

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

JOINT APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES AND TRANSPORTATION

Call to Order: Chairman Galen Hollenbaugh, on January 30, 2009 at 9:13 A.M., in Room 317-C Capitol.

ROLL CALL

Members Present:

Rep. Galen Hollenbaugh, Chairman (D)
Sen. Rick Ripley, Vice Chairman (R)
Rep. Duane Ankney (R)
Sen. John Brenden (R)
Rep. Robert Mehlhoff (D)
Sen. Mitch Tropila (D)

Members Excused: Rep. Llew Jones (R)

Members Absent: None.

Staff Present: Shawn Graham, OBPP
Tyrrell Hibbard, Committee Secretary
Barbara Smith, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Subject Addressed: Department of Livestock, Department of Agriculture

Executive Action: Department of Livestock and Department of Agriculture decision packages

00:00:09 Chairman Hollenbaugh

00:00:24 Ms. Smith

[EXHIBIT\(jnh22a01\)](#)

[EXHIBIT\(jnh22a02\)](#)

00:01:18 Chairman Hollenbaugh

00:01:36 Mr. Graham

00:02:44 Chairman Hollenbaugh

EXECUTIVE ACTION ON DEPARTMENT OF AGRICULTURE

00:03:34 Sen. Ripley

[EXHIBIT\(jnh22a03\)](#)

00:04:48 Chairman Hollenbaugh

00:05:29 Ms. Smith

00:05:40 **Motion/Vote:** Rep. Mehlhoff moved that **DP 1501 BE ADOPTED.** Motion carried unanimously by voice vote with Rep. Jones voting by proxy.

00:06:02 Ms. Smith

00:06:23 **Motion:** Sen. Tropila moved that **DP 1503 BE ADOPTED.**

00:07:05 Mr. Graham

00:07:26 **Vote:** Motion carried unanimously by voice vote with Rep. Jones voting by proxy.

00:07:45 Ms. Smith

00:08:05 **Motion/Vote:** Sen. Tropila moved that **DP 1504 BE ADOPTED.** Motion carried unanimously by voice vote with Rep. Jones voting by proxy.

00:08:29 Ms. Smith

00:08:44 **Motion/Vote:** Rep. Mehlhoff moved that **DP 1505 BE ADOPTED.** Motion carried unanimously by voice vote with Rep. Jones voting by proxy.

00:09:05 Ms. Smith

00:09:24 **Motion/Vote:** Sen. Brenden moved that **DP 1506 BE ADOPTED.** Motion carried unanimously by voice vote with Rep. Jones voting by proxy.

00:09:47 Ms. Smith

00:10:09 **Motion/Vote:** Sen. Brenden moved that **DP 3001 BE ADOPTED.** Motion carried unanimously by voice vote with Rep. Jones voting by proxy.

00:10:29 Ms. Smith

00:10:43 **Motion/Vote:** Rep. Ankney moved that **DP 3002 BE ADOPTED.** Motion carried unanimously by voice vote with Rep. Jones voting by proxy.

00:10:58 Ms. Smith

00:11:25 **Motion/Vote:** Sen. Tropila moved that **DP 3003 BE ADOPTED.** Motion carried unanimously by voice vote with Rep. Jones voting by proxy.

00:11:42 Ms. Smith

00:12:18 **Motion/Vote:** Sen. Ripley moved **TO DEFER DP 3005.** Motion carried without objection.

00:12:39 Ms. Smith

00:13:23 **Motion/Vote:** Sen. Brenden moved that **DP 5001 BE ADOPTED.** Motion carried unanimously by voice vote with Rep. Jones voting by proxy.

00:13:48 Ms. Smith

00:14:39 **Motion/Vote:** Sen. Tropila moved that **DP 5006 BE ADOPTED AS ONE TIME ONLY AND RESTRICTED AND THAT THE AGRICULTURAL DEVELOPMENT DIVISION REPORTS BACK TO THE LEGISLATURE ON MEASURABLE OUTCOMES OF THE DECISION PACKAGE.** Motion carried unanimously by voice vote with Rep. Jones voting by proxy.

