

MINUTES

MONTANA SENATE 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION

Call to Order: By Senator Rea, on January 13, 1993, at 1:00 p.m.

ROLL CALL

Members Present:

Sen. Jack "Doc" Rea, Chair (D)
Sen. Francis Koehnke, Vice Chair (D)
Sen. Gary Aklestad (R)
Sen. Betty Bruski-Maus (D)
Sen. Jim Burnett (R)
Sen. Gerry Devlin (R)
Sen. Gary Forrester (D)
Sen. Mike Halligan (D)
Sen. Bob Pipinich (D)

Members Excused: None

Members Absent: Sen. Beck

Staff Present: Doug Sternberg, Legislative Council
David Martin, Committee Secretary

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

Committee Business Summary:

Hearing: NONE
Executive Action: SB 48, SB 98

EXECUTIVE ACTION ON SB 48

Discussion:

Sen. Burnett reminded the committee members that he had asked them to check with the USDA about their meat inspection procedures. If the state does not perform inspections, then that duty goes to the USDA. The USDA could absorb state inspectors to meet future inspection needs. Businesses would be allowed an 18 month period to meet new compliance statutes should the USDA assume all inspection responsibility. The state inspectors are asking for an additional \$105,000 for the general fund. The state is now in a situation of having double inspecting agencies. Sen. Burnett would like to see this bill pass. If not, he suggested tabling to allow freedom to make budget cuts later in the session.

Sen. Pipinich commented that the \$105,000 was funding that was removed in committee from last session. Sen. Burnett replied that he got his information from the 1995 budget.

Motion/Vote:

Sen. Halligan moved DO PASS on SB 48. The Do Pass Motion FAILED by Roll Call Vote. (One senator voted Yes, 8 senators voted No).

Motion/Vote:

Sen. Halligan moved to TABLE SB 48. Sen. Halligan suggested that although the USDA will not permit users fees to fund the program, users fees could still be used to make the program self-sufficient. The user fees could be funneled into the general fund to support the program.

Sen. Aklestad agreed with table motion. He was concerned with the loss of small businesses and revenue in the long run. This loss would be felt in both state and local revenues. Plants not "grandfathered" into the USDA system could be put out of business.

Sen. Burnett asked Sen. Aklestad if he had checked with the USDA. Sen. Aklestad had not checked with the USDA, but he had checked with both federal and state inspected plants.

Sen. Burnett stated that the USDA allows for two day labeling through FAXs. The USDA feels that double inspection is excessive. In 1971 the state inspection program was dropped and then reinstated in 1985. Sen. Burnett feels that service would not be hindered by having only federal inspection programs.

Sen. Devlin said that the discontinuation in 1985 was due to insensitivity and poor service on the part of the federal program. State guidelines have to meet or exceed federal limits.

Sen. Bruski-Maus reported that her district prefers the state inspection program because it is more responsive. She felt that elimination of the state program would hurt small businesses.

Vote: SB 48 was TABLED UNANIMOUSLY.

EXECUTIVE ACTION ON SB 98

Discussion:

Sen. Rea referred to the fiscal note and pointed out that the fees would make this program self-sufficient rather than receiving general funds.

Sen. Aklestad pointed out that there appears to be two special funding measures and he would prefer that there be only one fee.

Sen. Rea pointed out the amended section to the committee. (see below)

Amendments to Senate Bill No. 98
First Reading Copy

For the Senate Committee on Agriculture

Prepared by Doug Sternberg
January 13, 1993

1. Page 2, lines 4 through 7.
Strike: subsection (1) in its entirety
Renumber: subsequent subsections

2. Page 3, line 5.
Strike: "(5)(a)"
Insert: "(4)(a)"

3. Page 8, line 8.
Strike: "that are not advertised"

Sen. Aklestad wanted to hear the view of the seed producers. Ross Grub of the Montana Seed Trade Association, MSTTA, stated that this amended bill would create a self supported user fee and would thus not be taken from the general fund. It would also insure purity of product protecting both the producer and the user.

