

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION

Call to Order: By CHAIRMAN VERN KELLER, on January 21, 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 183, SB 88
Executive Action: HB 104

HEARING ON HB 183

Opening Statement by Sponsor:

REP. BILL ENDY, HD 74, Whitehall, stated that HB 183 requires state land lessees to mark the boundary of certain lease-holds.

The bill also requires the Department of State Lands to provide appropriate signs.

Proponents' Testimony:

Tony Schomen, State Lands Coalition, the Anaconda Sportsmen Club, and the Skyline Sportsmen Club, noted that using orange paint on state land was illegal. He said that many sportsmen could not determine which was state land or which was private land; orange paint was used everywhere to mark the land. He stated that he wanted to add an amendment on page 2, to change the word "may" to "shall".

Jim Richard, Montana Wildlife Federation, stated that identifying and marking state lands would be beneficial to everyone in Montana and HB 183 would be a reasonable way to accomplish this goal.

Stan Frasier, Prickly Pear Sportsmen Association, said that state lands should be posted. He stated that when a sportsman is out on the prairie, he has no idea where boundaries are. He also said that a sportsman could be subject to trespass prosecution and should have the opportunity to know if he really was trespassing.

Linda Ellison, Montana Trail Vehicle Riders Association, stated she had a number of complaints from her members saying they did not have access to state land. Ms. Ellison said she had problems with the bill regarding the cost. She also stated users pay a fee to use the land, therefore the cost should not be placed on the land owner.

William Fairhurst, Public Land Access Association Inc., stated that HB 183 was badly needed. He said the Association supports the multiple use concept of all public land whether federal or state lands and would like to see sportsmen and agricultural interests brought together.

Dr. Monroe, self, stated that he was in favor of marking state lands so sportsmen know where they can hunt.

Opponents' Testimony:

Jim Peterson, Montana Stockgrowers Association, presented written testimony. EXHIBIT 1

John Youngberg, Montana Farm Bureau, presented written testimony. EXHIBIT 2

Jamie Doggett, Montana Cattlegrowers, stated that in the 1991 Legislature, state land access was considered and Montana Cattlegrowers want to let the process work first before adding more

regulations.

Jim Almond, J.B. Garierson Company, stated the Company enrolled 20,000 acres in the block management program and within that acreage, 14,000 acres were state lands and one section had public access. Mr. Almond stated that through the block management program good relationships have been established.

REP. LINDA NELSON, HD 19, Medicine Lake, stated that Daniels County was 24% state land and she had to represent her constituents. She said that she had she worked on the compromise in 1991 and wanted to give it a chance to work.

Questions From Committee Members and Responses:

REP. BACHINI asked if, since the bill passed in the 1991 Legislative session dealing with the sportsmen and land owners, there had been many problems. Jeff Hagener, Department of State Lands, stated there have been 16 official documented complaints. He said that approximately 32,000 licenses have been sold.

REP. BACHINI asked if the 16 complaints that were recorded dealt with boundaries of state lands. Mr. Hagener replied some complaints were problems that lessees had with trespassing and off-road usage and some were due to posting state land boundaries.

REP. LARSON asked what the projected income from the sale of the licenses would be. Mr. Hagener stated that \$160,000 per year was projected.

REP. LARSON asked why not use the income to post the land. Mr. Hagener stated that out of the \$5 fee, \$3 goes to the school equalization fund, \$1.50 to the State Lands Recreational Use Account, and \$.50 is a commission for the license agent that sold the license.

REP. LARSON asked how many lease land acres were used for grazing. Mr. Hagener stated there were 4.1 million acres of state grazing land, and in addition there were 200,000 acres of forest land that had grazing leases.

REP. LARSON asked how many state land lessees there are. Mr. Hagener stated there are 8,300 grazing lessees, 2,900 agricultural lessees, and 1,000 cabin site, home site, and special site lessees.

REP. LARSON asked if a person knows where the boundaries are when the land is leased from the state. Mr. Youngberg stated that normally a person would assume it would be the fence line but did not know for certain; sometimes the boundaries were off 100 feet.

REP. DAVIS said he thought a lot of the state land was unfenced

and asked if, a person was going to lease the land, who would be responsible for the surveying. Mr. Hagener stated that HB 183 did not propose how the boundaries of state land would be determined. Mr. Hagener also said that the party who incurs the expense of surveying all of the state land boundaries in Montana would receive an expensive bill.

REP. DAVIS asked how the state could lease the land without it being surveyed. Mr. Hagener stated that was the way the Department of State Lands had operated since he had been there.

