

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE, LIVESTOCK & IRRIGATION

Call to Order: By **CHAIRMAN JOE BARNETT**, on January 12, 1995, at 3:00 P.M.

ROLL CALL

Members Present:

Rep. Joe Barnett, Chairman (R)
Rep. John "Sam" Rose, Vice Chairman (Majority) (R)
Rep. Don Larson, Vice Chairman (Minority) (D)
Rep. Dick Green (R)
Rep. Harriet Hayne (R)
Rep. Rick Jore (R)
Rep. Gay Ann Masolo (R)
Rep. Judy Murdock (R)
Rep. Karl Ohs (R)
Rep. George Heavy Runner (D)
Rep. William M. "Bill" Ryan (D)
Rep. Robert R. Story, Jr. (R)
Rep. Jay Stovall (R)
Rep. Lila V. Taylor (R)
Rep. Cliff Trexler (R)
Rep. Kenneth Wennemar (D)

Members Excused: Rep. Jon Ellingson and Rep. Dore Schwinden

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 107
Executive Action: HB 107 DO PASS

General Discussion:

CHAIRMAN BARNETT explained the Agriculture, Livestock, and Irrigation Committee would not meet for a hearing on January 26, 1995. Instead, the Chairman asked the committee members to attend a meeting in Old Supreme Court Chambers, room 325. This meeting would cover issues affecting the landowners, the sportsmen and the outfitters. The issues to be discussed are very controversial and have been addressed by a group of

concerned Montanans. These controversial issues were addressed in a study that was headed by **REP. EMILY SWANSON** and **REP. CHASE HIBBARD**. He urged the committee to attend this meeting.

REP. SAM ROSE indicated the meeting was critical to attend due to the hard work and dedication on behalf of the agricultural people and people from all over Montana. The controversial issues mainly dealt with land access. He urged the committee to familiarize themselves with the issues and to become informed with what had transpired over the last several months.

CHAIRMAN BARNETT reminded the committee members to pay their donation to the secretary to purchase coffee, tea, and snacks for committee meetings.

HEARING ON HB 107

Opening Statement by Sponsor:

REP. ROGER DEBRUYCKER, HD 89, affirmed HB 107 repealed a few sections in the codes. This bill was a housekeeping measure to eliminate responsibilities from the Montana Codes assigned to the Department of Livestock for administering the Pork Research and Marketing Act. These duties are no longer performed by the Department of Livestock. **REP. DEBRUYCKER** read a letter written from Jim Drga and Sue Huls. **EXHIBIT 1**.

Proponents' Testimony:

Cork Mortensen, Executive Secretary of the Board of Livestock, remarked the Department of Livestock supported this legislation. He conveyed the problem was pointed out to him by the Legislative Auditor's Office and it was at that time he was informed it was no longer needed and it should be repealed. He said this has been on the books since 1988 and has not been used. **Mr. Mortensen** handed in written testimony. **EXHIBIT 2**.

Opponents' Testimony:

None

Informational Testimony:

None

Questions From Committee Members and Responses:

REP. BILL RYAN asked if anyone had a camera to take a picture of **REP. DEBRUYCKER'S** pig nose.

CHAIRMAN BARNETT indicated someone had already taken a picture of **REP. DEBRUYCKER**.

Closing by Sponsor:

REP. DEBRUYCKER stated that in all seriousness it was a good bill and one that should be passed to repeal the law. He wished he could present a dozen bills similar to this one in order to relieve the Montana statutes from unneeded laws.

EXECUTIVE ACTION ON HB 107

Motion: REP. STOVALL MOVED HB 107 DO PASS.

Discussion: None


Motion/Vote: None

Vote: The motion carried unanimously with proxy votes from REP. ELLISON and REP. SCHWINDEN.


REP. LARSON moved to adjourn. Motion carried.

ADJOURNMENT

Adjournment: 3:14 P.M.



JOE BARNETT, Chairman



JAELENE RACICOT, Secretary

JB/jr

HOUSE OF REPRESENTATIVES

Agriculture

ROLL CALL

DATE 1/12/95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Sam Rose Vice Chairman, Majority	✓		
Rep. Don Larson, Vice Chairman, Minority	✓		
Rep. Jon Ellingson			✓
Rep. Dick Green	✓		
Rep. Harriet Hayne	✓		
Rep. George Heavy Runner	✓		
Rep. Rick Jore	✓		
Rep. Gay Ann Masolo	✓		
Rep. Judy Rice Murdock	✓		
Rep. Karl Ohs	✓		
Rep. Jay Stovall	✓		
Rep. Bill Ryan	✓		
Rep. Dore Schwinden			✓
Rep. Robert Story	✓		
Rep. Lila Taylor	✓		
Rep. Cliff Trexler	✓		
Rep. Ken Wennemar	✓		
Rep. Joe Barnett, Chairman	✓		



HOUSE STANDING COMMITTEE REPORT

January 12, 1995

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Mr. Speaker: We, the committee on Agriculture, Livestock, and Irrigation report that House Bill 107 (first reading copy -- white) do pass.

Signed: Joe Barnett
Joe Barnett, Chair

Committee Vote:
Yes 3, No 0.

101611SC.Hdh

House Bill 107

This bill is being introduced for the Department of Livestock as a corrective action recommended by the Legislative Auditor's Office.

