MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION

Call to Order: By CHAIRMAN VERN KELLER, on January 28, 1993, at 3:00 P.M.

ROLL CALL

Members Present:

Rep. Vern Keller, Chairman (R)

Rep. Joe Barnett, Vice Chairman (R)

Rep. Shiell Anderson (R)

Rep. Bob Bachini (D)

Rep. Jody Bird (D)

Rep. Ervin Davis (D)

Rep. Bill Endy (D)

Rep. Harriet Hayne (R)

Rep. Don Larson (D)

Rep. Gary Mason (R)

Rep. Bill Rehbein (R)

Rep. Sam Rose (R)

Rep. Dore Schwinden (D)

Rep. Wilbur Spring (R)

Rep. Wayne Stanford (D)

Rep. Jay Stovall (R)

Members Excused: None

Members Absent: None

Staff Present: Connie Erickson, Legislative Council

Jaelene Racicot, Committee Secretary

Please Note: These are summary minutes. Testimony and

discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 181, SB 98

Executive Action: HB 181, SB 98

HEARING ON HB 181

Opening Statement by Sponsor:

REP. JOE BARNETT, HD 76, Belgrade, stated HB 181 contained a statement of intent which gives rulemaking authority to the Department of Agriculture. He said that, due to the financial condition of the state, the Beekeeper's Association came forward

with an increase in registration fees which would help cover the cost of the regulatory program. REP. BARNETT indicated the fees would go into the general fund to help the beekeepers' portion of the budget. He submitted written testimony which had been faxed to REP. SCHWINDEN. EXHIBIT 1

Proponents' Testimony:

Lance Sundberg, Sunshine Apiary and Montana State Beekeeper's Association, presented written testimony. EXHIBITS 2 & 3

Don Smoot, Smoot Honey Company, stated he agreed with Mr. Sundberg and urged the committee to pass HB 181.

Bob Barnes, Beaverhead Honey Company, said he supported HB 181.

Ron Barnett, Barnett Apiaries Inc. and R. Bee Apiaries, said he supported HB 181 for all the reasons previously stated.

Ralph Peck, representing Leo Giacometto, Director, Department of Agriculture, who could not be there today presented written testimony. EXHIBIT 4.

Paul Peterson, Arrowhead Apiaries, urged the committee's favorable consideration of HB 181.

Rob Buhmann, Buhmann Apiaries, also urged the committee to support HB 181.

Opponents' Testimony: None

Questions From Committee Members and Responses:

REP. BOB BACHINI wondered if doubling the fee was too high. Mr. Sundberg stated that it was the best the bee industry could do at the present time.

REP. BACHINI asked if there was a preference to increase the fees to another amount. Mr. Sundberg stated that the beekeepers had scheduled two meetings to discuss fees and decided it was fair to all members to double them. The increased fee was agreed upon to make the bee industry more self-sufficient.

REP. BACHINI also asked what the workers' compensation rate was for the bee industry. Mr. Sundberg replied there wasn't a category for beekeepers and the business was placed under chicken and egg production. Mr. Sundberg stated that in January the workers' compensation rate increased from \$24.54 to \$26.02.

REP. JOHN "SAM" ROSE asked what economic impact the bee industry had on the state. Mr. Sundberg replied that Montana produces nearly 10 million pounds of honey a year. He also stated that Montana ranked seventh in the nation in honey production.

REP. DORE SCHWINDEN asked Will Kissinger, Plant Industry Division, Department of Agriculture, what the impact would be on the department if fees were doubled. Mr. Kissinger stated that doubling the fees would cut program expenses in half.

REP. BACHINI asked Mr. Kissinger if the committee were to cut the fees in half, would the department be able to operate the program adequately. Mr. Kissinger asked Mr. Peck to respond. Mr. Peck stated that, due to the poor condition of the general fund, individual industries were being asked to assess fees to determine if the programs could be self-supporting to avoid being eliminated. Mr. Peck said the bee industry wanted the service and were willing to double fees to pay for the program.

