

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE, LIVESTOCK AND IRRIGATION

Call to Order: By Chairman Bob Bachini, on January 20th
1989, at 2:30 p.m.

ROLL CALL

Members Present: All members present

Members Excused: none

Members Absent: none

Staff Present: Connie Erickson, Legislative Council and
Maureen Cleary, Committee Secretary

Announcements/Discussion: none

HEARING ON HOUSE BILL 170

Presentation and Opening Statement by Sponsor:

Rep. Harriet Hayne: Introduced House Bill 170 to the
Committee reading the text.

List of Testifying Proponents and What Group They Represent:

Mr. Everett Snortland/ Department of Agriculture, Helena

Mr. Al Gerkee/ Alternative Energy Resources, Helena

Mr. Gary Gingery/ Dept. of Agriculture, Helena

List of Testifying Opponents and What Group They Represent:

none

Testimony:

Mr. Snortland stated his department was in support of House
Bill 170.

Mr. Gerkee mentioned some concerns with the bill covering
any past neglect from the Dept. of Agriculture. And if
indeed this bill would affect the present program in

such a manner he would caution the Committee. Overall, speaking as a proponent to House Bill 170.

Questions From Committee Members:

REP. KASTEN: How much funding is available at present to carry out the needs that this bill addresses? MR. SNORTLAND: (Deferred to Mr. Gary Gingery of the Dept. of Ag) Approximately \$27,000 to \$32,000 or more is designated.

REP. DRISCOLL: How would you estimate the funding that would be necessary to carry out the duties? MR. GERKEE: I do not want to present myself as knowing the needs of the program. But I feel that at least 40 field scouts throughout the state would be the minimum necessary. I would be interested in engaging in dialogue with others interested to aide the bills passage.

REP. WESTLAKE: Would this bill be a duplication in services? MR. GINGERY: This would not.

REP. KOEHNKE: Does the Dept. plan on doing some work on the Russian wheat aphid problem in the state? MR. GINGERY: Our department would work on the chemical aspect in addition to the field scouts. The chemicals that are now available are not as effective as new products on the market and very expensive. The Dept. will continue its efforts with the USDA in establishing a program to control the Russian wheat aphids.

REP. STEPPLER: Is the intent of the bill to make the duties of the program a discretionary one, and which of the five listed would be placed at the top of the list? MR. GINGERY: The Dept. has not necessarily eliminated any one of the five but work only with major insect pests. Providing general information in the areas where the needs are less.

REP. REAM: Assuming that changing the words "may" to "shall", would this affect the registration or regulations of applicators? MR. GINGERY: No, it would not affect those areas.

Closing by Sponsor:

REP. HAYNE: This bill, which changes "shall" to "may", will give priority to the program of the Agriculture Department. I urge the Committee to vote a "do pass" on House Bill 170.

DISPOSITION OF HOUSE BILL 170

Motion: Rep. DeMars: made the motion for a "do pass"

Discussion: Rep. Steppler: noted that none of the five duties listed in the bill should be last on the priority list and should fit within the present budget. Chairman Bachini: commented that according to the Dept. the duties will be taken care of as they occurred. Rep. Kasten: It was not the duties that were under scrutiny, rather the inability to address every insect outbreak within the state at the full level. I've been told the major outbreaks that affect the largest parts of the state will be a priority. Assistance to the outbreaks that were local in occurrence would be given on an "as needed" basis and therefore eliminate some of the steps for the Dept. Rep. Ellison: The words "may" and "shall" are a continual problem. Changing a word, rather than increasing costs should take priority when it can save the Dept. some money and be used more effectively.

Amendments and Votes: none

Recommendation and Vote: THE COMMITTEE THEREFORE RECOMMENDS A "DO PASS" FOR THIS BILL.

HEARING ON HOUSE BILL 190

Presentation and Opening Statement by Sponsor:

REP. HANSON: Opened reading the text of the bill.

List of Testifying Proponents and What Group They Represent:

Mr. Everett Snortland/ Dept. of Agriculture, Helena

Mr. Gary Gingery/ Dept. of Agriculture, Helena

Ms. Janet Ellison/ MT. Audubon Legislative Fund (See Exhibit #4)

List of Testifying Opponents and What Group They Represent:

none

Testimony:

Mr. Snortland: The Dept. has initiated this bill. The testimony that Rep. Hanson gave to the Committee

basically states the Departments case.

