

MINUTES

MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE, LIVESTOCK & IRRIGATION

Call to Order: By CHAIRMAN SWYSGOOD, on January 16, 1995, at
1:03 p.m.

ROLL CALL

Members Present:

Sen. Charles "Chuck" Swysgood, Chairman (R)
Sen. Gerry Devlin, Vice Chairman (R)
Sen. Thomas A. "Tom" Beck (R)
Sen. Don Hargrove (R)
Sen. Ric Holden (R)
Sen. Reiny Jabs (R)
Sen. Greg Jergeson (D)
Sen. Linda J. Nelson (D)

Members Excused: Sen. Bob Pipinich (D)

Members Absent: none

Staff Present: Doug Sternberg, Legislative Council
Jennifer Gaasch, Committee Secretary

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

Committee Business Summary:

Hearing: SB 92, SB 106, and SB 108
Executive Action: SB 108

{Tape: 1; Side: A}

HEARING ON SB 108

Opening Statement by Sponsor:

SENATOR RIC HOLDEN, SD 1, from Glendive, explained that SB 108 was dealing with leaf-cutting bees which pollinate alfalfa. There are a lot of regulations and the people in the industry need less. The laws were asked to be enforced by the industry and now they no longer need them and are asking that they be removed.

Proponents' Testimony:

Leo Giacometto, Department of Agriculture, stated that they are in support of SB 108. The laws that are current were brought on by the industry. Times have changed and they no longer need these laws.

REPRESENTATIVE BETTY LOU KASTEN stated that she supported SB 108.

Opponents' Testimony:

None

Questions From Committee Members and Responses:

SENATOR DON HARGROVE asked **Mr. Giacometto** what are the implications of people bringing imported bees, meaning from other states or other countries, and are there dangers of diseases from these bees? **Mr. Giacometto** replied that the department would still be involved in going out in the field and regulating the diseases. The bee producers themselves do not have a concern right now and therefore neither does the department.

SENATOR TOM BECK asked **Mr. Giacometto** if the original intent of the bill was to prevent the scare of the killer bees? **Mr. Giacometto** replied there will always be that fear. This bill is concerning the leaf-cutting bees and not the honey bees and each have separate laws.

SENATOR REINY JABS asked **Mr. Giacometto** if the bees would have to be certified before coming in to the state? **Mr. Giacometto** stated that he would like **Will Kissinger**, who oversees these programs in the Department of Agriculture to answer the question. **Mr. Kissinger** replied that the industry feels as though it can protect against the diseases that are out there.

SENATOR GERRY DEVLIN asked **Mr. Kissinger** if the diseases of the bees have faded completely and if the industry was able to protect themselves from the diseases. **Mr. Kissinger** replied that this was correct. The industry feels that they can protect themselves.

SEN. DEVLIN asked **SEN. HOLDEN** if the effective date of the bill was to go into effect in October or did he want it to go into effect on passage and approval? **SEN. HOLDEN** yield to **Mr. Giacometto**. **Mr. Giacometto** stated that it would be sufficient to have the effective date on passage and approval.

SEN. BECK asked about the bill on page 2, Section 3, line 29 through line 1 on page 3. Why is the second part of line 1 on the bill? **Mr. Kissinger** stated that this was unclear and asked

CHAIRMAN SWYSGOOD if the word "and" was struck, would that make the sentence more clear? **CHAIRMAN SWYSGOOD** replied that it would. **Mr. Kissinger** stated that this would then read: that with the permission of the registrant a person could trap within a one mile radius of the bees.

Closing by Sponsor:

SEN. HOLDEN stated that he closed.

HEARING ON SB 92

Opening Statement by Sponsor:

SENATOR JAMES BURNETT, SD 12, from Luther, stated that he was introducing SB 92 so that ranchers could perform artificial insemination on their own livestock. He stated that the bill draft that was prepared was not meeting the criteria and therefore he passed out the proposed amendment (**Exhibit 1**), which he read.

Proponents' Testimony:

Stuart Dogget representing the Montana Veterinary Medical Association stated that they support the bill as originally introduced. On behalf of the Montana Veterinary Medical Association **Mr. Dogget** supports the bill not including the amendment.

Jennifer Hill, representing the Montana Stockgrowers Association and the Montana Woolgrowers Association, stated that they were in support of the bill itself.

Opponents' Testimony:

None

Questions From Committee Members and Responses:

SEN. HOLDEN asked **Mr. Dogget** in relation to the amendment, don't the ranchers need to pregnancy test on their own livestock in order to incorporate artificial insemination? **Mr. Dogget** replied that the law as he understands it allows for the employees to pregnancy test their own cattle. **SEN. HOLDEN** asked why are they opposed to the amendment? He replied that he has just seen the amendment for the first time and after previously talking to those he represents he feels that there is some concern of some people in the state doing their own artificial insemination and pregnancy testing. The people he represents are also concerned about the animal's health.