REP. REHBEIN asked how much it was going to cost State Lands to post and mark all of the state lands. Mr. Hagener stated that HB 183 does not require the department to survey the land; it would require the lessee to post the land.

REP. REHBEIN asked if, the lessee had to post the land, would an adjustment be made in the lease agreement. Mr. Hagener noted that all HB 183 said was the Department of State Lands could assess the cost of signs to the lessee.

REP. REHBEIN asked if HB 183 passed, would it raise all of the lessee's rent. Mr. Hagener stated there would be a one-time fee to purchase signs to mark the boundaries.

REP. REHBEIN asked who was going to maintain the signs. Mr. Hagener indicated that he assumed it would be the lessee's responsibility.

REP. ANDERSON asked what it would cost to survey a section of land. REP. ENDY replied that he did not know.

REP. LARSON asked REP. NELSON if her constituents would have any opposition to HB 183 if the committee found a way to fund a survey of the boundaries. REP. NELSON replied yes her constituents would object to HB 183 even if they found a way to fund a survey.

REP. STOVALL asked if the \$38,905 figure in the fiscal note included a survey of state lands. Mr. Hagener stated that the fiscal note only covered the cost of the signs.

Closing by Sponsor:

REP. ENDY thanked the committee and closed.

HEARING ON SB 88

Opening Statement by Sponsor:

SEN. TOM BECK, SD 24, Deer Lodge, by introducing SB 88, wanted to

include the Montana State Prison Dairy in the definition of persons, etc. so the prison dairy would be eligible to get a license. He stated the Montana State Prison had a high quality dairy in which they manufactured ice cream and processed milk. These items were then delivered to other institutions and milk sold to the State Milk Pool. SEN. BECK said it was brought to his attention that the Montana State Prison Dairy was not defined as a person, individual, farm corporation, or a cooperative association. He stated that all SB 88 did was include the prison dairy in the definition of a person.

Proponents' Testimony:

Jim Pomroy, Deputy Administrator of Corrections and Human Services, stated that with the support of the Montana Dairy Association, the Milk Control Board granted the dairy at the Montana State Prison the right to sell milk to the State Milk Pool. He said that in order to do this, it would require a producer's license from the Milk Control Bureau. Mr. Pomroy said the present statutes were not broad enough to include an agency of the state. Mr. Pomroy stated that SB 88 would constitute a technical correction to the Milk Control Bureau statutes allowing the definition of persons to include the state owned dairy of Montana State Prison. Mr. Pomroy said that, due to the lack of this provision, the dairy was presently licensed under the dairy manager's name. He indicated the need for this clarification has been heightened by the entry of the prison dairy into the milk pool, even though the dairy has been considered a producer by the Milk Control Bureau. He said it was not an issue of the dairy becoming a new producer and that the state, through various entities, has been producing milk for a very long time.

Mr. Pomroy added that, at the present time, the distribution to state institutions saved the general fund approximately \$65,000 a year. He said the prison dairy's distributor's license was also in the dairy manager's name. He stated the prison's processing plant contributes between \$900 and \$2,000 per month to the Milk Pool Equalization Fund because of the relatively high proportion of class one milk which they handle. He indicated this payment off-sets the cost to other dairymen because the prison belongs to the milk pool.

Jim Kembel, Administrator of the Public Safety Division of the Department of Commerce, stated that milk control was part of this division. He said the Division supports SB 88 for the same reasons Mr. Pomroy previously mentioned.

Opponents' Testimony:

REP. ERVIN DAVIS, HD 53, Charlo, stated that he is in opposition to SB 88 and was asked by his local dairymen to "put in a bill which would disallow this sort of thing because they have been

operating illegally all this time". He said the prison dairy had been operating under "someone else's name" and that Dairy Gold was distributing the prison dairy's excess milk. He said he was aware that 16 to 18 state agencies were receiving milk from the prison dairy. REP. DAVIS added that it was only 25% of their out-put and that 75% of the milk had gone to Dairy Gold or some other agencies and then on the open market. REP. DAVIS stated that this was infringing on some local taxpaying dairymen who were struggling to keep their dairy operations going. He added the legislature should try to give Montana's small businesses a tax break. He stated that the trend was not to give small businesses a break and that SB 88 would only set small business back. He said he did not know what the prison's quotas were--but 75% of the output was on the open market. REP. DAVIS stated he hoped the committee would not give the prison a license, and get the prison's milk off the open market.

John Youngberg, Montana Farm Bureau, stated he did not know what the cost of producing the milk at the prison was and if the state was really saving money by having the prison dairy produce milk.

Questions From Committee Members and Responses:

REP. LARSON asked what the total production of milk was at the prison dairy. Mr. Pomroy responded that the herd average was 23,000 pounds of milk a day. He added the dairy is required to be self-supporting, and neither the ranch nor the dairy are supported by the general fund.