REP. BACHINI asked what it costs to administer the apiary program. Mr. Peck responded that it costs approximately \$48,000 a year.

REP. ROSE indicated that the money from fees could actually be lost by going into the general fund. He asked if the apiaries would encounter problems with other programs if the legislature tried to get the money statutorily appropriated. REP. BACHINI said there would be problems, however, now the apiaries are not guaranteed they would get their money from the general fund and could possibly lose it all.

Closing by Sponsor:

REP. BARNETT stated that the bee industry was concerned about the financial condition of the state, and the industry did not want to lose the services it currently has. He indicated that the fees were something the industry could live with and they wanted them to be set at the levels stated in the bill.

HEARING ON SB 98

Opening Statement by Sponsor:

SEN. JACK "DOC" REA, SD 38, Three Forks, stated that SB 98 did three things: 1.) it clarified the licensing of seed dealers; 2.) it created a civil penalty; and 3.) it established a special revenue account from which all expenses for the seed program would be paid. He said SB 98 would save the general fund \$48,558. He also said SB 98 is supported by the Montana Seed Trade Association, the Montana AgriBusiness Association, and the Montana Grain Growers' Association.

Proponents' Testimony:

Ross Grubb, Montana Seed Trade Association, urged the committee to support SB 98 and explained the amendments. EXHIBITS 5 and 6.

Terry Grass, Director of the Montana Seed Growers Association,

presented written testimony. EXHIBIT 7

Randy Johnson, Montana Grain Growers Association and the Montana Farmers Union, stated that SB 98 was a good bill with the amendments. EXHIBIT 5

Pam Langley, Montana AgriBusiness Association, stated the Association supports SB 98.

Ralph Peck, Department of Agriculture, said that SB 98 allowed the program to be self-funded and urged the committee to pass SB 98.

Richard Barber, Montana Seed Growers' Association, stated that SB 98 would help protect the retailer and user of quality seeds sold in Montana.

Brad RuhKamp, McIntosh Seed Company, stated the company supported SB 98.

Opponents' Testimony:

Sharon Norman, Women Involved in Farm Economics, stated WIFE opposed SB 98 as written before the amendments were offered. Ms. Norman indicated increased fee was too large and if the committee wanted to increase the fee, it should propose a one cent per bushel increase which would be more equitable.

Questions From Committee Members and Responses:

REP. BACHINI asked Mr. Grass about amendment nine and if this change came from farmers. Mr. Grass replied that under the current bill farmers felt they could not discuss seed variety with another farmer and, therefore, could not sell that farmer seed. Mr. Grass said that if farmers advertise by seed variety they are required to have a license.

REP. BACHINI asked if Mr. Grass was comfortable with amendment nine. Mr. Grass responded that he was.

REP. BACHINI then asked Mr. Grubb what the lower license fee should be. Mr. Grubb replied that the maximum limit was \$200 which would be set by rule, and said that the lower fee should be \$25 to \$50.

REP. BACHINI asked Mr. Peck if the cap was \$200, could the department charge \$100 for the lower fee. Mr. Peck replied it was the department's intent to set the upper fee at \$100 and the lower fee between \$25 and \$50.

REP. BACHINI wondered if what Mr. Peck just stated should be in the bill.

Ms. Erickson stated that it could be written in the bill to put a

cap for the higher fee and for the lower fee. However, she stated the committee should remember that fees need to be commensurate with the expenses of the program, and the department could not arbitrarily set fees which have no relationship to the program.

Closing by Sponsor:

SEN. REA stated there had been an agreement between the growers, dealers, and the department to lessen the impact on the general fund and make the program self-supporting. He urged the committee's favorable consideration

EXECUTIVE ACTION ON HB 181

Motion: REP. BARNETT MOVED HB 181 DO PASS.

<u>Discussion</u>: REP. BACHINI asked REP. BARNETT if the bee industry would like a special earmarked account. REP. BARNETT replied SB 98 made the seed dealers self-supporting but the apiaries were not fully self-supporting.

