

**MINUTES**

**MONTANA SENATE  
53rd LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION**

**Call to Order:** By Senator Rea, on March 10, 1993, at 3:07 p.m.

**ROLL CALL**

**Members Present:**

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

**Members Excused:** Sen. Devlin

**Members Absent:** Sen. Burnett

**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: HB 193, HB 516, HB 535

**EXECUTIVE ACTION ON HB 193**

**Motion:**

Sen. Koehnke MOVED THE AMENDMENTS TO HB 193. (Exhibit #1)

**Discussion:**

Sen. Koehnke explained the amendments. He said amendment #6 was the most important which required inspection on seed potatoes.

**Vote:**

The amendments to HB 193 CARRIED UNANIMOUSLY.

**Discussion:**

Doug Sternberg, Legislative Council, explained the amendments to HB 193 requested by the Montana Stockgrowers and Dairymen. (Exhibit #2)

**Motion:**

Sen. Pipinich MOVED THE AMENDMENTS TO HB 193.

**Discussion:**

Sen. Aklestad asked at what rate the producers were being assessed. Will Kissinger, Department of Agriculture, said there was not a minimum or maximum, the fee was set by rule. This amendment would set a minimum and maximum rate. The assessment rate was 3 1/2 cents.

Sen. Aklestad asked if the 7 cent maximum would cover costs and make the legislation fiscally sound. Mr. Kissinger said yes, the assessment fee would go up to 5 1/2 cents.

**Vote:**

The motion to amend HB 193 (Exhibit #2) CARRIED UNANIMOUSLY.

**Discussion:**

Doug Sternberg explained amendments, proposed by Rep. Tuss and the Department of Agriculture, concerning disposition of the fees. (Exhibit #3) These amendments reverted funding back to the original intent of the bill which had been amended in the House.

Sen. Pipinich said these amendments would revert HB 193 to its original intent and that the House would not be favorable to them when the bill returned. Rep. Tuss agreed.

Sen. Beck said in sympathy to the producers who pay the fees, he could not believe that the fees went into the general fund. Under HB 193, this program would be self-supporting. He said the issue may need to be settled in conference committee. Rep. Tuss said the reason for setting up a special revenue account would be to provide accountability of the fees.

**Motion/Vote:**

Sen. Pipinich MOVED THE AMENDMENTS TO HB 193 (Exhibit #3). The motion CARRIED UNANIMOUSLY.

**Motion/Vote:**

Sen. Koehnke MOVED HB 193 BE CONCURRED IN AS AMENDED. The motion CARRIED UNANIMOUSLY.

Rep. Tuss said Sen. Christiaens would carry HB 193.

**EXECUTIVE ACTION ON HB 516**

**Motion:**

Sen. Pipinich MOVED HB 516 BE NOT CONCURRED IN.

**Discussion:**

Sen. Pipinich said it increased taxes on milk and he could not support that.

Sen. Aklestad said HB 516 would no longer require money from the general fund. He said HB 516 has other merits. Sen. Pipinich said he liked other provisions of the bill but it still increased the price of milk for the consumer by 1.6 cents per gallon.

Sen. Beck said the fiscal note showed that \$300,000 in general funds would raise \$628,000 per year. By raising the cost of milk slightly it would raise \$698,000 in the state special revenue with no impact to the general fund. HB 516 would bring some relief to the general fund. He said, by tabling the bill, the earmarked money would not go to Montana State University.

Sen. Halligan asked if HB 516 would be moved to the Taxation Committee as were the apiary bill and the nursery bill. He spoke against the motion to not concur in HB 516 and said it was necessary to keep HB 516 alive.

**Vote:**

The motion HB 516 Be Not Concurrred In FAILED with Senators Koehnke, Rea, Bruski-Maus, and Halligan voting No.

**Motion/Vote:**

Sen. Aklestad MOVED HB 516 BE CONCURRED IN. The motion CARRIED with Senators Pipinich and Forrester voting No.