REP. ANDERSON asked if all SB 88 did was to allow the dairy license to be prison's name rather than the dairy manager's name. Mr. Pomroy stated this was correct.

REP. BARNETT asked if self-supporting included the cost of replacement of the dairy herd and any up-keep of the barns and machinery. Mr. Pomroy responded that self-supporting meant all costs associated with the operation.

Closing by Sponsor:

SEN. BECK said the State Milk Board agreed with SB 88 and urged the committee to pass the bill.

EXECUTIVE ACTION ON HB 104

Motion: REP. MASON MOVED HB 104 DO PASS for purposes of discussion.

Discussion: Ms. Erickson explained the amendments, EXHIBIT 3, and the non-official bill.

HOUSE AGRICULTURE, LIVESTOCK, & IRRIGATION COMMITTEE

January 21, 1993

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Motion: REP. ANDERSON moved to adopt the amendments. The motion carried with REP. LARSON voting no.

Motion: REP. STANFORD MOVED HB 104 DO PASS AS AMENDED.

Discussion: REP. LARSON asked why the Department wanted money for training and enforcement and expressed a problem with the language on enforcement.

Motion/Vote: HB 104 DO PASS AS AMENDED. The motion carried unanimously.

REP. DAVIS requested testimony submitted on 2/9/93 be entered as testimony for 1/21/93. The committee agreed unanimously.

EXHIBIT 3A

ADJOURNMENT

Adjournment: 4:43 P.M.



VERN KELLER, Chair



JAELINE RACICOT, Secretary

VK/jr

HOUSE OF REPRESENTATIVES

AGRICULTURE, LIVESTOCK, & IRRIGATION COMMITTEE

ROLL CALL

DATE

1/21/93

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

January 22, 1993

Page 1 of 4

Mr. Speaker: We, the committee on Agriculture, Livestock, and Irrigation report that House Bill 104 (first reading copy -- white) do pass as amended .

Signed: _____
Vern Keller, Chair

And, that such amendments read:

1. Title, line 7.
Following: "THE"
Insert: "THEFT OF LIVESTOCK OR THE"
Following: " ;"
Insert: "ALLOWING THE DEPARTMENT OF LIVESTOCK TO RETAIN FORFEITED PROPERTY; ESTABLISHING A SPECIAL REVENUE ACCOUNT; PROVIDING A STATUTORY APPROPRIATION; "
2. Title, line 10.
Following: "SECTIONS"
Insert: "17-7-502, "
3. Page 1, line 16.
Strike: "to transport"
Insert: "in theft or transportation"
4. Page 1, line 18.
Following: "the"
Insert: "theft or"
5. Page 1, line 24.
Following: "used for"
Insert: "the theft or"

6. Page 2, line 1.
Following: "~~shall~~"
Insert: "the theft or"

7. Page 3, line 7.
Following: "the"
Insert: "theft or"

8. Page 4, line 3.
Following: "auction"
Insert: "-- retention of property"
Following: "."
Insert: "(1)"

9. Page 4, line 4.
Strike: "must"
Insert: "may"

10. Page 4.
Following: line 7
Insert: "(2) The department may retain the vehicles, equipment, and personalty forfeited under 81-5-109 for official use by the department, including personnel training. If the department retains forfeited property that it determines to be suitable for everyday use by department personnel, the department shall reduce similar property purchases accordingly."

11. Page 4, line 9.
Following: "proceeds"
Insert: "-- special revenue account"

12. Page 4, lines 9 and 10.
Strike: "The" on line 9 through "after" on line 10
Insert: "(1) After"

13. Page 4, line 10.
Strike: "keeping"
Insert: "retaining"

14. Page 4, line 13.
Following: "permit,"

Insert: "the officer making the sale or the department, if it retains the vehicle, money, equipment, or personalty,"

15. Page 4, line 13.

Following: "the"

Insert: "theft or"

16. Page 4, line 19 through line 22.

Following: "transportation"

Strike: "and" on line 19 through "training" on line 22

17. Page 4, following line 22.

Insert: "(2) There is an account in the state special revenue fund. The proceeds from the sale of vehicles, equipment, and personalty provided for in 81-5-110 must be deposited in the account. An amount up to \$20,000 each year is statutorily appropriated, as provided in 17-7-502, and must be used by the department for personnel training or enforcement purposes. Funds in excess of the statutorily appropriated \$20,000 per year must be deposited in the general fund.