Questions From Committee Members:

REP. REAM: Is a fiscal note required for this bill? MR. GINGERY: A fiscal note was submitted by the Dept. but the funding would basically be a "wash".

REP. WESTLAKE: Am I correct in assuming, the reason for the increase in fees would be due to the new regulations that the Dept. is required to comply with? MR. GINGERY: Yes, indeed this is the primary reason.

Closing by Sponsor:

REP. HANSON: It is my belief that the increases are necessary in order to implement the regulations.

DISPOSITION OF HOUSE BILL 190

Motion: Rep. Hanson: made the motion for a "do pass" and Rep. Compton seconded the motion.

Discussion: none

Amendments and Votes: none

Recommendation and Vote: THEREFORE THE COMMITTEE RECOMMENDS A "DO PASS" FOR THIS BILL.

HEARING ON HOUSE BILL 138

Presentation and Opening Statement by Sponsor:

REP. GENE DEMARS: asked for reconsideration to House Bill 138 because of technical changes from the Dept. of Agriculture.

List of Testifying Proponents and What Group They Represent:

Mr. Ralph Peck, Department of Agriculture, Helena (See Exhibit #3)

List of Testifying Opponents and What Group They Represent:

none

Testimony:

Mr. Peck: I apologize to the Committee. There was an

apparent misunderstanding in my knowledge of the accounting specifics for placing the apple fund. I will present to the Committee proposed amendments to the bill. (See Exhibit #3)

Questions From Committee Members: none

Closing by Sponsor: none

DISPOSITION OF HOUSE BILL 138

Motion: Rep. DeMars: Made the motion to "do pass"

Discussion: none

Amendments and Votes: Amendments passed.

Recommendation and Vote: THEREFORE THE COMMITTEE RECOMMENDS
A "DO PASS AS AMENDED" FOR THIS BILL.

ADJOURNMENT

Adjournment At: 4:00 p.m.



REP. BOB BACHINI, Chairman

BB/mc

1701.min

DAILY ROLL CALL
 AGRICULTURE COMMITTEE

50th LEGISLATIVE SESSION -- 1989

Date Jan. 20th

NAME	PRESENT	ABSENT	EXCUSED
Rep. Bob Bachini, Chairman	✓		
Rep. Francis Koehnke, Vice Ch.	✓		
Rep. Gene DeMars	✓		
Rep. Jerry Driscoll	✓		
Rep. Jim Elliot	✓		
Rep. Linda Nelson	✓		
Rep. Bob Ream	✓		
Rep. Don Stepler	✓		
Rep. Vernon Westlake	✓		
Rep. Duane Compton	✓		
Rep. Orval Ellison	✓		
Rep. Bert Guthrie	✓		
Rep. Marian Hanson	✓		
Rep. Harriet Hayne	✓		
Rep. Betty Lou Kasten	✓		
Rep. Vernon Keller	✓		
Rep. John Patterson	✓		

1-20-89
4:40
JC

STANDING COMMITTEE REPORT

January 20, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Agriculture, Livestock, and Irrigation report that HOUSE BILL 170 (first reading copy -- white) do pass .

Signed: Bob Bachini
Bob Bachini, Chairman

1-30-89
4:40p
[Signature]

STANDING COMMITTEE REPORT

January 20, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Agriculture, Livestock, and Irrigation report that HOUSE BILL 190 (first reading copy -- white) do pass.

Signed: Bob Bachini
Bob Bachini, Chairman

1-20-89
4.40
70

STANDING COMMITTEE REPORT

January 20, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Agriculture, Livestock, and Irrigation report that HOUSE BILL 138 (first reading copy -- white) do pass as amended .

Signed: Bob Bachini
Bob Bachini, Chairman

And, that such amendments read:

1. Title, line 5 through line 8

Following: "THE"

Strike: remainder of line 5 through "FUND" on line 8

Insert: "NAME OF THE FUND IN WHICH THE APPLE INSPECTION ACCOUNT IS LOCATED FROM ENTERPRISE TO STATE SPECIAL REVENUE; TO CHANGE THE REFERENCE TO AN APPLE INSPECTION FUND TO AN APPLE INSPECTION ACCOUNT"

2. Page 1, line 14.

Strike: "fund"

Insert: "account"

3. Page 1, line 14 through line 16.

Strike: subsection (1) in its entirety

Insert: "(1) There is an account in the state special revenue fund in the state treasury known as the apple inspection account."