**EXECUTIVE ACTION ON HB 535**

**Motion/Vote:**

Sen. Koehnke MOVED HB 535 BE CONCURRED IN. The motion CARRIED UNANIMOUSLY.

**EXECUTIVE ACTION ON HB 193**

**Discussion:**

Sen. Aklestad asked Sen. Halligan about HB 193, page 5, line 13. He asked about the misdemeanor fines associated with HB 193. Sen. Halligan said he did not understand why HB 193 created a misdemeanor fine different than the standard misdemeanor fine found in other statutes.

**Motion/Vote:**

Sen. Halligan MOVED HB 193 BE RECONSIDERED TO AMEND THE MISDEMEANOR PENALTY PORTION OF THE BILL. The motion CARRIED UNANIMOUSLY.

**Motion/Vote:**

Sen. Halligan MOVED TO AMEND HB 193 TO CONFORM TO THE STANDARD MISDEMEANOR CODE 46-18-212. The motion CARRIED UNANIMOUSLY.

**Motion/Vote:**

Sen. Aklestad MOVED HB 193 BE CONCURRED IN AS AMENDED. The motion CARRIED UNANIMOUSLY.

**ADJOURNMENT**

**Adjournment:** Meeting adjourned at 3:22 p.m.

  
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SENATOR REA, Chair

  
\_\_\_\_\_  
DAVID MARTIN, Secretary

JR/dm



SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 11, 1993

MR. PRESIDENT:

We, your committee on Agriculture, Livestock, and Irrigation having had under consideration House Bill No. 535 (first reading copy -- blue), respectfully report that House Bill No. 535 be concurred in.

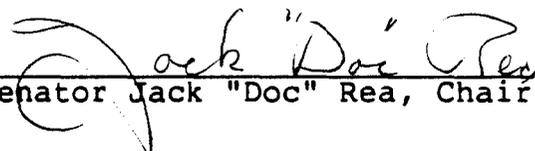
Signed: Jack "Doc" Rea  
Senator Jack "Doc" Rea, Chair

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 11, 1993

MR. PRESIDENT:

We, your committee on Agriculture, Livestock, and Irrigation having had under consideration House Bill No. 516 (first reading copy -- blue), respectfully report that House Bill No. 516 be concurred in.

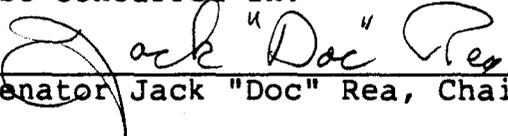
Signed:   
Senator Jack "Doc" Rea, Chair

SENATE STANDING COMMITTEE REPORT

Page 1 of 2  
March 11, 1993

MR. PRESIDENT:

We, your committee on Agriculture, Livestock, and Irrigation having had under consideration House Bill No. 193 (first reading copy -- blue), respectfully report that House Bill No. 193 be amended as follows and as so amended be concurred in.

Signed:   
Senator Jack "Doc" Rea, Chair

That such amendments read:

1. Page 3, line 3.

Following: "rule."

Insert: "The term does not include livestock and its byproducts, poultry and its byproducts, apiary products, dairy products, or grain."

2. Page 3, line 8.

Following: "state"

Insert: ", except vegetative seed potato products intended or used for planting purposes"

3. Page 3, line 15.

Following: "produce"

Insert: "at the location from which it was"

Following: "shipped"

Strike: "from this state"

4. Page 3, line 22.

Following: "resale"

Insert: "or vegetative seed potato products intended or used for planting purposes"

5. Page 4, line 11.

Following: "funds"

Insert: "-- produce account"

Following: "."

Insert: "(1) There is a produce account in the state special revenue fund."

6. Page 4, line 21.

Strike: "GENERAL FUND."

Insert: "account to the credit of the department.

(2) Money received as revenue under [sections 1 through 14] that is not immediately required for the purposes of [sections 1 through 14] must be invested under the provisions of the unified investment program established in Title 17, chapter 6, part 2. All interest earned on the account must be deposited in the account."