00:15:23 Ms. Smith

00:15:36 Sen. Ripley

00:15:49 Ms. Smith

00:16:58 Chairman Hollenbaugh

00:17:00 Sen. Ripley

00:17:10 Chairman Hollenbaugh

00:17:27 Ms. Smith

00:17:44 Sen. Tropila

00:17:55 Kathy Seacat, Administrator, Central Services Division, Montana Department of Agriculture

00:18:48 Lee Boyer, Bureau Chief, Montana Department of Agriculture

00:19:04 Sen. Tropila

00:19:28 Mr. Boyer

00:20:12 Sen. Tropila

00:20:20 Mr. Boyer

00:20:44 Chairman Hollenbaugh

00:20:49 Mr. Graham

00:21:14 Sen. Ripley

00:21:56 Ms. Seacat

00:22:50 Sen. Ripley

00:23:23 Ms. Smith

00:23:49 Sen. Ripley
00:23:52 Ms. Seacat
00:24:21 Sen. Ripley
00:24:32 Rep. Mehlhoff
00:25:19 Sen. Ripley
00:25:41 Chairman Hollenbaugh
00:26:07 **Motion/Vote:** Sen. Ripley moved that **DP 5009 BE ADOPTED AS AMENDED.** Motion carried unanimously by voice vote with Rep. Jones voting by proxy.

00:26:29 Ms. Smith
00:26:48 **Motion/Vote:** Sen. Brenden moved that **DP 5010 BE ADOPTED.** Motion carried unanimously by voice vote with Rep. Jones voting by proxy.

00:27:10 Ms. Smith
00:27:30 Rep. Mehlhoff
00:27:33 Ms. Smith
00:27:59 **Motion/Vote:** Rep. Mehlhoff moved **TO CONVERT BEE FUND TO STATE SPECIAL REVENUE.** Motion carried unanimously by voice vote with Rep. Jones voting by proxy.

00:28:18 Ms. Smith
00:30:01 Rep. Mehlhoff
00:30:12 Ms. Smith
00:30:22 Rep. Mehlhoff
00:30:24 Ms. Smith
00:30:27 Rep. Mehlhoff
00:30:48 Chairman Hollenbaugh

00:31:48 Break
00:54:56 Reconvene

EXECUTIVE ACTION ON DEPARTMENT OF LIVESTOCK

00:55:33 **Motion/Vote:** Sen. Ripley moved **TO DEFER DP 315, DP 409, and DP 601.** Motion carried without objection.

00:57:27 Chairman Hollenbaugh
00:57:47 Sen. Ripley
00:57:59 Christian MacKay, Director, Department of Livestock (DOL)

00:58:21 Ms. Smith
00:58:36 **Motion/Vote:** Rep. Mehlhoff moved that **DP 101 BE ADOPTED.** Motion carried unanimously by voice vote with Rep. Jones voting by proxy.

00:58:50 Ms. Smith

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00:58:59 **Motion/Vote:** Rep. Mehlhoff moved that **DP 102 BE ADOPTED.** Motion carried unanimously by voice vote with Rep. Jones voting by proxy.

00:59:18 Ms. Smith

00:59:26 **Motion/Vote:** Rep. Ankney moved that **DP 103 BE ADOPTED.** Motion carried unanimously by voice vote with Rep. Jones voting by proxy.

00:59:41 Ms. Smith

00:59:50 **Motion:** Sen. Ripley moved that **DP 104 BE ADOPTED FOR \$6,000 RATHER THAN THE REQUESTED \$11,300.**

01:00:32 Ms. Smith

01:00:42 Sen. Ripley

01:00:58 Ms. Smith

01:01:14 Sen. Ripley withdrew his motion.

