

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION

Call to Order: By Senator Greg Jergeson, on January 16, 1991, at 1:00 P.M.

ROLL CALL

Members Present:

Greg Jergeson, Chairman (D)
Francis Koehnke, Vice Chairman (D)
Gary Aklestad (R)
Betty Bruski (D)
Gerry Devlin (R)
Jack Rea (D)
Bernie Swift (R)
Bob Williams (D)

Members Excused:

Thomas Beck (R)

Staff Present: Doug Sternberg (Legislative Council).

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion: Chairman Jergeson announced that there would be no meeting on Friday, January 18, 1991.

HEARING ON SENATE BILL 36

Presentation and Opening Statement by Sponsor:

Senator Jack Rea, District 38, stated that he was requested by the Department of Commerce to introduce Senate Bill 36. This bill revises licensing procedure regarding veterinarians. He indicated there were three sections that needed to be addressed: (1) clarifying the exemption of persons performing embryo transfer technology from veterinary practice law; (2) removing the requirement that the Board of Veterinary Medicine set licensing and examination fees each year; and (3) removing the requirement that applicants for licensure as veterinarians obtain a grade of 70 percent in all subjects examined. He referred to Page 3, Line 5, wherein the word "Embryo" would be replaced with "Nonsurgical embryo", and the word "licensed" be stricken and replaced with "licensed and residing in Montana". The reason for this change is that the non-surgical embryo transfer is done primarily by everyone. In some instances veterinarians who live out of state supervise these reproductive specialists over the

phone. In regard to Item 2, he referred to Page 6, Line 8, wherein the word "annually" would be stricken. The Board meets annually but the fees have rarely been changed, so there is no need to set them annually. Referring to Item 3, he requested a change on Page 7, Line 10 to delete "in all subjects". According to Senator Rea, the veterinarian test in Montana is structured in four parts: the National exam and the Clinical Competency Test, which is written by professionals. These two examinations are scored at 30% each. The third test is the Montana oral exam, rated 20%, and the practical exam rated at 20%. He stated that the Board of Examiners found that experienced practitioners did better on the last two sections, whereas the recent graduates would do better on the first two sections. In the past, 70% was required on each section, whereas now they are requesting that it be 70% overall score.

Proponents' Testimony:

DR. GERALD KILLEN, Vice-President of the Board of Veterinary Medicine, stated he was appearing as a proponent of SB 36. He informed that SB 36 was proposed by the Board of Veterinary Medicine and is basically a housekeeping bill. The change regarding nonsurgical embryo transfers in bovines was brought to the Board by the Advisory Committee on embryo transfer with a unanimous recommendation by that committee to make the change. The change regarding the supervision of a licensed veterinarian residing in Montana has come about because in the past two years embryo transfer technicians apply to the Board and have supervised veterinarians, one of whom was as far away as Florida. The Board does not feel that is within the intent of the law. He did not feel it is necessary to change the fees annually. He also stated that on the National Board exam and the CCT, the scores are not broken down and they furnish just one score for applicants. The Montana Board feels an overall score of 70% would be more satisfactory.

ROGER TIPPY, Attorney, stated he was appearing as lobbyist for the Montana Veterinary Medicine Association. He advised that it was the first time he represented this group. However, he was involved in the issues that went into SB 111 last session. He commended this bill to the committee's favorable consideration, and added the state society of the Montana Veterinary Medicine Association is in support of this bill.

STEVE MELOY, Bureau Chief of the Professional Occupational Licensing Bureau of the Department of Commerce, stated he appeared only to let the committee know that he and Cheryl Brandt, Administrative Assistant to the Board, are both present to answer any questions regarding their role concerning SB 36. He added that the fiscal note indicates that in the clarifying language there is no impact. He mentioned that SB 111, which passed last session, did cause some expenses which have subsequently been absorbed by the current operation.

SUSAN BROOKE, representing the Montana Stockgrowers and Montana Woolgrowers, stated those groups do support SB 36.

Opponents' Testimony:

None.

Questions From Committee Members:

Chairman Jergeson asked Dr. Killen what are the reciprocal agreements with other states in regard to licensing. Dr. Killen advised there are no reciprocal agreements with other states. In order to practice veterinary medicine in Montana, an applicant must be licensed by the Montana Board of Veterinary Medicine.

Senator Devlin asked with regard to phoning instructions to a technician, would that be done in Montana. Senator Rea informed that the reason for this change is that FDA controlled drugs are used in this operation and they do not feel controlled substances drugs should be ordered long distance.

Senator Aklestad asked if the Board would determine how much to assess its members, but not necessarily annually. Senator Rea affirmed the Board is solvent and setting fees annually was not necessary.

Closing by Sponsor:

Senator Rea stated that after hearing the proponents' testimony, he would request that the committee give SB 36 a Do Pass recommendation.

EXECUTIVE ACTION ON SENATE BILL 36

Recommendation and Vote:

Senator Rea made a motion that Senate Bill 36 DO PASS.
In favor - 8; opposed - 0. Motion CARRIED.

EXECUTIVE ACTION ON SENATE BILL 19

Recommendation and Vote:

Senator Rea made a motion that Senate Bill 19 BE TABLED.
In favor - 8; opposed - 0. Motion CARRIED.

EXECUTIVE ACTION ON SENATE BILL 3

Discussion:

Senator Aklestad suggested another two-year extension.

Senator Jergeson stated that one of the reasons a sunset was put on this bill was because it was hoped the economic circumstances would change. There is no indication that they have changed. Another reason for a sunset is to give some time to test if a particular program works. In this case the program has proven to be effective and is delivering services at low cost. Senator Jergeson indicated he likes the bill as it is written.

Senator Devlin pointed out that any program develops a constituency and they get very fond of a program. He also believed that this should not be called Agriculture Assistance Program, but rather Agriculture Crises Program. He stated as long as there is a crises in agriculture, this program will probably continue. He believed the name is a misnomer.

Senator Rea questioned if this program could pyramid. Senator Jergeson stated that the program operators have used their judgment as to whether or not to offer assistance to a businessman in town who is in a crises situation.

Motion:

Senator Devlin made a motion to change the name from Agriculture Assistance Program to Agriculture Crises Assistance Program. Those in favor - 4; opposed - 4. MOTION FAILED.

Amendments, Discussion, and Votes:

Senator Aklestad conferred with Legislative Council staff member Doug Sternberg to provide the legal and technical language to amend SB 3 and extend the sunset provision to 1993.

Senator Jergeson asked if Senator Aklestad would be interested in reducing the bill drafting requests in the next two sessions by changing the amendment to 1995.

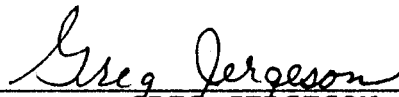
Senator Aklestad made the motion to amend SB 3 to extend the sunset to 1993. In favor - 5; opposed - 3. MOTION CARRIED.

Recommendation and Vote:

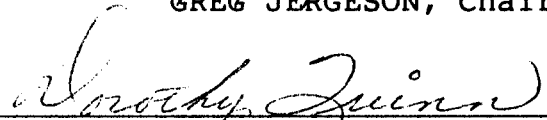
Senator Williams made the motion that SB 3 DO PASS AS AMENDED. In favor - 8; opposed - 0. MOTION CARRIED.

ADJOURNMENT

Adjournment At: 1:40 P.M.



GREG JERGESON, Chairman



DOROTHY QUINN, Secretary

GJ/dq

ROLL CALL
AGRICULTURE COMMITTEE

DATE 1/16/91

52nd
LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
SEN. JERGESON	✓		
SEN. KOEHNKE	✓		
SEN. AKLESTAD	✓		
SEN. BECK			✓
SEN. BRUSKI	✓		
SEN. DEVLIN	✓		
SEN. REA	✓		
SEN. SWIFT	✓		
SEN. WILLIAMS	✓		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 16, 1991

MR. PRESIDENT:

We, your committee on Agriculture, Livestock, and Irrigation having had under consideration Senate Bill No. 3 (first reading copy -- white), respectfully report that Senate Bill No. 3 be amended and as so amended do pass:

1. Title, line 4.

Strike: "REMOVING"

Insert: "EXTENDING"

Following: "THE"

Insert: "SUNSET"

2. Title, line 5.

Strike: "MAKING"

Insert: "OF"

Following: "PROGRAM"

Strike: "TEMPORARY"

3. Title, lines 6 and 7.

Strike: "REPEALING" on line 6 through "1989;" on line 7

4. Page 1, line 13.

Strike: "date"

Insert: "dates"

Following: "(1)"

Insert: "(1)"

5. Page 1, line 16.

Following: line 15

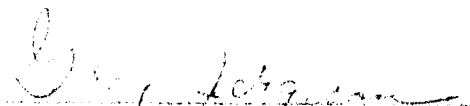
Insert: "(2) [Section 5] is effective July 1, 1993."

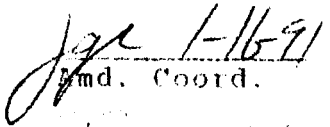
6. Page 1, lines 16 and 17.