REP. ERVIN DAVIS asked Ms. Erickson why the committee could not place the apiary fees in an account to help off-set or fund any deficiencies in the general fund. Ms. Erickson replied that by creating a special revenue account and putting all the fees in it, the program would not receive general fund money. She said that currently the apiary program is not self-supporting, therefore, a special revenue account would not totally fund the program. She also said that by placing the fees in the general fund, apiaries run a risk of losing the money. On the other hand, if a special revenue account was established, the legislature may determine that the apiaries would not receive general fund money.

REP. DAVIS asked REP. BARNETT which risk the apiaries were willing to take: deposit the fee in the general fund and run the risk of losing the program due to the deficit; or create a special revenue account and possibly not receive funds from the general fund. REP. BARNETT stated that he had a discussion with some of the apiarists who, because the apiary program was not fully self-supporting, would be willing to take a chance and hope to receive \$21,000 from the general fund to operate the program.

Ms. Erickson stated that just because money is placed in a special revenue account, it would not be absolutely protected from legislative appropriation. She sid the money would only be protected if it was statutorily appropriated.

REP. SHIELL ANDERSON asked if there were additional administrative costs to run a special revenue account. Ms. Erickson replied that there would be more cost.

Motion/Vote: HB 181 DO PASS. The motion carried unanimously.

EXECUTIVE ACTION ON SB 98

Motion: REP. BACHINI MOVED SB 98 BE CONCURRED IN.

Motion: REP. BACHINI moved the amendments be adopted. EXHIBIT 5

<u>Discussion</u>: Ms. Erickson reviewed the amendments for the committee. EXHIBIT 5.

REP. BACHINI had some concern with amendment three and would like to see the lower fee of \$25 mentioned.

CHAIRMAN KELLER asked Mr. Grubb to comment on REP. BACHINI'S concern. Mr. Grubb said when the Department crunched the numbers that by placing \$25 in the bill, the \$100 proposed for the upper limit may increase to \$105. Mr. Grubb stated that everyone felt comfortable with the amendments as they were written.

REP. BACHINI stated that there was no guarantee of getting the lower fee of \$25. He also stated that it was a concern of his, as well as a concern of a number of his constituents.

Mr. Grubb stated that the maximum limit was \$200, however, there was no guarantee it would stay. Mr. Grubb indicated that all three licenses could cost \$200 each.

Ms. Erickson stated that the way the current law read and the bill structured, there was no two tier license; there was one license for everyone. She said that all the bill did was raise the current fees.

REP. DON LARSON said the committee should remember that the legislature is trying to get out of micro-managing fee setting activities and give that authority to the boards and departments. He stated that fees were set by rule and it gave departments a ceiling under which to operate. He added that the fees can be set through a public hearing by the department with the people involved. In addition, the department could not charge more than the cost of administration.

Motion/Vote: Motion to adopt the amendments. The motion carried
unanimously. EXHIBIT 5.

Motion/Vote: REP. STANFORD MOVED SB 98 BE CONCURRED IN AS AMENDED. The motion carried with REPS. BIRD and BACHINI voting no.

REP. DORE SCHWINDEN agreed to carry SB 98 on the House floor.

HOUSE AGRICULTURE, LIVESTOCK, & IRRIGATION COMMITTEE January 28, 1993 Page 7 of 7

ADJOURNMENT

Adjournment: 4:30 P.M.

