

MINUTES

MONTANA SENATE  
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE

Call to Order: By Chairman Beck, on January 27, 1989, at  
1:00 p.m.

ROLL CALL

Members Present: Senators: Hubert Abrams, Gary Aklestad,  
Esther Bengtson, Gerry Devlin, Jack Galt, Greg  
Jergeson, Gene Thayer, Chairman Beck

Members Excused: Senator Bob Williams

Members Absent: None

Staff Present: Doug Sternberg, Legislative Council

Announcements/Discussion: None

HEARING ON SENATE BILL 213

Presentation and Opening Statement by Sponsor:

Senator Hofman, District 38, indicated the importance of SB 213 was to people who sell seed, whether it is grain or potatoes. "All we really want to do here is to protect the seller of seed for the amount of the seed that he delivers to someone. For instance, I sell seed in wheat or barley and I will sometimes sell 1,500 bushels, 2,000 bushels, 3,000 bushels to one individual farmer. If I would be worried about that and want to put a lien on that, the most I would be able to put a lien on would be seven hundred bushels. It was restricted to that amount."

List of Testifying Proponents and What Group they Represent:

Sid Schutter representing Schutter Seed Farm  
Marvin Barber representing Agriculture Preservation  
Association from Gallatin County

List of Testifying Opponents and What Group They Represent:

None

Testimony:Proponents:

Sid Schutter-"The way this lien law is written right now. Potatoes are not sold in bushels in different parts of the country. Seven hundred bushels, any amount at all, is really unworkable." Mr. Schutter indicated SB 213 would benefit all people and he strongly supports a DO PASS on the bill.

Marvin Barber indicated the Agriculture Preservation Association supported SB 213.

Questions From Committee Members: Senator Devlin-"Any reason why they settled on a 700 number? I wonder if they thought of a dollar value instead of any kind of limitations when they put this in?" Senator Hofman-"Not to my knowledge. I have no idea why that was limited to 700 bushels. Just that I think in those days there really wasn't anybody that sold seed in any great amount."

Senator Beck-"It was just ironic to me why this hasn't been changed 35 years ago." Senator Hofman-"I would have never come up with this bill if Schutter's father would not have told me. He had one opportunity that he sold a load of seed to a Montanan he was a little bit concerned about this and he wanted to put a lien on that and that's when he found out he wasn't able to."

Senator Beck-"I just want to ask Gene (Thayer) this. You're in the grain business pretty much. Have you been aware of this?" Senator Thayer-"I've been aware of it. We went on a cash lease; we don't sell on credit because of this."

Senator Aklestad-"When you sell a 1,000 bushel load of seed, what do you put the lien on?" Senator Thayer-"We would lien the amount of money." Senator Aklestad-"But you've got to access that lien against some collateral type of asset." Senator Thayer-"Well, it's against the growing crop. The seed lien has the first priority in the order of liens."

Senator Hofman indicated he could answer the questions addressed by Senator Aklestad by referring to line 22.

Closing by Sponsor: Senator Hofman closed.

DISPOSITION OF SENATE BILL 213

Discussion: Senator Devlin-"This would allow Senator Thayer to give credit again rather than stay on cash basis?"  
Senator Beck-"Yes."

Amendments and Votes: None

Recommendation and Vote: Senator Devlin moved a DO PASS on SB 213; the motion was seconded by Senator Thayer. The bill passed unanimously.

Senator Beck moved to request the committee researcher to draft a committee resolution to encourage Congress to fund research for rodenticide registrations. The committee voted unanimously to allow the resolution to be drafted.

ADJOURNMENT

Adjournment At: 1:25 p.m.

  
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TOM BECK, Chairman

TB/jj

ROLL CALL

AGRICULTURE COMMITTEE

DATE 1/27/89

51st LEGISLATIVE SESSION 1989

NAME	PRESENT	ABSENT	EXCUSED
SENATOR HUBERT ABRAMS	✓		
SENATOR GARY AKLESTAD	✓		
SENATOR ESTHER BENGTSO	✓		
SENATOR GERRY DEVLIN	✓		
SENATOR JACK GALT	✓		
SENATOR GREG JERGESON	✓		
SENATOR GENE THAYER	✓		
SENATOR BOB WILLIAMS			✓
SENATOR TOM BECK	✓		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

January 27, 1989

MR. PRESIDENT:

We, your committee on Agriculture, Livestock, and Irrigation, having had under consideration SB 213 (first reading copy -- white), respectfully report that SB 213 do pass.

DO PASS

Signed: Thomas A. Beck  
Thomas A. Beck, Chairman