We are attempting to repeal the laws related to the Montana Pork Research and Marketing Act because these laws are no longer applicable to the department.

Title 81, Chapter 8, part 6, MCA, requires the department to administer the Montana Pork Research Act. Section 2-15-3103, MCA, provides for a committee that shall be appointed by the Governor. Currently, there is no Montana Pork Research and Marketing committee and the department has not collected the 0.3 percent assessment on the sale price of all swine sold since 1986.

With the passage of this legislation, the department would be in better compliance with state laws and regulations.

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House BILL NO. 107

INTRODUCED BY

Roger DeBruin

BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE MONTANA PORK RESEARCH AND MARKETING COMMITTEE; REPEALING THE MONTANA PORK RESEARCH AND MARKETING ACT; AND REPEALING SECTIONS 2-15-3103, 81-8-601, 81-8-602, 81-8-603, 81-8-604, 81-8-605, 81-8-606, 81-8-607, 81-8-608, 81-8-609, 81-8-610, 81-8-611, AND 81-8-612, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Repealer. Sections 2-15-3103, 81-8-601, 81-8-602, 81-8-603, 81-8-604, 81-8-605, 81-8-606, 81-8-607, 81-8-608, 81-8-609, 81-8-610, 81-8-611, and 81-8-612, MCA, are repealed.

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0107, as introduced

EXHIBIT 1
DATE 1-12-95
HB 107

DESCRIPTION OF PROPOSED LEGISLATION:

An act eliminating the Montana Pork Research and Marketing Committee and repealing the Montana Pork Research and Marketing Act.

FISCAL IMPACT: There will be no fiscal impact to the Department of Livestock.

Dave Lewis 1-9-95
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Roger DeBruycker 1-9-95
ROGER DEBRUYCKER, PRIMARY SPONSOR DATE

Fiscal Note for HB0107, as introduced

HB 107

Fax Transmittal Memo

of Pages 1

To: <i>Cork Mortensen</i>	From: <i>Sue Huls</i>
Co.: <i>Dept Livestock</i>	Co.: <i>MPPC</i>
Dept.:	Phone # <i>994-3595</i>
Fax # <i>444-1929</i>	Fax #

Montana Pork Producers Council

409A LINFIELD HALL, MONTANA STATE UNIVERSITY,
BOZEMAN, MT 59717
408 994-3395

January 10, 1995

RCFX14

**Statement of Support from State Swine Industry for
House Bill 107 introduced by Representative Roger DeBruycker**

To Members of the House Agriculture Committee

HB 107 is a bill supported by the Department of Livestock, the Board of Livestock (including its swine member), and Montana Pork Producers Council.

The bill is a housekeeping measure to eliminate responsibilities from the Montana Codes assigned to the Department of Livestock for administering the Pork Research and Marketing Act, since these duties are no longer performed.

A federal marketing order requiring a checkoff on hogs administered by USDA nullified Montana's Act when it was legislated by the U.S. Congress in 1986. Two years later a producer referendum established the order permanently with a recall provision. Montana pork producers supported the national checkoff and worked to encourage a positive vote from Montana in the 1988 referendum.

The Montana Pork Research and Marketing Act has remained on the books without observance since that time.

On May 25, 1994, the Board of Directors of Montana Pork Producers Council voted to support legislation to remove the Act. MPPC publications have carried this message to its members and to Montana's swine industry and invited comment. There has been no dissent.

A national producer recall could result in repeal of the national marketing order on hogs. In that case Montana pork producers could consider a state legislative program based on the realities of that time. Producers believe this should be a new effort and not based on legislation lying dormant for years. They see no valid reason for retaining the Montana Pork Research and Marketing Act at this time and respectfully request your support of HB 107.

Jim Drga
President

Sue Huls
Executive Director

Montana Pork Producers Council is Montana's only organization providing educational programs solely for pork producers and consumers.

HOUSE BILL 107

Mr. Chairman and members of the committee, for the record my name is Cork Mortensen and I am the Executive Secretary to the Board of Livestock. The Board and Department of Livestock support this legislation and urge you to support House Bill 107 for the following reasons:

1. This is a housekeeping measure which would eliminate certain statutory responsibilities for the Department of Livestock which time and circumstance have already changed.
2. The Montana Pork Research and Marketing Act has remained in statutory effect since 1986 when a federal marketing order nullified the necessity for Montana's act and in 1988 a producer referendum established that order permanently changing the need for Montana's Pork Research & Marketing Act.

3. Currently, there is no Montana Pork Research and Marketing Committee.

Thank you for your time and consideration in this matter. Once again, the Board and Department of Livestock urge you to support this legislation since the Montana Pork Research and Marketing Act has remained on the books since 1988 without observance and this would allow us to move more in compliance with Montana statutory requirements and would comply with a recommendation of the Legislative Auditor's Office. If you have any questions or need more information, I should be happy to respond.

Cork 1-12-95

E.E. "Cork" Mortensen, Executive Secretary
To the Board of Livestock

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Agriculture COMMITTEE

DATE 1/12/95

BILL NO. 107 SPONSOR(S) _____

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
<i>Cork Mortensen</i>	<i>Livestock Dept.</i>	<i>X</i>	

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

HR:1993

wp:visbcom.man

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