01:01:25 Ms. Smith

01:01:35 **Motion/Vote:** Sen. Ripley moved that **DP 105 BE ADOPTED.** Motion carried unanimously by voice vote with Rep. Jones voting by proxy.

01:02:07 Ms. Smith

01:02:13 **Motion:** Sen. Brenden moved that **DP 106 BE ADOPTED.**

Discussion:

01:02:21 Rep. Mehlhoff

01:02:38 George Harris, Administrator, Centralized Services Division, Montana Department of Livestock

01:03:25 Rep. Mehlhoff

01:03:45 Mr. Harris

01:04:22 **Substitute Motion:** Chairman Hollenbaugh moved **TO TAKE THE \$1400 BIENNIAL APPROPRIATION FOR THE MILK CONTROL BOARD PER DIEM AND PLACE IT INTO DP 104.**

01:05:02 Sen. Ripley

01:05:10 Mr. Graham

01:05:19 Chairman Hollenbaugh

01:05:24 Mr. Graham

01:05:48 Chairman Hollenbaugh

01:05:54 Sen. Brenden

01:06:42 Chairman Hollenbaugh withdrew his substitute motion.

01:06:56 **Vote:** Motion carried unanimously by voice vote with Rep. Jones voting by proxy.

01:07:00 Rep. Jones arrived.

01:07:12 Ms. Smith

01:07:28 Sen. Ripley
01:07:43 Ms. Smith
01:08:00 **Motion:** Sen. Ripley moved **TO ADOPT DP 107 at \$10,000
PER YEAR.**

Discussion:

01:08:47 Rep. Mehlhoff
01:08:59 Sen. Ripley
01:09:08 Rep. Mehlhoff
01:09:10 **Substitute Motion:** Sen. Ripley moved to **FURTHER AMEND
DP 107 as ONE TIME ONLY AND RESTRICTED.**
01:09:13 Chairman Hollenbaugh
01:09:23 Rep. Mehlhoff
01:09:26 Chairman Hollenbaugh

01:09:45 **Vote:** Motion carried unanimously by voice vote.

01:09:51 Ms. Smith
01:09:56 **Motion/Vote:** Sen. Ripley moved that **DP 108 BE ADOPTED.**
Motion carried unanimously by voice vote.

01:10:10 Ms. Smith
01:10:15 **Motion/Vote:** Sen. Brenden moved that **DP 109 BE
ADOPTED.** Motion carried unanimously by voice vote.

01:10:30 Ms. Smith
01:10:43 **Motion:** Sen. Ripley moved that **DP 150 BE ADOPTED.**

Discussion:

01:11:01 Chairman Hollenbaugh
01:11:04 Ms. Smith
01:11:21 Chairman Hollenbaugh
01:11:30 Mr. Graham
01:12:59 Rep. Mehlhoff
01:13:09 Chairman Hollenbaugh
01:13:10 Mr. Graham
01:13:19 Rep. Mehlhoff
01:13:27 Mr. MacKay
01:13:40 Ms. Smith
01:13:59 Mr. Harris
01:14:51 Sen. Tropila
01:15:31 Rep. Jones
01:15:47 Mr. Harris
01:16:56 Chairman Hollenbaugh
01:17:07 Mr. Harris
01:17:36 Chairman Hollenbaugh

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01:17:54 Mr. Harris
01:18:04 Sen. Ripley
01:18:30 Mr. Harris
01:18:42 Sen. Ripley
01:18:43 Mr. Harris
01:18:45 Ms. Smith
01:19:12 Mr. Harris
01:20:26 Ms. Smith

01:20:31 **Vote:** Motion carried 4-3 by roll call vote with Sen.
Tropila, Rep. Mehlhoff, and Chairman Hollenbaugh voting
no.