4. Page 1, line 18.

Strike: "fund"

Insert: "account"

5. Page 1, line 19.

Strike: "fund"

Insert: "account"

EXHIBIT #01
DATE JAN 20th
HB 170

TESTIMONY
on
HOUSE BILL 170

HOUSE AGRICULTURE, LIVESTOCK AND IRRIGATION COMMITTEE
FRIDAY JANUARY 20, 1989

Chairman, Representative Bob Bachini:

House Bill 170 amends the Crop Insect Detection and Management Act by amending Section 80-7-503, MCA, by deleting the word "shall" and inserting the word "may" which makes the duties of the Department of Agriculture permissive instead of mandatory.

This act has never been adequately funded to fully implement its provisions. The department over the last few bienniums has lost an entomologist and 6 biological aides and presently only employs one entomologist. These reductions in personnel and operations make it even more difficult to accomplish the requirements of this act.

The department may still accomplish some of the provisions of this section, however, it is impossible to accomplish all the mandatory provisions. The department desires to continue providing these services to the farmers and ranchers of the state. However, the department must prioritize the pests and provide control information and field surveillance for the critical insect pest problems in any given year. Providing the chemical and alternative control information, conducting insect pest surveys, providing assistance to counties, and providing technical bulletins and related information to producers for the significant insect pests can be accomplished.

The department is also concerned about the state's liability, if the mandated provisions of this act can not be achieved. We could be subject to suits.

The department believes it is essential to provide as much service as possible to producers experiencing significant insect pest problems such as, grasshoppers, Russian wheat aphid, Mormon crickets, armyworms, cutworms and other insect pests that may become a problem. We believe it is prudent to protect the state from potential liability as funds are not available to perform all the activities now mandated on every insect pest.

EXHIBIT #02
DATE JAN 20th
HB 190
(FISCAL NOTE)

TESTIMONY
on
HB 190

HOUSE AGRICULTURE, LIVESTOCK AND IRRIGATION COMMITTEE
Friday January 20, 1989

Chairman, Representative Bob Bachini:

House Bill 190 amends Sections 109, 201, 203, 207 and 305 of the Montana Pesticides Act, Title 80, Chapter 8. The primary amendments involve increasing the pesticide registration fees and commercial applicator and dealer licensing fees and making it illegal to use an unregistered pesticide in Montana. The other amendments are minor or housekeeping modifications.

Section 1. amends 80-8-109, MCA, on page 2 lines 3 and 4. The purpose of this amendment is to allow the department to pay per diem and mileage to university professors that assist the department in its pesticide training and certification programs. Currently it is prohibited by this act to pay per diem and mileage to these individuals and in many cases these individuals do not have budgets to support such activities even though they would be willing to participate as expert speakers. The exclusion for extension service personnel remains.

Section 2. amends 80-8-201 on page 3 line 24 and page 5 line 13. The amendment raises the pesticide product registration fee from \$50 to \$75. The \$25 increase in this fee would be used to support the new EPA pesticide programs: endangered species; groundwater; farm worker protection; disposal of pesticide containers and excess pesticides; and update of the certification and training programs for applicator handling restricted use pesticides.

Section 3 amends 80-8-203 on page 7 line 21. This amendment raises the pesticide commercial applicator licensing fee from \$35 to \$45. The \$10 increase in this fee would be used to support the new EPA pesticide programs previously discussed in Section 2. Government applicators currently pay a \$50 fee for the first four applicators and \$5 for each additional applicator in the particular government agency. An additional amendment of this section is located on page 8 lines 19 through 21. This amendment specifically establishes for the department and the applicators that an applicator is responsible for the use of any pesticide by an operator or employee under the applicator's supervision or employment.

Section 4 amends 80-8-207 on page 9 lines 11 and 19. This amendment raises the commercial pesticide dealers license fee from \$35 to \$45. The \$10 increase in this fee would be used to support the new EPA pesticide programs previously discussed in Section 2. Government applicators currently pay a fee of \$50 for a dealers license.