7. Page 5, lines 15 and 16.

Following: "misdemeanor" on line 15

Strike: remainder of line 15 through "\$1,000" on line 16

Insert: "punishable as provided in 46-18-212"

8. Page 6, line 25.

Following: "industry."

Insert: "State produce grades must be established in consultation with representatives of the various components of the produce industry, including growers, sellers, buyers, traders, wholesalers, retailers, and consumers."

9. Page 8, line 15.

Strike: "10"

Insert: "7"

10. Page 9, line 10.

Following: "grower;"

Insert: "(c) in the case of vegetative seed potato products, intended or used for planting purposes;"

Re-number: subsequent subsection

11. Page 9, line 16.

Following: "request"

Insert: "; however, Montana-grown seed potatoes that are entered in the Montana seed certification program and prepared for shipment off the farm for planting purposes are subject to a shipping point inspection by the department"

12. Page 13, line 5.

Strike: "RETAIN"

Insert: "transfer"

13. Page 13, lines 6 and 7.

Strike: "AND" on line 6 through "FUND" on line 7

Insert: "to the produce account established in [section 4]"

-END-

Amendments to House Bill No. 193  
Blue Reading CopyRequested by Senator Koehnke  
For the Committee on AgriculturePrepared by Doug Sternberg, Council Staff  
March 10, 1993

1. Page 3, line 8.  
Following: "state"  
Insert: ", except vegetative seed potato products intended or used for planting purposes"
2. Page 3, line 15.  
Following: "produce"  
Insert: "at the location from which it was"  
Following: "shipped"  
Strike: "from this state"
3. Page 3, line 22.  
Following: "resale"  
Insert: "or vegetative seed potato products intended or used for planting purposes"
4. Page 6, line 25.  
Following: "industry."  
Insert: "State produce grades must be established in consultation with representatives of the various components of the produce industry, including growers, sellers, buyers, traders, wholesalers, retailers, and consumers."
5. Page 9, line 10.  
Following: "grower;"  
Insert: "(c) in the case of vegetative seed potato products, intended or used for planting purposes;"  
Re-number: subsequent subsection
6. Page 9, line 16.  
Following: "request"  
Insert: "; however, Montana-grown seed potatoes that are entered in the Montana seed certification program and prepared for shipment off the farm for planting purposes are subject to a shipping point inspection by the department"

Amendments to House Bill No. 193  
Blue Reading Copy

Requested by MT Stockgrowers & Dairymen  
For the Committee on Agriculture

Prepared by Doug Sternberg, Council Staff  
March 9, 1993

SENATE AGRICULTURE  
EXHIBIT NO. 2  
DATE 3-10-93  
BILL NO. HB 193

1. Page 3, line 3.

Following: "rule."

Insert: "The term does not include livestock and its byproducts,  
poultry and its byproducts, apiary products, dairy products,  
or grain."

Requested by Senator Rea

2. Page 8, line 15.

Strike: "10"

Insert: "7"

Amendments to House Bill No. 193  
Blue Reading Copy

Requested by Rep. Tuss/Dept. of Ag.  
For the Committee on Agriculture

Prepared by Doug Sternberg, Council Staff  
March 9, 1993



1. Page 4, line 11.

Following: "funds"

Insert: "-- produce account"

Following: "."

Insert: "(1) There is a produce account in the state special  
revenue fund."

2. Page 4, line 21.

Strike: "GENERAL FUND."

Insert: "account to the credit of the department.

(2) Money received as revenue under [sections 1 through 14]  
that is not immediately required for the purposes of  
[sections 1 through 14] must be invested under the  
provisions of the unified investment program established in  
Title 17, chapter 6, part 2. All interest earned on the  
account must be deposited in the account."

3. Page 13, line 5.

Strike: "RETAIN"

Insert: "transfer"

4. Page 13, lines 6 and 7.

Strike: "AND" on line 6 through "FUND" on line 7

Insert: "to the produce account established in [section 4]"