01:21:25 Ms. Smith
01:21:57 Mr. Graham
01:23:16 Sen. Brenden
01:23:44 Mr. MacKay
01:24:33 Sen. Brenden
01:25:09 Chairman Hollenbaugh
01:25:10 Mr. Graham
01:25:40 Sen. Brenden
01:26:05 Chairman Hollenbaugh
01:26:06 Sen. Brenden
01:26:18 Mr. Graham
01:27:10 Ms. Smith
01:27:33 Sen. Brenden
01:27:54 Chairman Hollenbaugh
01:28:13 Rep. Jones
01:28:32 Sen. Brenden
01:28:39 Chairman Hollenbaugh
01:29:00 **Motion/Vote:** Sen. Brenden moved that **DP 155 BE**
ADOPTED. Motion carried unanimously by voice vote.

01:29:15 Ms. Smith
01:29:30 Sen. Ripley
01:30:26 Chairman Hollenbaugh
01:30:28 Sen. Ripley
01:31:08 Chairman Hollenbaugh
01:31:23 **Motion/Vote:** Sen. Tropila moved that **DP 110 BE**
ADOPTED. Motion carried unanimously by voice vote.

01:31:40 Ms. Smith
01:32:10 **Motion/Vote:** Rep. Mehlhoff moved that **DP 301 BE**
ADOPTED. Motion carried unanimously by voice vote.

01:32:24 Ms. Smith

01:32:33 **Motion/Vote:** Sen. Ripley moved that **DP 302 BE ADOPTED AND AMENDED TO READ "LAB SERVER" BY STRIKING "NOVELL."**
Motion carried unanimously by voice vote.

01:32:57 Ms. Smith

01:33:07 **Motion/Vote:** Rep. Ankney moved that **DP 303 BE ADOPTED.**
Motion carried unanimously by voice vote.

01:33:20 Ms. Smith

01:33:23 **Motion/Vote:** Rep. Jones moved that **DP 304 BE ADOPTED.**
Motion carried unanimously by voice vote.

01:33:39 Ms. Smith

01:33:46 **Motion/Vote:** Rep. Jones moved that **DP 305 BE ADOPTED.**
Motion carried unanimously by voice vote.

01:34:01 Ms. Smith

01:34:04 **Motion/Vote:** Rep. Ankney moved that **DP 307 BE ADOPTED.**
Motion carried unanimously by voice vote.

01:34:18 Ms. Smith

01:34:23 **Motion/Vote:** Rep. Jones moved that **DP 308 BE ADOPTED.**
Motion carried unanimously by voice vote.

01:34:39 Ms. Smith

01:34:48 **Motion/Vote:** Rep. Jones moved that **DP 309 BE ADOPTED.**
Motion carried unanimously by voice vote.

01:35:19 Ms. Smith

01:35:22 **Motion/Vote:** Sen. Brenden moved that **DP 310 BE ADOPTED.** Motion carried unanimously by voice vote.

01:35:32 Ms. Smith

01:35:35 **Motion/Vote:** Rep. Jones moved that **DP 311 BE ADOPTED.**
Motion carried unanimously by voice vote.

01:35:53 Ms. Smith

01:35:56 **Motion:** Sen. Ripley moved **TO TRANSFER FUNDING FROM DP 604 TO DP 312.**

Discussion:

01:36:48 Ms. Smith
01:37:22 Rep. Jones
01:38:10 Sen. Ripley
01:38:19 Mr. Graham
01:39:20 Chairman Hollenbaugh
01:39:21 Ms. Smith

01:40:00 Sen. Tropila
01:40:13 John Grainger, Brands Enforcement Division, DOL
01:40:19 Sen. Tropila
01:40:34 Mr. Grainger
01:40:39 Mr. MacKay
01:41:54 Sen. Tropila
01:41:59 Mr. MacKay
01:42:24 Sen. Tropila
01:42:28 Rep. Jones
01:43:52 Ms. Smith
01:44:01 Sen. Ripley
01:44:56 Rep. Ankney
01:45:24 Mr. MacKay
01:46:04 Sen. Brenden
01:46:29 Sen. Ripley
01:46:52 Rep. Jones
01:47:10 Ms. Smith
01:48:09 Rep. Jones
01:48:50 Chairman Hollenbaugh

01:49:30 **Vote:** Motion carried 6-1 by roll call vote with Sen.
Tropila voting no.