Sen. Pipinich wanted confirmation that the seed growers were in favor of this bill. Mr. Grubb replied affirmatively.

Sen. Koehnke asked who this bill would affect and how regarding small sales. Mr. Grubb said the bill provided a definition of a "dealers license".

Sen. Devlin said the big change was the removal of the exemption for the Montana certified seed grower from selling seed from his own production. The seed grower would now be included. Mr. Grubb replied that the producer would be included if he chose to sell the material on his own.

Sen. Aklestad wanted clarification on small sales. If there was a violation, a civil penalty of \$1,000 could be incurred for each offense. Mr. Grubb replied that although that was "possible" a more likely first offense penalty would be to obtain a dealers license.

Doug Sternberg, Legal Council, pointed out the definition for a

bin run seed sale on pg 2, line 17. The amendment on page 8 would exempt bin run sales from this requirement.

Motion/Vote:

Sen. Pipinich MOVED the amendments to SB 98. The amendments CARRIED UNANIMOUSLY.


Sen. Aklestad pointed out that some certified seed sales would not qualify as bin run sales. These individuals would now be required to have a \$200 license. Sen. Halligan clarified that the license fee was \$100, and that \$200 was the maximum allowed by law.

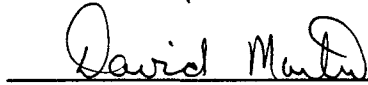
Motion/Vote:

SB 98 was moved DO PASS. The motion CARRIED UNANIMOUSLY.

ADJOURNMENT

Adjournment: Meeting Adjourned at 1:30 p.m.


SENATOR REA, Chair


DAVID MARTIN, Secretary

jr/dm

ROLL CALL

SENATE COMMITTEE

AGRICULTURE

DATE 1/13/93 (WED)

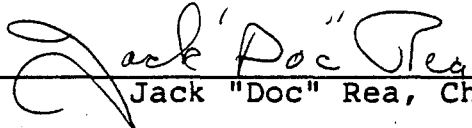
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SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 13, 1993

MR. PRESIDENT:

We, your committee on Agriculture, Livestock, and Irrigation having had under consideration Senate Bill No. 98 (first reading copy -- white), respectfully report that Senate Bill No. 98 be amended as follows and as so amended do pass.

Signed: 
Jack "Doc" Rea, Chair

That such amendments read:

1. Page 2, lines 4 through 7.
Strike: subsection (1) in its entirety
Renumber: subsequent subsections

2. Page 3, line 5.
Strike: "(5)(a)"
Insert: "(4)(a)"

3. Page 8, line 8.
Strike: "that are not advertised"

-END-

Amendments to Senate Bill No. 98
First Reading Copy

For the Senate Committee on Agriculture

Prepared by Doug Sternberg
January 13, 1993

1. Page 2, lines 4 through 7.
Strike: subsection (1) in its entirety
Renumber: subsequent subsections
2. Page 3, line 5.
Strike: "(5)(a)"
Insert: "(4)(a)"
3. Page 8, line 8.
Strike: "that are not advertised"

*under S
SB
Amends for
98*

ROLL CALL VOTE

SENATE COMMITTEE AGRICULTURE BILL NO. SB 48

DATE 1-13-98 TIME 1:05 A.M. P.M.

[illegible]

MARTIN
SECRETARY

REA

CHAIR

MOTION: DO PASS

DATE 1/13/93

SENATE COMMITTEE ON AGRICULTURE

BILLS BEING HEARD TODAY: _____

EXEC ACTION 3 SB 48, SB 98

| Name | Representing | Bill No. | Check One Support Oppose |
|------|--------------|-------------|-----------------------------|
|------|--------------|-------------|-----------------------------|

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|-----------|------|----|---|--|
| ROSS GIBB | MSTA | 98 | <input checked="" type="checkbox"/> Amended | |
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VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY