state and should apprise the Board of Veterinarians, provided for in 2-15-1852, of the time and place of the examinations.

AMENDMENTS TO SB 233

Page 2, lines 24 and 25.

Strike: "it must have"

Insert: "there must be"

NAME: Lawrence B. Darrington DATE: 2/2/83

ADDRESS: RR Box 1369 Sweet Falls Mont.

PHONE: 454-1993

REPRESENTING WHOM? Montan Ag Bus Assn.

APPEARING ON WHICH PROPOSAL: Senate Bill 238

DO YOU: SUPPORT? ☒ AMEND? ☒ OPPOSE? ☐

COMMENTS: p 6 line 3 - insert "Industry" in the phrase
 p 9 line 2 - remove "appears" & insert "Scientific data that proves"
 p 11 line 14 remove "may not exceed 2 years"
 add Dealer Distributor & application will have
~~eliminated~~ ^{eliminated} from their inventories at the end
 of 2 years.
 p 13 line 6 remove May 1 add March 1
 p 20 line 26 add "funds received under this
 act will go to the pesticide education
 fund"
 p 20 line 27 this act to be effective
 on passage

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

*E. Michael J.
Ron Marcoux*

SB 238

Testimony presented by Ron Marcoux, Department of Fish, Wildlife, & Parks

February 2, 1983

I appear today in support of SB 238.

Over the past two years Montana has experienced a certain amount of turmoil with respect to the use of pesticides. This turmoil was touched off by a misuse of the pesticide Endrin in eastern Montana which resulted in a fish kill on Sunday Creek.

The ensuing events indicated the state's inability to determine where pesticides were being used and insuring that they were being applied according to label specifications.

In addition, this past week, the combined meeting of the Montana Agri-Business Association and the Montana Weed Control Association was informed of a study conducted during the past year which indicated that 46% of the equipment tested showed an application error rate of 20% or more. Not only is an estimated four million dollars of chemical wasted each year but the opportunity to apply the prescribed amount is greatly reduced.

As a response to these occurrences the Department of Agriculture has appointed a Pesticide Advisory Council and embarked upon a commendable program to address some of these shortcomings. This effort has consumed much time and effort, but is beginning to produce results.

SB 238 is one of those results and is a step forward in ensuring the safe and wise use of pesticides. Passage and implementation of this measure will assist the Department in meeting the needs of the agriculture community as well as the concerns of those who are indirectly affected by the use of pesticides.

NAME: Franklin Grosfield DATE: Feb 2, 1983ADDRESS: Big Timber, Mont. 59011PHONE: 932-2033REPRESENTING WHOM? SelfAPPEARING ON WHICH PROPOSAL: SB 238DO YOU: SUPPORT? _____ AMEND? ☒ OPPOSE? _____

COMMENTS: I am concerned with the added language on page 9, lines 2, 3 & 4, which appears to enable the Dept. to suspend or cancel registration whenever it appears the article endangers man or the environment.
This could open the door to all kinds of frivolous complaints that are only intended to stop the use of all chemicals, and could have serious consequences for agriculture.

I wonder if this language couldn't be tightened up to eliminate this potential problem?

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Montana Audubon Council

*Epkehit H
Janet Ellis*

Testimony for SB 238

Mr. Chairman and Members of the Committee:

My name is Janet Ellis and I'm here today representing the Montana Audubon Council. The Council is made up of eight Chapters of the National Audubon Society and represents 2400 members located throughout Montana.

The Council supports SB 238. In the last two years, newspapers have introduced us to words such as endrin and chloronated hydrocarbons. And with this introduction, all Montanans have become aware of the difficulties involved in administering our laws pertaining to the sale and use of pesticides. SB 238 is a positive step to help us improve our system. A "DO PASS" for this legislation will let us say that we can learn from the past.

The Montana Audubon Council urges your support of this bill. We would also like to take this time to thank Senator Ochsner for bringing this bill to the attention of this Legislative Body.

Thank you.

NAME: Fred R Brown DATE: 2-2-83ADDRESS: P.O. Box 477, Whitehall, MT 59759PHONE: WHITEHALL-287-5662 - Helena 442-3091REPRESENTING WHOM? Nat'l Farmer's OrgAPPEARING ON WHICH PROPOSAL: SB 238DO YOU: SUPPORT? X AMEND? X OPPOSE?

COMMENTS: In Support of this bill with
recommendation that all monies
derived from incarceration go to support
the education portion of the bill. We feel
the bill is well researched and written
for the benefit of all of Montana
and its environment.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Exhibit 6
Paul Newby

FEBRUARY 2, 1983

Testimony of:

Paul G. Newby, representing the APA before the SENATE AGRICULTURE COMMITTEE in session in the Capital in Helena, Montana.

Reference:

Senate Bill 238

Members of the Committee,

I am Paul Newby, a Montanan since my parents brought me here in 1944. I was educated in Montana, including 5 years at Montana State University, and I have been working with Agriculture since 1956 when I started with my father, Al Newby, in the Aerial Application business.

At a time when nearly all segments of our economy are "financially" flat on their backs it appears that many segments of government are unwilling to participate with the rest of us. If you take a close look at agriculture and its related businesses right now you will find little, if any, expansion; a lot of cost cutting and retrenchment, and you will find a lot of "innovation" which agriculture has learned to use in "survival" for many years.

When I study Senate Bill 238 as the "Department of Agriculture" has presented it to you I see throughout its pages EXPANSION, COST INCREASES OF AS MUCH AS 500%, ENTRENCHMENT, and nothing that appears to be innovative!

In particular, Section 80-8-109, as amended, provides the Department with the ability to charge for training which they will develop and provide for all who handle Agricultural Chemicals in the State of Montana. This of course is expansion of the Department and it provides them with another tool with which they will increase "Agriculture's" cost of doing business. Within the confines of January and February of this year there have been and shall be numerous training sessions covering nearly all aspects of the chemical and fertilizer business made available through professional associations and their conventions, and supported by industry. This process is already governed in large part by the Department of Agriculture and it appears to me that this expansion and cost increase is just not necessary.

Section 80-8-201 which deals with registration already contained a serious flaw which provides that each manufacturer, formulator, or distributor of a pesticide shall re-register that pesticide annually. This costing industry, the consumer, and the taxpayer money which are wasted on a pointless and repetitive process. This law re-registers and collects fees information that is already needed:

This section also provides for a 100% increase in the cost of registering a chemical and provides a new fee of 50 dollars for a "special local need" registration--both of which would likely be unnecessary if the "burdensome" cost of repetative paperwork were eliminated and a few tax dollars thus stretched a little farther!

Section 80-8-203. Commercial Applicator, raises the applicator's fee 333%, and for those who also are dealers, another 300% for a total fee of \$80.00 instead of the previous \$25.00. The rest of us on the outside of government are working in all cases for less valuable dollars than a few short years ago when this kind of "explosion" in government began to occur, and many of us, expecially in Agriculture and its related businesses, are working for fewer dollars today. We just cannot afford these kinds of financial demands--government must not grow now, it MUST be made smaller before its weight crushes us all!

Section 80-8-209 establishes a new fee of \$20.00 for the Farm Applicator Permit which of itself seems a small price, however, it is not apparent what "service" any applicator is receiving for those "fees" since the department already charges for the training it provides. A number of years back, the Federal Communications Commission was charging such a "fee" for "permits" and a court decision has since prevented them from doing so.

Section 80-8-306 establishes financial penalties which may be exacted by the department in a manner which permits them to serve all the functions of Investigator, Judge, Jury and Executioner with the possibility that they can "soften" their penalty if the offender cannot afford the penalty, thus also requiring them to be able to judge our financial condition. We already know from sad experience throughout the business community what this kind of power in the hands of a bureaucracy can do--OSHA was an experience we should all remember for ever, and it should never happen again.

In summary it is the stance of the Agricultural Preservation Association, as well as my own, that this bill provides expansion, increasing costs, and further entrenchment of an agency of State Government at a time when the true need is "lower costs", and less government in turn with the ability of the taxpayer and the "governed" to repeal it! Unless SB 270 is appropriately amended and improved, we're headed its defeat.

Thank you for your time and attention.

Paul G. Houb,

FGH:jp

NAME: Joni Glasser DATE: 2/2/83ADDRESS: Capitol Station Helms MD.PHONE: 449-2043REPRESENTING WHOM? Mo. Dept of LivestockAPPEARING ON WHICH PROPOSAL: SB 265DO YOU: SUPPORT? X AMEND? OPPOSE?

COMMENTS: Bill would amend an existing
statute to make it enforceable
because of a recent St. Supreme Court
ruling permitting the Dept to collect
its expenses when investigating and
treating diseased livestock who are
in isolation of livestock laws and/or
rules.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Mons Teigen DATE: 2/2/83ADDRESS: HelenaPHONE: 442 ~~45~~ 3420REPRESENTING WHOM? Mont. Stockgrowers, Woodgrowers, Cowkeepers, Farm Bureau
and Assn State Grazing DistrictsAPPEARING ON WHICH PROPOSAL: SR 265DO YOU: SUPPORT? ☒ AMEND? ☒ OPPOSE? ☐COMMENTS: While we generally support this legislation
as badly needed to permit the Department of X5 to
perform its responsibility, we question the 7 days
found in lines 15 and 19 page 2 as too restrictive.
A thirty day time period would be preferred.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.