SENATOR JERGESON asked **Mr. Dogget** if the embryo transplant and artificial insemination are more complicated than pregnancy testing? **Mr. Dogget** replied as he understood it the bill did not include embryo transfer. He stated that embryo transfer is much more difficult than artificial insemination and very technical. **SEN. JERGESON** asked that if the statute itself permits nonsurgical embryo transfers under the supervision of a veterinarian which seems to be more complicated than pregnancy testing why is pregnancy testing not allowed and they support that embryo transfer should be allowed, is this correct? **Mr. Dogget** replied that this was correct. **SEN. JERGESON** stated that principals do not oppose the idea that embryo transfer is not a wide spread practice, but there are more cattle being pregnancy tested every year. Why would they allow a small number of embryo transplants to be done if they do not allow a large number of an easier process, pregnancy testing to be done?. **Mr. Dogget** replied that what **SEN. JERGESON** has said is correct. The reason is not for the money, it is concerning animal health.

SEN. HOLDEN asked **SEN. BURNETT** why the pregnancy testing was amended after the bill was drafted. **SEN. BURNETT** stated that after the bill was drafted it did not meet his criteria and it was recommended that he simply add the amendment. He stated that it does not take a lot of training to pregnancy test, but embryo transplants are more complicated. Not everyone can perform artificial insemination, but he has done it for years and has had a disease free herd.

SEN. HARGROVE asked **Mr. Dogget** to state what problems would occur if the veterinarians were not doing either the pregnancy testing or the artificial insemination. **Mr. Dogget** replied that the biggest concern was trichinosis. As far as artificial insemination this can be cleared up by SB 92 and they are in favor of that.

CHAIRMAN SWYSGOOD asked **Mr. Dogget** about the public health question of trichinosis and pregnancy testing, as he has never seen a veterinarian test for trichinosis. **Mr. Dogget** replied that he has never noticed a test for trichinosis, but veterinarians diagnose other things and give good advice to the rancher. The people that he is representing feel strongly about the trichinosis and having a veterinarian perform the pregnancy test.

Closing by Sponsor:

SEN. BURNETT stated that trichinosis is one situation where the bull can spread it. 90% of the veterinarians have sent samples to the lab and they make the diagnosis. A rancher can also do this. There are also situations where the disease can be misdiagnosed even by the veterinarian.

HEARING ON SB 106

Opening Statement by Sponsor:

SENATOR LOREN JENKINS, SD 45, from **Sandy**, stated that the original time period that the bill was giving a crop duster to file a lien was not enough time and this bill was extending the number of days to 90. Also a 30 day registered notice was to be given to the customer. This changed the original bill also by having 90 days to file a lien after the first bill was due. **SEN. JENKINS** reserved the right to close. The intent is to give both parties enough notice on what the situation is.

Proponent's Testimony:

None

Opponents' Testimony:

John Cadby, Montana Bankers Association, stated that this is a well intentioned bill, but the way it was written the bill has some problems that can possibly be worked out. The 90 days that the crop duster has to file a lien from the first billing date is not a very good amount of time. This is because it could cause the payment to be due late in the fall if the crop duster and farmer had an agreement to pay the bill after the farmer had sold the crop in the fall. If the bill was presented in the fall the crop duster would be giving the farmer 90 days after he has sold his crops and it would take even longer for the crop duster to receive his payment. Mr. Cadby stated that maybe there could be a compromise on the days when the lien is due. Perhaps it could be due so many days after the crop was sprayed and not when payment is due. Also add on the 30 day notice to notify the other lien holders.

Bob Stephens representing the Montana Graingrowers Association, stated that to begin with they were in support of the bill. In light of the testimony given by **Mr. Cadby** they have to be careful not to pass laws that affect lending to the farmer. They can support the bill if the issues that **Mr. Cadby** spoke about above can be straightened out.

Questions From Committee Members and Responses:

SEN. BECK asked **SEN. JENKINS** about why the bill is being introduced. **SEN. JENKINS** replied that some farmers had tried to get a Commodity Credit Corporation (CCC) loan and found out that a lien had been filed on their crops. This has not been abused by the industry. But there was one company that had been filing liens on them.

SEN. BECK asked **SEN. JENKINS** why the lien was not addressed when their payment was due or when they sold their grain. **SEN. JENKINS** replied that the reason was because the farmers had not yet sold the crop and it was in late August.

