

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION

Call to Order: By CHAIRMAN VERN KELLER, on February 18, 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 648
Executive Action: HB 648, HB 477, HB 564

HEARING ON HB 648

Opening Statement by Sponsor:

REP. ANDERSON, HD 81, Livingston, stated that HB 648 would include alpacas in the livestock laws. REP. ANDERSON added that HB 648 took llamas out of the branding and marking provisions of the livestock law.

Proponents' Testimony:

John Northy, who owns alpacas, stated that alpacas are a cousin to the llama but they are presently not included in the livestock laws. Mr. Northy urged the committee to pass HB 648. **EXHIBIT 1.**

Cork Mortensen, Department of Livestock, stated that they concur with what Mr. Northy has stated.

Opponents' Testimony: None

Questions From Committee Members and Responses: None

Closing by Sponsor:

REP. ANDERSON closed.

EXECUTIVE ACTION ON HB 648

Motion/Vote: REP. LARSON MOVED HB 648 DO PASS. The motion carried unanimously.

REP. BACHINI requested HB 648 be placed on the consent calendar. The committee had no objections.

EXECUTIVE ACTION ON HB 564

Motion: REP. MASON MOVED HB 564 DO PASS.

Motion: REP. BACHINI moved to adopt the amendments

Discussion: Ms. Erickson explained the amendments.

REP. BACHINI asked Mr. Peck if the Montana Grain Growers Association and the Montana Grain Elevators Association have been involved with the amendments. Mr. Peck stated that they agreed with the amendments.

REP. BACHINI asked how the \$232 fee was determined. Mr. Peck stated that the Montana Grain Elevators Association passed a resolution at their annual meeting that they would support 50% of the funding of their program through fees. Mr. Peck stated the \$232 was 50% of the funding of their program. Mr. Peck stated that the grain elevators supported a one fee concept.

REP. ROSE stated that he questioned the fairness of the fees. He stated that General Mills could afford to pay the \$232 but the smaller elevators may have a tougher time. Mr. Peck stated that at first there was a tiered fee structure in the bill that was then discussed by the Association. Mr. Peck stated that the Association agreed to go to a \$232 flat fee schedule.

REP. ROSE asked what was the difference, as proposed, between the new fee schedule of a \$232 flat fee and the old fee schedule.

Mr. Kissinger stated that the total cost of the program is \$130,000. This legislation allocates one-half of the program's costs to the general fund and one-half to fees. Both the tiered fee schedule and the flat fee were based on one-half of the programs's costs. Mr. Peck stated that the revenue generated by the tiered fees and the revenue generated by the flat fee were the same.

REP. ROSE asked if there was no difference, why not leave the schedules tiered so the smaller producers would not have to pay so much. Mr. Peck stated that decision was at the committee's discretion.

Motion/Vote: To adopt the amendments on HB 564. The motion carried with REP. STANFORD voting no.

Motion: REP. BACHINI MOVED HB 564 DO PASS AS AMENDED.

Discussion: REP. REHBEIN asked if REP. BERGSAGEL agreed with the amendments. Ms. Erickson and Mr. Kissinger stated that he did agree with the amendments.

REP. BARNETT asked Ms. Langley to comment on another amendment that was proposed by the Seed Trade Association. Ms. Langley stated that they agreed to a fee increase from \$35 to \$100.

Ms. Erickson explained the Langley amendment. Ms. Erickson stated that the amendment would go on page 23, line 15, following subsection two and it would read "The annual license fee for a seed dealer who is licensed under 80-5-202 and sells a majority of the cereal grass and legume seed for the properagation of crops is \$125." Ms. Erickson stated that she had a question about what was meant by majority.

REP. BACHINI asked if this amendment would fit with the amended bill.

REP. BACHINI asked if the Grain Growers Association and the Grain Elevators Association had been involved with the Seed Dealers in drafting this amendment. Ms. Erickson stated she had no idea if they were involved in the process.

Ms. Langley stated that they had been involved. She stated that she worked with all of these groups and they had agreed with the amendment. Ms. Langley said the Grain Elevators Association had been firm on the one fee structure but they had not talked to the seed dealers. Then the two groups sat down and the Grain Elevators Association agreed not to oppose the seed dealer's request for the \$125 fee.

REP. BIRD asked if REP. BERGSAGEL was aware of the amendment and if he approved of the amendment. Ms. Langley stated that REP.

BERGSAGEL was aware of the amendment and that he was concerned with the lien language and not what happened to the fees.