Section 5. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105; 2-18-312; 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111; 15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-409; 17-7-304; 19-5-404; 19-6-709; 19-8-504; 19-9-702; 19-9-1007; 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513; 19-11-606; 19-12-301; 19-13-604; 19-15-101; 20-4-109; 20-6-406; 20-8-111; 20-9-361; 20-26-1503; 23-3-311; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 27-12-206; 37-43-204; 37-51-501; 39-71-2504; 44-12-206; 44-

13-102; 53-6-150; 53-24-206; 61-5-121; 67-3-205; 75-1-1101; 75-5-507; 75-5-1108; 75-11-313; 76-12-123; 77-1-808; 80-2-103; 80-11-310; 81-5-111; 82-11-136; 82-11-161; 85-1-220; 90-3-301; 90-4-215; 90-6-331; 90-7-220; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for supplemental benefit; and pursuant to sec. 18, Ch. 748, L. 1991, the inclusion of 22-3-811 terminates June 30, 1993.) ""

TESTIMONY BEFORE HOUSE AGRICULTURAL COMMITTEE
ON HOUSE BILL 183, INTRODUCED BY REPRESENTATIVE ENDY

by Jim Peterson, Montana Stockgrowers Association
January 21, 1993

Mr. Chairman and Members of the Committee, for the record, my name is Jim Peterson, Executive Vice President of the Montana Stockgrowers Association.

I was deeply involved in almost every aspect of the negotiations and ultimate compromise on House Bill 778 during the 1991 legislature that provided sportsmen access to state land for hunting and fishing. The state lands access legislation was a very precarious piece of legislation that was carefully negotiated and agreed to by both lessees of state land and sportsmen and rules were developed over the past two years through a hearings and testimony process. Now is not the time to reopen this issue and begin the debate all over again.

We have been through only one hunting season with the new state land access rules. Approximately 24,000 state lands access permits were sold and the State Lands Department reports only 14 complaints. This is hardly enough complaints to reopen the issue and begin the debate all over again.

Furthermore, if state lands' boundaries need to be marked, it should be done by the state not the lessees. House Bill 183 makes the lessee responsible for posting the entire boundary of state lands with signs that may ultimately be paid for by the lessee.

Section 1(5) of House Bill 183 says the State Lands Department may include a one time charge to cover the Department's cost of providing signs to the lessee. Furthermore, the lessee is required to post the entire boundary of state land using signs prepared by the Department that are a consistent size, color and lettering.

There are more than 5 million acres of state land in Montana. Much of it is not even accessible by county road, is located within extensive forest land in western Montana, or is land-locked within private land in eastern Montana. Some is leased, some is not. Some is fenced, some is not.

Most courteous sportsmen already phone ahead and check with the lessee or landowner and inquire about the boundaries of accessible state land. House Bill 778 clearly states that sportsman must know where they are hunting or fishing. All they have to do is obtain a map and check with the lessee.

It is unreasonable and unrealistic to force lessees to identify, mark and post the entire boundary of state land and also pay for it with their time, energy and money. These are state lands and if the boundaries need to be marked the state should do it with a proper survey and with markings located by the state and placed by state employees.

I urge you to "do not pass" House Bill 183. Thank you.



MONTANA FARM BUREAU FEDERATION

502 South 19th • Bozeman, Montana 59715
Phone: (406) 587-3153

EXHIBIT 2
DATE 1/21/93
HB 183

BILL # HB 183 ; TESTIMONY BY: John Youngberg Montana Farm Bureau
DATE January 21, 1993 ; SUPPORT _____ ; OPPOSE Yes

Mr. Chairman, members of the committee. For the record my name is John Youngberg, I represent the over 4500 member families of the Montana Farm Bureau. I rise in opposition to HB 183.

My father taught me long ago, if it aint broke, don't fix it. Of the over 24000 leases on state lands last year there were only 14 complaints. These complaints stemmed mostly from misunderstandings on procedure, not the lack of knowledge of boundary lines. We learned long ago in Hunters Safety that the burden of knowing property lines lies with the user on private property, why should state lands be any different.

Perhaps more important is the economic impact on the lessee, Section 1 paragraph 5 states that the department may include in a new or renewal lease, on a one-time basis a provision to cover the cost. A potentially more costly aspect than that shows up in Section 2 where it states, the posting shall be done by the lessee. Not only would this be time and labor consuming, but also better be done in exactly in the proper place or a lawsuit could possibly be initiated. To determine exact boundaries a survey would have to be done. Who would bear the cost?

If you feel posting need be done to enhance the multiple use value of state land, perhaps the entire public should bear the cost, not just the lessee.