01:49:47 Ms. Smith
01:50:13 **Motion/Vote:** Sen. Ripley moved that **DP 313 BE ADOPTED.**
Motion carried unanimously by voice vote.

01:50:19 Ms. Smith
01:50:23 **Motion/Vote:** Rep. Ankney moved that **DP 314 BE ADOPTED.**
Motion carried unanimously by voice vote.

01:50:45 Chairman Hollenbaugh
01:50:52 Ms. Smith
01:50:57 **Motion/Vote:** Rep. Jones moved that **DP 403 BE ADOPTED.**

Discussion:

01:51:09 Rep. Ankney
01:51:18 Mr. MacKay
01:52:01 Rep. Ankney
01:52:05 Mr. MacKay
01:52:14 Rep. Mehlhoff

01:52:36 **Vote:** Motion carried 6-1 by voice vote with Sen.
Brenden voting no.

01:52:51 Ms. Smith

01:53:00 **Motion/Vote:** Rep. Jones moved that **DP 405 BE ADOPTED.**
Motion carried unanimously by voice vote.

01:53:12 Ms. Smith

01:53:18 **Motion/Vote:** Rep. Ankney moved that **DP 406 BE ADOPTED.**
Motion carried unanimously by voice vote.

01:53:35 Ms Smith

01:54:07 **Motion/Vote:** Rep. Jones moved **TO ADOPT DP 404 WITH THE
NEW NUMBERS.** Motion carried unanimously by voice vote.

01:54:40 Rep. Mehlhoff

01:54:42 Ms. Smith

01:54:57 Ms. Smith

01:55:13 **Motion/Vote:** Rep. Ankney moved that **DP 407 BE ADOPTED.**
Motion carried unanimously by voice vote.

01:55:23 Ms. Smith

01:55:33 **Motion/Vote:** Sen. Tropila moved that **DP 408 BE
ADOPTED.** Motion carried unanimously by voice vote.

01:55:53 Chairman Hollenbaugh

01:56:08 Sen. Ripley

01:56:19 Ms. Smith

01:56:40 Mr. MacKay

01:57:26 Chairman Hollenbaugh

01:57:33 Mr. Graham

01:58:21 Sen. Ripley

01:58:35 Mr. MacKay

01:59:20 Rep. Jones

01:59:40 Ms. Smith

01:59:52 Rep. Mehlhoff

02:00:09 Ms. Smith

02:00:42 Rep. Mehlhoff

02:00:50 Ms. Smith

02:01:04 Rep. Mehlhoff

02:01:18 Mr. Graham

02:02:11 Chairman Hollenbaugh

02:02:18 Ms. Smith

02:02:33 Rep. Jones

02:03:25 Sen. Ripley

02:03:45 Rep. Mehlhoff

02:03:51 Chairman Hollenbaugh

02:04:05 **Motion:** Sen. Ripley moved that **DP 150 BE ADOPTED.**

Discussion:

02:04:35 Chairman Hollenbaugh

02:04:46 Ms. Smith
02:05:09 Sen. Ripley

02:05:30 **Vote:** Motion failed 3-4 by roll call vote, with Sen. Brenden, Rep. Ankney, and Sen. Ripley voting aye.

02:06:12 Ms. Smith
02:06:29 **Motion/Vote:** Rep. Ankney moved that **DP 501 BE ADOPTED.** Motion carried 6-1 by voice vote with Sen. Brenden voting no.

02:06:43 Ms. Smith
02:06:48 **Motion:** Rep. Jones moved that **DP 502 BE ADOPTED.**

Discussion:

02:07:30 Rep. Mehlhoff
02:07:45 Mr. MacKay
02:08:29 Sen. Ripley

02:08:57 **Vote:** Motion carried 4-3 by roll call vote with Sen. Brenden, Rep. Mehlhoff, and Sen. Ripley voting no.