Motion/Vote: HB 564 DO PASS.

Vote: The motion carried unanimously.

EXECUTIVE ACTION ON HB 477

Motion: REP. BACHINI MOVED HB 477 DO PASS for the purpose of discussion.

Discussion: REP. STOVALL stated that all HB 477 does is make it legal for a lay person to float a horse's teeth. REP. STOVALL stated that John Uker does 700 horses a year. Mr. Uker was a highly qualified individual to float teeth and he urged the committee to make this practice legal in the state of Montana.

REP. ENDY asked how Mr. Uker is able to do 700 horses a year illegally and not get arrested or fined for floating teeth.

REP. ROSE stated that he supports HB 477 because a rancher would still have a choice to call a veterinarian or to call a lay person. REP. ROSE added that HB 477 would not hurt the veterinarians.

REP. SPRING stated that he supports HB 477 because he considers floating teeth a part of grooming. REP. SPRING stated that he called a veterinarian in his area, who said he floated teeth on two to three horses a year.

REP. SPRING asked REP. STOVALL if Mr. Uker used drugs to treat the horses in order to float their teeth. REP. STOVALL stated that Mr. Uker gives the horses no drugs. If the horse needs medical attention, the horse would be taken to a veterinarian.

REP. BARNETT said he thought there was a need by lay people to float teeth in Montana and he urged the committee to support the bill.

Motion/Vote: HB 477 DO PASS.

Vote: A roll call vote was called. The motion failed 11-5.

EXECUTIVE ACTION ON HB 535

Motion: REP. BARNETT wanted to reconsider the action to table HB 535.

Discussion: REP. REHBEIN stated that he would be in favor of reconsidering the bill if they could amend the bill to allow cash leases.

REP. MASON asked if the Department of State Lands allows cash leases at the present time. REP. DAVIS, REP. ENDY and REP. BACHINI stated that they did.

REP. ANDERSON stated that he was in favor of the motion to reconsider HB 535, and that there were a number of people here to address the concerns the committee may have.

REP. LARSON stated that if the committee was going to open the hearing on HB 535, the meeting would have to be posted so the public could attend.

REP. BACHINI asked Chairman Keller to have the committee vote on the motion to reconsider its action on HB 535.

Vote: A roll call vote was called. The motion failed on a tie vote.

ADJOURNMENT

Adjournment: 4:27 P.M.



VERN KELLER, Chairman



JAELENE RACICOT, Secretary

VK/jr

HOUSE OF REPRESENTATIVES

AGRICULTURE, LIVESTOCK, & IRRIGATION COMMITTEE

ROLL CALL

DATE

2/18/93

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	✓		
REPRESENTATIVE SAM ROSE	✓		
REPRESENTATIVE DORE SCHWINDEN	✓		
REPRESENTATIVE WILBUR SPRING	✓		
REPRESENTATIVE WAYNE STANFORD	✓		
REPRESENTATIVE JAY STOVALL	✓		
CHAIRMAN VERN KELLER	✓		

HOUSE STANDING COMMITTEE REPORT

February 19, 1993

Page 1 of 3

Mr. Speaker: We, the committee on Agriculture, Livestock, and Irrigation report that House Bill 564 (first reading copy -- white) do pass as amended .

Signed: _____
Vern Keller, Chair

And, that such amendments read:

1. Title, line 8.

Strike: "GRAIN"

Insert: "AGRICULTURAL COMMODITY"

Following: " ; "

Insert: "PROVIDING FOR A PRODUCER'S LIEN ON AGRICULTURAL
COMMODITIES; "

2. Page 7, lines 19 and 20.

Strike: "credit" on line 19 through "sale" on line 20

Insert: "delayed payment"

3. Page 11, line 25.

Following: "fee"

Strike: the remainder of line 25 in its entirety

Insert: "of \$232 for each warehouse owned or operated by the"

4. Page 12, line 1.

Strike: " , "

Insert: " . "

5. Page 12, line 1 through line 10.

Strike: "according" on line 1 through "400" on line 10

26.1/11

February 19, 1993

Page 2 of 3

6. Page 12, line 19.

Page 23, line 22.

Strike: "\$1,000"

Insert: "\$500"

7. Page 23, line 4.

Following: "fee"

Insert: "of \$232"

Following: "license"

Insert: "."