SIGNED: John E. Youngberg

EXHIBIT 3
DATE 1/21/93
HB 104

Amendments to House Bill No. 104
First Reading Copy

Requested by Rep. Shiell Anderson
For the Committee on Agriculture, Livestock, and Irrigation

Prepared by Lon Mitchell
January 20, 1993

1. Title, line 7.

Following: "THE"

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Following: "used for"

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Following: "part to"

Insert: "the theft or"

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Following: "the"

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Following: "auction"

Insert: "-- retention of property"

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Insert: "(1)"

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17. Page 4, following line 22.

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Section 5. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

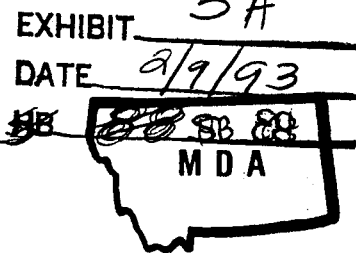
(3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105; 2-18-812; 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111; 15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-409; 17-7-304; 19-5-404; 19-6-709; 19-8-504; 19-9-702; 19-9-1007; 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513; 19-11-606; 19-12-301; 19-13-604; 19-15-101; 20-4-109; 20-6-406; 20-8-111; 20-9-361; 20-26-1503; 22-3-811; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 27-12-206; 37-43-204; 37-51-501; 39-71-2504; 44-12-206; 44-13-102; 53-6-150; 53-24-206; 61-5-121; 67-3-205; 75-1-1101; 75-5-507; 75-5-1108; 75-11-313; 76-12-123; 77-1-808; 80-2-103; 80-11-310; 81-5-111; 82-11-136; 82-11-161; 85-1-220; 90-3-301; 90-4-215; 90-6-331; 90-7-220; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for supplemental benefit; and pursuant to sec. 18, Ch. 748, L. 1991, the inclusion of 22-3-811 terminates June 30, 1993.)"



MONTANA DAIRYMEN'S ASSOCIATION

P.O. Box 1234
Helena, Montana 59624
Telephone (406) 449-7963



February 5, 1993

Representative Ervin Davis
Capitol Station
Helena, MT 59620

Re: Prison Dairy Farm

Dear Representative Davis:

On behalf of the Montana Dairymen's Association, this is to inform you that our Association and representatives of the Montana State Prison dairy farm have reached an agreement that a petition will be filed with the Board of Milk Control sometime in the next several weeks by the Association requesting that the Board establish a cap on the amount of milk production by the Prison dairy farm. This will probably be done by putting a cap on the quota milk production. We will be meeting with the Prison dairy to decide what that cap will be before the petition is filed.

In light of the above, our Association does not feel it is appropriate to enact House Bill 285, which would require the Prison to sell products manufactured or produced there at prevailing market prices, at least insofar as dairy products are concerned. We believe that with a cap on milk production set by the Board of Milk Control, the interests of Montana's dairy farmers will be adequately protected.

I would appreciate it if you would enter this letter into the official records of the House Agriculture Committee on House Bill 285. If the Committee decides to recommend a do not pass on House Bill 285, I would also appreciate it if the Committee would express its intent that it endorses the agreement we have reached with the Prison dairy and the setting of a cap on milk production through the Board of Milk control.

I appreciate your kind assistance in working with us on this.

Sincerely,

Ted J. Doney
General Counsel and Lobbyist

cc: Senator Tom Beck
Tim Huls, President MDA
Ron Page, Prison Ranch
Bill Ross, Milk Control Bureau

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Agriculture

COMMITTEE

BILL NO.

183

DATE 1/21/93

SPONSOR(S)

REP. ENDY

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Stan Fossick Helena	wildlife Fed.	✓	
LEROY A MEHRING 1025 PLACER BLVD	SKYLINE SPORTSMAN	X	
ARMSTRONG Tom Schinner 55745	State Lands Coalition	✓	
JOHN CHUBB 2639 HARVARD BUTTE MT.	SKYLINE SPORTSMEN	✓	
Jim Richman	MT Wildlife Fed.	✓	
John Youngberg	MT Farm Bureau		✓
Jeff Hagen	STATE LANDS		
WILLIAM A FAIRHURST	PLAAT	✓	
Linda Allison	MT Trail Vehicle Riders Assn	✓	
Jim Hagan	Montana Stockgrowers		✓
Jim Almond	J.B. Grierson Co. Hingham		✓
JAMIE DOGGETT	MT Cattlemen		✓
Linda Nelson	HD 19 - Rep		✓

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Agriculture COMMITTEE BILL NO. SR88
DATE 1/21/93 SPONSOR(S) _____

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
W James Kembel	DOC	✓	
Jim Pomery	DCHE	✓	
John Youngberg	MT Farm Bureau		✓

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