VERN KELLER, Chairman

JAELENE RACICOT, Secretary

VK/jr

HOUSE OF REPRESENTATIVES

AGRICULTURE, LIVESTOCK, & IRRIGATION COMMITTEE

ROLL CALL

DATE

1/28/93

NAME	PRESENT	ABSENT	EXCUSED
REPRESENTATIVE SHIELL ANDERSON			
REPRESENTATIVE BOB BACHINI			
REPRESENTATIVE JOE BARNETT V.C.			
REPRESENTATIVE JODY BIRD			
REPRESENTATIVE ERVIN DAVIS			
REPRESENTATIVE BILL ENDY			
REPRESENTATIVE HARRIET HAYNE			
REPRESENTATIVE DON LARSON MIN. V.C			
REPRESENTATIVE GARY MASON			
REPRESENTATIVE BILL REHBEIN	V	·	
REPRESENTATIVE SAM ROSE	1/	`~.	
REPRESENTATIVE DORE SCHWINDEN	1		
REPRESENTATIVE WILBUR SPRING			
REPRESENTATIVE WAYNE STANFORD			
REPRESENTATIVE JAY STOVALL			
CHAIRMAN VERN KELLER			***

HOUSE STANDING COMMITTEE REPORT

February 1, 1993 Page 1 of 2

Mr. Speaker: We, the committee on <u>Agriculture</u>, <u>Livestock</u>, and <u>Irrigation</u> report that <u>Senate Bill 98</u> (third reading copy -- blue) be concurred in as amended.

Signed: Vern Keller, Chair

And, that such amendments read: Carried by: Rep. Schwinden

1. Page 1, line 14. Following: "granted in"

Insert: "80-5-202(8) and in"

2. Page 1, line 17 Following: "laws"

Insert: "and rules establishing a seed dealer's license fee"

3. Page 1, line 22.

Following: "violations."

Insert: "It is further intended that the department establish a two-tiered license fee schedule under which a licensee with gross annual sales of \$5,000 or less shall pay a lower fee than a licensee with gross annual sales in excess of \$5,000."

4. Page 2, line 7. Following: "media."

Insert: "(1) "Advertise" means to offer seed or grain for sale by means of newspapers, magazines, pamphlets, signs, or other printed media or by radio, television, or other electronic media."

Renumber: subsequent subsections

5. Page 2, line 19.
Strike: "varietal identification,"
Following: "guaranty"
Strike: ","

A Millian

Committee Vote: Yes \mathcal{H} . Ye \mathcal{Q}

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

7. Page 8, line 4. Strike: "and"

3. Page 8, line 6. Following: "; and"

Insert: "a Montana seed grower when selling seed from the grower's own production to a licensed seed dealer; and"

9. Page 8, lines 7 and 8. Following: "(c)" on line 7

Insert: "(c)"
Fóllowing: "seed"
Insert: "seed"

Following: "advertised" on line 8

Insert: "that are not advertised by varietal identification"

10. Page 8, line 18. Following: "year."

Insert: "The department shall establish by rule a lower license fee for a seed dealer with gross annual sales of \$5,000 or less."

24 4 1 200

HOUSE STANDING COMMITTEE REPORT

January 28, 1993 Page 1 of 1

Mr. Speaker: We, the committee on <u>Agriculture</u>, <u>Livestock</u>, and <u>Irrigation</u> report that <u>House Bill 181</u> (first reading copy -- white) do pass.

Signed: Vern Keller, Chair

Committee Vote: Yes ____, No ____.

REA BOUE 406 Elephone 855-1488

SCES FOR POLLIMATION

DAT 1/88/93
HB Produce & Shualter
Montage Honey

Since 1972!

Honeyland, Inc.

SR 231 Box A 14

Wolf Point, Mostana 59201

FAX TRANSMISSION

Date: January 27, 1993

To: Honorable Dore Schwinden

Company: House of Representtives

State of Montana

Fax No.

444-4105

From:

Jim and Harry Rodenberg

Subject: ..

House Bill # 181

This fax is 2 pages in length, including this cover page. If you do not receive all of the information, please call 406-853-1488 immediately.

Thank You.

EXHIBIT_	1		
DATE	1/28	93	
HB_ 181	1		

0 02

January 27, 1993

Honorable Dore Schwinden House of Hepresentatives State of Montana Holona, Montana

Dear Represenative Dore:

House Bill #181 will be coming before the Agricultural committee, of which you are a member, Thursday, January 28, 1992. This bill is of vital interest to the beekeepers of the state of Montana. My dad and I would like to ask your support of this bill. It will not be possible for either of us to travel to Helena to testify in support of this bill. If you see fit, we would appreciate you reading the pertinent portions this Fax to the committee.