Section 5 amends 80-8-305 on page 10 lines 22 and 25 and sets forth a new provision on page 11 lines 1 through 3. These amendments add a provision establishing that it is a violation to use any unregistered chemical or biological agent that is required to be registered as a pesticide by the Pesticides Act. This amendment would not apply to the use of a soap product for pest control by any individual on their own land or crops, because EPA does not require registration of such products. Montana's registration process is based on the requirements of the federal pesticide law administered by EPA.

EXHIBIT # 03
DATE JAN. 20th
HB HB 138

AMENDMENT TO HOUSE BILL
NO. 138 INTRODUCED BILL

1. Title, lines 5 through 10.

Following: "A BILL FOR AN ACT ENTITLED"

Strike: "AN" on line 5 through "FUND" on line 8

Insert: "AN ACT TO CHANGE THE NAME OF THE FUND IN WHICH THE
APPLE INSPECTION ACCOUNT IS LOCATED, FROM ENTERPRISE TO
STATE SPECIAL REVENUE, AND TO CHANGE THE REFERENCE TO AN
APPLE INSPECTION FUND, TO AN APPLE INSPECTION ACCOUNT"

2. Page 1, line 14.

Following: "apple inspection"

Strike: "fund"

Insert: "account"

3. Page 1, line 14.

Following: "(1)"

Strike: All of subsection (1)

Insert: "There is an account in the state special revenue
fund in the state treasury known as the apple inspection
account"

4. Page 1, line 18.

Following: "apple inspection"

Strike: "fund"

Insert: "account"

5. Page 1, line 19

Following: "Apple inspection"

Strike: "fund"

Insert: "account"

WITNESS STATEMENT

NAME: Janet Ellis DATE: 1/20/89

ADDRESS: Helena, MT EXHIBIT #0A

DATE Jan 20th

HB 190

PHONE: 443-3949

REPRESENTING WHOM? Montana Audubon Legislative Fund

APPEARING ON WHICH PROPOSAL: HB 190

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: _____

Pesticides can be very dangerous. For that reason, the state and federal government have set up a system for testing, registering and using pesticide — and training pesticide applicators. This system is designed to take necessary precautions when dealing with substances that are frequently toxic. By clarifying applicator responsibility for operators and violations for using unregistered chemicals or biological agents, Montana's laws governing potentially dangerous pesticides are strengthened in a very positive way.

We urge you to vote "DO PASS" on H B 190.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

VISITORS' REGISTER

Agriculture, Livestock, Irr. COMMITTEE

BILL NO. HB 170

DATE Jan 20th

SPONSOR _____

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Milton Markuson	Carter County		
Stan Broadshaw			✓
CARRIE GARBET		✓	
Everett M. Scotland	Dept of Ag	✓	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

Agriculture Limestone Irrigation COMMITTEE

BILL NO. HB 190

DATE January 20th

SPONSOR _____

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Milton Markinson	Carter Co.		
CARRIE GARBER			✓
Everett M. Knottland	Dept of Ag	✓	
Janet Ellis	Helena	✓	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

ROLL CALL VOTE

AGRICULTURE, LIVESTOCK & IRRIGATION COMMITTEE

DATE Jan 20th BILL NO. 190 NUMBER _____

NAME	AYE	NAY
BOB BACHINI, CHAIRMAN	/	
FRANCIS KOEHNKE, VICE CHAIRMAN	/	
GENE DE MARS	/	
JERRY DRISCOLL	/	
JIM ELLIOT	/	
LINDA NELSON	/	
BOB REAM	/	
DON STEPPLER	/	
VERNON WESTLAKE	/	
DUANE COMPTON	/	
ORVAL ELLISON	/	
BERT GUTHRIE	/	
MARIAN HANSON	/	
HARRIET HAYNE	/	
BETTY LOU KASTEN	/	
VERNON KELLER	/	
JOHN PATTERSON	/	

TALLY

(17)

Mary Lou Schmitz
~~Mary Lou Schmitz~~
 Secretary

BOB BACHINI, Chairman
 Chairman

MOTION: " DO PASS "