02:09:45 Ms. Smith
02:10:00 **Motion/Vote:** Sen. Ripley moved that **DP 503 BE ADOPTED.** Motion carried unanimously by voice vote.

02:10:20 Ms. Smith
02:10:24 **Motion/Vote:** Rep. Jones moved that **DP 602 BE ADOPTED.** Motion carried 6-1 by voice vote with Sen. Brenden voting no.

02:10:46 Ms. Smith
02:10:59 **Motion/Vote:** Sen. Tropila moved that **DP 603 BE ADOPTED.** Motion carried 4-3 by roll call vote, with Sen. Brenden, Rep. Ankney, and Sen. Ripley voting no.

02:12:14 **Motion/Vote:** Sen. Ripley moved that **DP 605 BE ADOPTED.** Motion carried unanimously by voice vote.

02:12:27 Ms. Smith
02:12:31 **Motion:** Rep. Ankney moved that **DP 606 BE ADOPTED.**

Discussion:

02:12:40 Rep. Mehlhoff
02:12:52 Ms. Smith
02:13:22 Rep. Jones

02:13:58 Chairman Hollenbaugh
02:14:05 Mr. MacKay
02:14:11 Rep. Mehlhoff

02:14:38 **Vote:** Motion carried unanimously by voice vote.

02:14:46 Chairman Hollenbaugh
02:14:54 Ms. Smith

02:15:09 **Motion:** Rep. Jones moved **TO ADOPT DP 604 AND SWITCH ITS FUNDING SOURCE FROM THE GENERAL FUND TO PER CAPITA FUNDS.**

02:16:11 Ms. Smith
02:16:28 Rep. Jones

Discussion:

02:16:31 Rep. Mehlhoff
02:16:56 Sen. Ripley
02:17:26 Rep. Mehlhoff
02:17:32 Chairman Hollenbaugh
02:18:00 Rep. Jones

02:18:26 **Vote:** Motion carried 4-3 by roll call vote with Sen. Brenden, Rep. Ankney, and Sen. Ripley voting no.

02:19:19 Ms. Smith
02:19:30 **Motion:** Sen. Tropila moved that **DP 1001 BE ADOPTED.**
02:19:52 Ms. Smith
02:20:03 **Vote:** Motion carried 6-1 by voice vote with Sen. Ripley voting no.

02:20:17 Ms. Smith
02:20:23 **Motion/Vote:** Rep. Ankney moved that **DP 1002 BE ADOPTED.** Motion carried unanimously by voice vote.

02:20:37 Ms. Smith
02:20:39 **Motion:** Rep. Mehlhoff moved that **DP 1003 BE ADOPTED.** Motion carried unanimously by voice vote.

02:21:01 Ms. Smith
02:21:07 **Motion:** Rep. Jones move that **DP 1004 BE ADOPTED.** Motion carried 5-2 by voice vote with Sen. Ripley and Sen. Brenden voting no.

02:22:11 Chairman Hollenbaugh
02:22:16 Sen. Tropila
02:23:31 Chairman Hollenbaugh

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02:23:34 **Motion:** Sen. Tropila moved that **DP 4015 DO NOT PASS.**
Motion carried unanimously by roll call vote.

02:24:49 Sen. Ripley
02:25:27 Chairman Hollenbaugh
02:25:29 Ms. Smith
02:25:40 Sen. Ripley
02:25:47 Chairman Hollenbaugh
02:25:57 Sen. Ripley
02:26:06 Ms. Smith

EXHIBIT(jnh22a04)

02:27:07 Chairman Hollenbaugh
02:27:22 Ms. Smith
02:27:26 Chairman Hollenbaugh

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ADJOURNMENT

02:28:07 Adjournment: 11:40 A.M.

Tyrrell Hibbard, Secretary

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Additional Documents:

EXHIBIT ([jnh22aad.pdf](#))