The Montana Bee Law has been on the books since 1947. It has been a valuable tool in the control of bee disease problems in the State of Montana. The beekeeping industry is now faced with additional problems such as recent introduction of Parasitic mites into this country, and the threat of the Africanized bee. Retention of the Montana Bee Law can serve a purpose in limiting the consequences of these additional problems within the state.

We are well aware of the financial crunch that faces the state of Montana. In past years, the funding of the Montana Bee Law has come from the General Fund. Beekeeper registration fees going into the general fund have not been sufficient to cover the expenditures. We realize that if we wish to continue the viability of the Montana Bee Law that it is up to our industry to provide the funding. Such industry funding, in return would earmark those dollars for the specific purpose of the Montana Bee Law.

As with so many agricultural pursuits, the cost of productions have continued to escalate in the beekeeping industry. The return from our production has not kept up with increased costs. Thus, it is not an easy decision for us to make: to ask that our assessment for bee locations be increased. It is our hope, however, that in the long term such added costs will be an assist to preserving one more segment in the agricultural community of the State of Montana.

with best wishes,

EXHIBIT_ DATE 1/28/93 нв 18/

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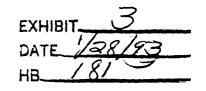
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STATE OF MONTANA DEPARTMENT OF AGRICULTURE

OFFICE OF THE DIRECTOR
AGRICULTURE/LIVESTOCK BLDG.
PO BOX 200201

LEO A. GIACOMETTO DIRECTOR (406) 444-3144

EXHIBIT DATE

FAX (406) 444-5409

HELENA, MONTANA 59620-0201

JANUARY 28, 1993

HOUSE BILL 181

HOUSE AGRICULTURE, LIVESTOCK AND IRRIGATION COMMITTEE
MONTANA DEPARTMENT OF AGRICULTURE
LEO A. GIACOMETTO, DIRECTOR

Chairman Keller and members of the Committee. For the record,

I am Leo Giacometto, Director of the Montana Department of

Agriculture.

House Bill 181, sponsored by the Montana State Beekeepers Association, is a straight forward bill which makes several positive revisions to the Departments Apiary law:

- 1) It allows the department to designate by rule specific bee diseases which the industry believes need to be regulated. This will eliminate unnecessary regulation of "common cold" types of bee diseases;
- 2) The bill adds civil penalties to the Apiary law, making for more effective enforcement of the law; and,
- 3) The bill also doubles the apiary registration fees. This will bring into the General Fund an additional \$9,740 each fiscal year. The Department commends the Beekeepers Association for taking this action during a time when the General Fund is in such dire financial straights.

Will Kissinger, Administrator of the Department's Plant Industry Division, is here to answer any technical questions you may have.

Mr. Chairman and members of the Committee, I request that you support and vote for the passage of House Bill 181.

AMENDMENT TO SENATE BILL 98

1. Page 1, line 14.

Following: "granted in 80-5-207"

Insert:

"and in 80-5-202(8)"

Page 1, line 17.

Following:

"agricultural seed laws"

Insert:

"and rules establishing a seed dealer's license

fee."

3. Page 1, line 22.

Following:

"administrative violations."

Insert:

"It is further intended that the department shall establish a two tiered license fee schedule whereby any licensee with a gross annual sales of \$5,000 or less, shall pay a lower fee than those with gross

annual sales in excess of \$5,000."

4. Page 2, line 4.

Insert:

"(1) "Advertise" means to offer seed or grain for sale by means of newspapers, magazines, pamphlets, signs, or other printed media or by radio, television, or other electronic media."

Renumber: Subsequent sections.