Strike: section 2 in its entirety

Renumber: subsequent section

Signed: _____


Greg Jergeson, Chairman


J. J. J.
Smd. Coord.


J. J. J.
Sec. of Senate

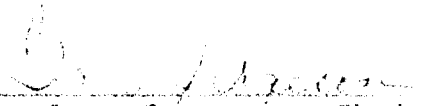
SENATE STANDING COMMITTEE REPORT


Page 1 of 1
January 16, 1991

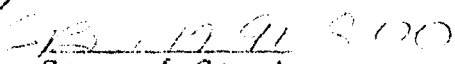
MR. PRESIDENT:

We, your committee on Agriculture, Livestock, and Irrigation having had under consideration Senate Bill No. 36 (first reading copy -- white), respectfully report that Senate Bill No. 36 do pass.

Signed: _____


Greg Jorgeson, Chairman


Amd. Coord.


Sec. of Senate

Jun. 16, 1990

Agriculture

VISITORS' REGISTER

[illegible]

NAME: Roger Tippy DATE: 1/16/91

ADDRESS: Tippy & McCue, 1215 11th Ave, Helena, MT

PHONE: 442-4448

REPRESENTING WHOM? Montana Veterinary Medicine Association

APPEARING ON WHICH PROPOSAL: SB 36

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

ROLL CALL VOTE

SENATE COMMITTEE

AGRICULTURE

Date _____

1/16/91

Bill No.

5/3

Time

NAME	YES	NO
SEN. AKLESTAD	X	
SEN. BECK		<i>absent</i>
SEN. BRUSKI		X
SEN. DEVLIN	X	
SEN. REA	X	
SEN. SWIFT	X	
SEN. WILLIAMS		X
SEN. KOEHNKE		X
SEN. JERGESON		X

D. QUINN

GREG JERGESON

Secretary

Chairman

By Senator Devlin

Motion:

Amendment ^{PM} to SB-3

A change name to Agriculture Crisis Assistance Program ^{In favor} 4 - ^{opposed} 4 Motion failed

ROLL CALL VOTE

SENATE COMMITTEE AGRICULTURE

Date 1/16/91 Bill No. SB 19 Time 1:20

NAME	YES	NO
SEN. AKLESTAD	X	
SEN. BECK	<i>Absent</i>	
SEN. BRUSKI	X	
SEN. DEVLIN	X	
SEN. REA	X	
SEN. SWIFT	X	
SEN. WILLIAMS	X	
SEN. KOEHNKE	X	
SEN. JERGESON	X	

D. QUINN GREG JERGESON

Secretary Chairman

Motion: Senator Rae made the motion that
SB 19 be Tabled. In favor: 8
Opposed: 0
SB 19 TABLED.

ROLL CALL VOTE

SENATE COMMITTEE AGRICULTURE

Date 1/16/91 Bill No. SB 36 Time 1:15

NAME	YES	NO
SEN. AKLESTAD	X	
SEN. BECK		Absent
SEN. BRUSKI	X	
SEN. DEVLIN	X	
SEN. REA	X	
SEN. SWIFT	X	
SEN. WILLIAMS	X	
SEN. KOEHNKE	X	
SEN. JERGESON	X	

D. QUINN

GREG JERGESON

Secretary

Chairman

Motion: Senator Rea made motion
that SB 36 DO PASS.
In favor 8; Opposed 0
Motion carried

ROLL CALL VOTE

SENATE COMMITTEE AGRICULTURE

Date 1/16/91 Bill No. SB 3 Time 1:35

NAME	YES	NO
SEN. AKLESTAD	X	
SEN. BECK		absent
SEN. BRUSKI	X	
SEN. DEVLIN	X	
SEN. REA		X
SEN. SWIFT	X	
SEN. WILLIAMS		X
SEN. KOEHNKE	X	
SEN. JERGESON		X

D. QUINN

GREG JERGESON

Secretary

Chairman

Motion: Senator Aklestad made motion to
amend the bill to extend the sunset
to 1993. In favor: 5 Motion Carried
Opposed: 3 5-3

ROLL CALL VOTE

SENATE COMMITTEE

AGRICULTURE

Date

1/16/91

Bill No.

SB 3

Time

1:36

NAME

YES

NO

AKLESTAD

X

BECK

Absent

BRUSKI

X

DEVLIN

X

REA

X

SWIFT

X

WILLIAMS

X

KOEHNKE

X

JERGESON

X

D. QUINN

GREG JERGESON

Secretary

Chairman

Motion:

Senator Williams made the motion
that SB 3 DO PASS AS AMENDED.

In favor: 8 Opposed: 0

Motion Carried