8. Page 23, line 5 through line 14.

Strike: line 5 through line 14 in their entirety

9. Page 25, line 7 through line 11.

Strike: "When" on line 7 through "seller." on line 11

Insert: "Title to agricultural commodities sold to a commodity dealer under this section transfers to the commodity dealer upon physical delivery of the commodity."

10. Page 30.

Following: line 2

Insert: "NEW SECTION. Section 18. Producer's lien. (1)

Agricultural commodities contained on the premises of a public warehouse operator or commodity dealer, including agricultural commodities owned by the warehouse operator or commodity dealer, are subject to a first priority lien in favor of holders of outstanding warehouse receipts, purchase contracts, scale weight tickets, or any other evidence of storage or sale.

(2) The lien must be preferred to a lien or security interest in favor of a creditor of the warehouse operator or commodity dealer regardless of the time when the creditor's lien or security interest attached to the agricultural commodities. Notice of the lien need not be filed in order to perfect the lien.

(3) The lien is discharged as to agricultural commodities sold by the warehouse operator or commodity dealer to a buyer in the ordinary course of business. The sale does not discharge the lien in favor of an individual holder of outstanding warehouse receipts, purchase contracts, scale weight tickets, or other evidence of storage or sale, on the remaining agricultural commodities on the premises."

Renumber: subsequent sections

February 19, 1993
Page 3 of 3

11. Page 30, line 4.
Following: line 3
Insert: "(1)"

12. Page 30, line 6.
Following: "."
Insert: "(2) [Section 18] is intended to be codified as an
integral part of Title 80, chapter 4, part 4, and the
provisions of Title 80, chapter 4, part 4, apply to [section
18]."

-END-

HOUSE STANDING COMMITTEE REPORT

February 19, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Agriculture, Livestock, and Irrigation report that House Bill 648 (first reading copy -- white) do pass and be placed on consent calendar .

Signed: _____
Vern Keller, Chair

Committee Vote:
Yes / 11 / 0

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HOUSE OF REPRESENTATIVES

AGRICULTURE, LIVESTOCK, & IRRIGATION COMMITTEE

ROLL CALL VOTE

DATE 2/18/93 BILL NO. HB 477 NUMBER _____

MOTION: DO PASS HB 477

Motion failed

NAME	AYE	NO
REPRESENTATIVE SHIELL ANDERSON		✓
REPRESENTATIVE BOB BACHINI		✓
REPRESENTATIVE JOE BARNETT VICE CHAIRMAN	✓	
REPRESENTATIVE JODY BIRD		✓
REPRESENTATIVE ERVIN DAVIS		✓
REPRESENTATIVE BILL ENDY		✓
REPRESENTATIVE HARRIET HAYNE		✓
REPRESENTATIVE DON LARSON, MINORITY VICE CHAIR.		✓
REPRESENTATIVE GARY MASON		✓
REPRESENTATIVE BILL REHBEIN	✓	
REPRESENTATIVE SAM ROSE	✓	
REPRESENTATIVE DORE SCHWINDEN		✓
REPRESENTATIVE WILBUR SPRING	✓	
REPRESENTATIVE WAYNE STANFORD		✓
REPRESENTATIVE JAY STOVALL	✓	
CHAIRMAN VERN KELLER		✓

AGRICULTURE, LIVESTOCK, & IRRIGATION COMMITTEE

DATE 2/18/93 BILL NO. HB 535 NUMBER _____

MOTION: TO RECONSIDER 11B5.35

NAME	AYE	NO
REPRESENTATIVE SHIELL ANDERSON	✓	
REPRESENTATIVE BOB BACHINI		✓
REPRESENTATIVE JOE BARNETT VICE CHAIRMAN	✓	
REPRESENTATIVE JODY BIRD		✓
REPRESENTATIVE ERVIN DAVIS		✓
REPRESENTATIVE BILL ENDY		✓
REPRESENTATIVE HARRIET HAYNE		✓
REPRESENTATIVE DON LARSON, MINORITY VICE CHAIR.	✓	
REPRESENTATIVE GARY MASON		✓
REPRESENTATIVE BILL REHBEIN	✓	
REPRESENTATIVE SAM ROSE	✓	
REPRESENTATIVE DORE SCHWINDEN		✓
REPRESENTATIVE WILBUR SPRING	✓	
REPRESENTATIVE WAYNE STANFORD		✓
REPRESENTATIVE JAY STOVALL	✓	
CHAIRMAN VERN KELLER	✓	

EXHIBIT 1
 DATE 2/18/93
 HB CHB