5. Page 2, line 19.

Following: "without"

Delete:

"varietal identification,"

6. Page 8, line 5.

Following: "(b)"

Insert:

"a Montana"

7. Page 8, line 5.

Following: "certified"

Insert:

"seed grower when selling seed from his own

production to a licensed seed dealer; and"

8. Page 8, line 7.

Following:

"when making bin-run"

Insert:

"seed"

9. Page 8, line 8.

Following:

"bin-run seed sales"

Insert:

"that are not advertised by varietal

identification."

EXHIBIT 6

DATE 1/88/93

18 98

BILL 98

ROSS GRUBB PROPONENT REPRESENTING: MONTANA SEED TRADE ASSOCIATION

- Seed law is written and <u>regulated</u> for the protection of the end user.
- Proposed increase license fees should include all people involved in selling of seed.
- Proposed bill would increase a two-tiered dealers license to address small volume sales.
- Bin-run seed that is advertised and sold by varietal identification needs a dealers license.
- All certified seed needs regulation to protect end user.
- Increase fees will support needed regulation and industry is willing to shoulder the major portion of this increase.

EXAMPLE:		NOM	BILL 98 (Proposed)	
	Dealer	15	\$ 100 (attached fiscal note:)	
	Labeler &		100	
	Conditioner (combined)	35	100	
	TOTAL	50	\$ 300	

EXHIBIT DATE 1/88/93
BB 98

TESTIMONY BEFORE HOUSE AG COMMITTEE January 28, 1993

Mr. Chairman and Members of the House Ag Committee

I am Terry Grass, a Director of the Montana Seed Growers Association.

The MSGA represents approximately 300 growers throughout the state. MSGA supports the proposed changes in the seed law. MSGA believes a strong seed industry benefits Montana farms. License requirements for retail seed sales will benefit Montana farmers by improving the quality of seed sold and allowing a means to enforce current seed quality laws. Most seed sold and planted is sold by MSGA members and farmers as bin run seed. By requiring a seed dealers license, seed sellers would be held accountable to follow Department of Agriculture seed laws.

I would recommend passage of this bill as amended.

to support

HOUSE OF REPRESENTATIVES

WITNESS STATEMENT

PLEASE PRINT

NAME SHARON NOW	CMAN_		BILL NO.	SB98
ADDRESS POBOX 3	8		DATE _/	-28-93
WHOM DO YOU REPRESENT?				
SUPPORT	OPPOSE	7	AMEND	•
COMMENTS: Les hau	<u>su -</u>	Chp5	ag. Led	
COMMENTS: Jee har	<u>ا</u>	***************************************	*	

HR:1991 CS15

HOUSE OF REPRESENTATIVES VISITOR REGISTER

Agriculture		COMMITTEE	BILL NO.	SB 98
DATE 1/28/93	sponsor(s)	SEN, REA		

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Ram Laureley	Muntana AgriBusines Montano Seed Trade	J	
ROSS GRUBB	MONTRING SERVE FIELD	1	
Harry Johnson	Townsend Seeds	<i>i</i>	
Cartaal	Hother Said Source		
Dave Howard	Worthorn Seed Sonice	1	
Brad Ruthaup	MeIntesh Seeds	1	
Randy Johnson	Mt Gram Grower Assiv		
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Terry Grass	MH. Soud Growers	L	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS

ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES VISITOR REGISTER

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(1anculture	COMMITTEE	BILL NO. HB 18/
1/22/23	0 4	
DATE $\frac{1/38/93}{3}$ sponsor(s)	Barnell	

PLEASE PRINT

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Bob Baines - Dilla	Bowerhead Honey Co.		
Pan Barnett - Bulgrade	Birnett A D'avi EsInce Apiaries	i	
Time It Sundling Columby	Sunshine Animy	/	
Dan Smeat	Amont Flonery Co.	V	
Padney Sorevisa ThreFork	Soronson Honey	V	
Janes Barritt	Barnett apraiss due	1	
Trees and the same of the same	All Sales		
Rot-Bohmann	Behnann Apinnis Inc		
Pul Poterson	Arrowhead Asiarres	V	
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PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.