SEN. JERGESON asked **SEN. JENKINS** if the farmers had forgot that their crops were sprayed. **SEN. JENKINS** replied that no they did not and this was part of the reason for the lien to be filed after the first payment was due. The intent was that after they sold their crops they could pay the bills. The point was to give the notification that a lien would be filed and there was 30 days to pay the bill, giving the farmer adequate notice.

SEN. BECK asked **SEN. JENKINS** if the payment was due after the crop was sold, what would the reason be for having filed the lien? **SEN. JENKINS** replied that under existing law they only had 60 days before the right to file a lien was lost and extending it to 90 days gives the crop duster a longer time period. **SEN. BECK** asked if they had an agreement to pay until after the crops were sold so they could pay for it, would it be logical to put a lien against them? **SEN. JENKINS** replied that they can do that and the 30 day registered noticed can be given to the customer.

SEN. HOLDEN asked **Mr. Cadby** if he and **SEN. JENKINS** could work out the details. **Mr. Cadby** replied that they could.

Closing by Sponsor:

SEN. JENKINS replied that the questions covered the bill. The purpose is to notify the person getting the lien and giving the person filing the lien more time. This may prevent them from having to even file a lien.

EXECUTIVE ACTION ON SB 108

Motion: **SEN. DEVLIN** moved to **ACCEPT** the amendments as follows; to change the effective date to passage on approval and to change line 1 of page 3 by deleting the word "and".

Vote: The **MOTION CARRIED** unanimously by oral vote.

Motion: **SEN. HOLDEN** moved that SB 108 **DO PASS AS AMENDED**.

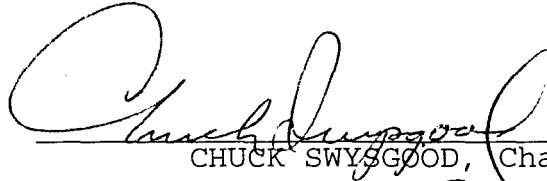
Vote: The **MOTION CARRIED** unanimously by oral vote.


Discussion:

CHAIRMAN SWYSGOOD stated that SB 92 would take executive action on January 25.

ADJOURNMENT

Adjournment: 2:01 p.m.


CHUCK SWYSGOOD, Chairman


JENNIFER GAASCH, Secretary

CS/JG

MONTANA SENATE
1995 LEGISLATURE
AGRICULTURE COMMITTEE

ROLL CALL

DATE

1-16-95

NAME	PRESENT	ABSENT	EXCUSED
GERRY DEVLIN, VICE CHAIRMAN	X		
TOM BECK	X		
DON HARGROVE	X		
RIC HOLDEN	X		
REINY JABS	X		
GREG JERGESON	x		
LINDA NELSON	X		
BOB PIPINICH			X
CHUCK SWYSGOOD, CHAIRMAN	X		

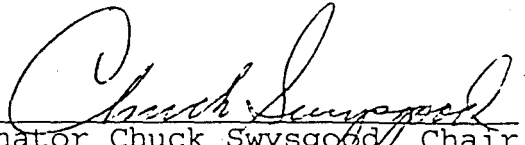
SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 16, 1995

MR. PRESIDENT:

We, your committee on Agriculture, Livestock, and Irrigation having had under consideration SB 108 (first reading copy -- white), respectfully report that SB 108 be amended as follows and as so amended do pass.

Signed:


Senator Chuck Swysgood, Chair

That such amendments read:

1. Title, line 10.
Following: "MCA;"
Strike: "AND"

2. Title, line 11.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 3, line 1.
Strike: "and"

4. Page 3, following line 25.
Insert: "NEW SECTION. Section 6. Effective date. [This act] is effective on passage and approval."

-END-

SENATE AGRICULTURE
EXHIBIT NO. 1
DATE 1-16-95
BILL NO. ~~81~~ 92

SENATE AGRICULTURE
EXHIBIT NO. 1
DATE 1-16-95
BILL NO. SB 92

Amendments to Senate Bill No. 92
Introduced Reading Copy

Requested by Senator Burnett
For the Committee on Agriculture

Prepared by Doug Sternberg, Legislative Council
January 13, 1995

- 1. Page 3, line 10.
Following: "81-2-401(1)."
Insert: "or pregnancy testing that is incidental to artificial
insemination"

DATE 1-16-95

SENATE COMMITTEE ON Agriculture, Livestock, and Irrigation

BILLS BEING HEARD TODAY: SB 92, SB 106, SB 108

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
John Semple	Assoc. of Aerial Applicators (crop dusters)	106	X	
Stuart Duggell	MT Veterinary Medical Assoc.	92	X	
Jennifer Hill	Stockgrowers, Wood Growers	92	✓	
Joe DiAntonio	Dept of Agriculture	108	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY