

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE, LIVESTOCK AND IRRIGATION

Call to Order: Chairman Donald J. Steinbeisser, on February 19, 2009 at 3:00 P.M., in Room 335 Capitol

ROLL CALL

Members Present:

Sen. Donald J. Steinbeisser, Chairman (R)
Sen. Terry Murphy, Vice Chairman (R)
Sen. Gary Branae (D)
Sen. Bradley Hamlett (D)
Sen. Ken (Kim) Hansen (D)
Sen. Verdell Jackson (R)
Sen. Cliff Larsen (D)
Sen. Rick Ripley (R)

Members Excused:

Sen. Taylor Brown (R)

Members Absent: None

Staff Present: Joan Linkenbach, Committee Secretary
Sue O'Connell, 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:

Hearing & Date Posted: SR 7, 2/7/2009; SB 415, 2/10/2009;
SB 453, 2/12/2009; SB 473,
2/13/2009; SB 478, 2/14/2009

Executive Action: SR 7; SB 415; SB 453; SB 473; SB
478; SB 407; SB 286; SB 337

00:02:08 Chairman Steinbeisser
00:02:26 Vice Chairman Murphy took the chair.

HEARING ON SR 7

Opening Statement by Sponsor:

Sen. Donald Steinbeisser (R), SD 19, opened the hearing on SR 7, Confirm appointees to Board of Livestock.

00:03:38 Patty Keebler
00:05:21 Brett DeBruycker
00:06:24 Sen. Brown now present
00:07:02 Chairman Steinbeisser resumed the chair.

Proponents' Testimony:

00:07:45 Tim Ravndal

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:08:24 Sen. Hansen
00:09:27 Mr. DeBruycker
00:10:01 Sen. Hansen
00:10:10 Mr. DeBruycker
00:11:06 Sen. Hansen
00:11:25 Mr. DeBruycker
00:11:38 Sen. Hansen
00:12:03 Mr. DeBruycker
00:13:06 Sen. Hansen
00:13:16 Mr. DeBruycker
00:13:30 Sen. Ripley
00:14:14 Sen. Hamlett
00:14:26 Mr. DeBruycker
00:14:48 Sen. Hamlett
00:15:01 Mr. DeBruycker
00:16:23 Sen. Brown
00:17:35 Mr. DeBruycker
00:18:07 Sen. Brown
00:18:41 Mr. DeBruycker
00:19:01 Sen. Brown
00:19:42 Mr. DeBruycker
00:20:07 Sen. Brown
00:20:30 Mr. DeBruycker

00:21:11 Sen. Brown
00:22:27 Mr. DeBruycker
00:23:26 Sen. Larsen
00:24:06 Mr. DeBruycker
00:24:37 Sen. Ripley
00:24:48 Chairman Steinbeisser
00:24:59 Mr. DeBruycker
00:25:25 Sen. Ripley
00:25:54 Ms. Keebler
00:26:28 Sen. Ripley
00:26:35 Sen. Ripley

Closing by Sponsor:

00:26:46 Sen. Steinbeisser

EXECUTIVE ACTION ON SR 7

00:27:12 **Motion/Vote:** Sen. Brown moved that **SR 7 BE ADOPTED.**
Motion carried unanimously by voice vote.

HEARING ON SB 415

Opening Statement by Sponsor:

00:30:42 Sen. Christine Kaufmann (D), SD 41, opened the hearing
on SB 415, Designate damselfly as state insect.

EXHIBIT (ags39a01)

Proponents' Testimony:

00:33:05 Jazlyn Young
00:34:05 Max Clarke
00:35:40 Shea Sampson
00:36:56 Chris Brelin
00:37:53 Anne Lawlor
00:39:16 Tyler Mahard
00:40:24 Willa Chandler Fossum
00:42:08 Nathan George
00:42:51 Caleb Noble

Opponents' Testimony:

00:45:38 Thomas Ticknor
EXHIBIT (ags39a02)

00:46:22 Bethany Ticknor
EXHIBIT (ags39a03)

00:47:09 Hannah Ticknor
[EXHIBIT\(ags39a04\)](#)

00:48:45 Jacob Ticknor
[EXHIBIT\(ags39a05\)](#)

00:49:48 Eli Ticknor
[EXHIBIT\(ags39a06\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

00:51:48 Sen. Murphy
00:52:04 Mr. Mahard
00:52:17 Sen. Hansen
00:52:52 Mr. Marhard
00:53:09 Sen. Brown
00:53:26 Mr. Mardhe
00:53:50 Sen. Brown
00:53:57 Mr. Mahard
00:54:11 Ms. Lawlor
00:54:25 Sen. Brown
00:54:34 Ms. Lawlor
00:54:38 Sen. Brown
00:54:42 Ms. Lawlor
00:54:51 Sen. Branae
00:55:05 Ms. Lawlor
00:55:30 Chairman Steinbeisser
00:55:44 Ms. Fossum
00:56:17 Sen. Ripley
00:56:37 Mr. Brelin
00:57:21 Sen. Hansen
00:57:54 Sen. Brown
00:58:22 Hannah Ticklor
00:58:30 Sen. Brown
00:58:42 Hannah Ticklor
00:58:56 Sen. Larsen
00:59:22 Ms. Fossum
00:59:32 Sen. Larsen
00:59:53 Ms. Fossum

Closing by Sponsor:

01:00:17 Sen. Kaufmann

01:02:02 Chairman Steinbeisser

EXECUTIVE ACTION ON SB 415

01:03:27 **Motion:** Sen. Hansen moved that **SB 415 DO PASS.**

01:04:04 **Motion:** Sen. Hansen retracted his previous motion and moved that **SB 415 BE AMENDED.**

_____ (Exhibit 1)

Discussion: None

01:05:00 **Vote:** Motion carried unanimously by voice vote.

01:05:11 **Motion:** Sen. Hansen moved that **SB 415 DO PASS AS AMENDED.**

Discussion:

01:05:33 Sen. Murphy

01:05:50 **Vote:** Motion failed 4-5 by roll call vote with Sen. Branae, Sen. Hamlett, Sen. Hansen, and Sen. Larsen voting aye.

01:06:52 **Motion/Vote:** Sen. Brown moved to reverse the vote and table the bill. Motion carried 5-4 by roll call vote, present and voting, with Sen. Branae, Sen. Hamlett, Sen. Hansen, and Sen. Larsen voting no.

HEARING ON SB 453

Opening Statement by Sponsor:

01:08:27 Sen. Aubyn Curtiss (R), SD 1, opened the hearing on SB 453, Air quality monitoring for elements to determine effects on bees.

[**EXHIBIT**](#)(ags39a07)

[**EXHIBIT**](#)(ags39a08)

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony:

01:12:12 David Klemp, Bureau Chief, Inner Resources Management Bureau, Department of Environmental Quality (DEQ)

01:12:47 Jerry Bromenshenk, Bee Alert Technology, Inc. (BATI)

Questions from Committee Members and Responses:

01:19:05 Sen. Hansen
01:19:28 Mr. Klemp, DEQ
01:21:00 Sen. Hansen
01:21:27 Mr. Klemp, DEQ
01:21:52 Sen. Hansen
01:22:40 Sen. Brown
01:23:14 Mr. Klemp, DEQ
01:23:42 Sen. Brown
01:24:36 Mr. Klemp, DEQ
01:25:47 Sen. Brown
01:26:25 Mr. Klemp, DEQ
01:27:35 Sen. Brown
01:28:09 Sen. Ripley
01:28:56 Mr. Klemp, DEQ
01:29:07 Sen. Ripley
01:29:14 Mr. Klemp, DEQ
01:29:48 Sen. Ripley
01:29:54 Mr. Klemp, DEQ
01:30:05 Sen. Ripley
01:30:24 Mr. Klemp, DEQ
01:31:31 Sen. Ripley
01:31:42 Mr. Klemp, DEQ
01:32:13 Sen. Larsen
01:33:03 Mr. Klemp, DEQ
01:33:41 Sen. Larsen
01:34:04 Sen. Jackson
01:34:37 Mr. Bromenshenk, BATI
01:35:11 Sen. Jackson
01:35:19 Mr. Bromenshenk, BATI
01:35:58 Sen. Jackson
01:37:03 Mr. Bromenshenk, BATI
01:39:26 Sen. Jackson
01:40:02 Sen. Curtiss
01:40:45 Sen. Jackson
01:41:03 Sen. Curtiss
01:41:57 Chairman Steinbeisser
01:42:07 Sen. Curtiss
01:42:16 Sen. Hamlett
01:42:50 Sen. Curtiss
01:44:18 Sen. Hamlett
01:44:27 Sen. Curtiss

Closing by Sponsor:

01:45:16 Sen. Curtiss

[EXHIBIT](#)(ags39a09)

01:45:44 Recess

01:53:39 Reconvened

EXECUTIVE ACTION ON SB 453

01:53:46 **Motion:** Sen. Jackson moved that **SB 453 DO PASS.**

Discussion:

01:55:57 Sen. Brown

01:56:44 Sen. Branae

01:57:15 Sen. Ripley

01:57:50 Chairman Steinbeisser

01:58:01 Sen. Brown

01:58:35 **Vote:** Motion failed 1-8 by voice vote with Sen. Larsen voting aye.

HEARING ON SB 473

Opening Statement by Sponsor:

01:59:46 Sen. Aubyn Curtiss (R), SD 1, opened the hearing on SB 473, Implement conservation easement audit recommendations.

Proponents' Testimony:

02:04:19 Richard Grady

[EXHIBIT](#)(ags39a10)

02:08:13 Tim Ravndal, Montana Multiple Use Association

Opponents' Testimony:

02:13:13 Glenn Marx, Executive Director, Montana Land Trust

02:19:42 Andrew Dana, Attorney, Conservation Easement Law

[EXHIBIT](#)(ags39a11)

02:30:07 Paul Ringling, Managing Director, Montana Land Alliance

[EXHIBIT](#)(ags39a12)

02:35:41 Grant Kier, Executive Director, Five Valleys' Land
Trust

Informational Testimony:

02:40:11 Ali Bovington, Attorney General's Office
02:43:00 Jorge Quintana, Chief Legal Council, Secretary of
States Office
02:45:04 Angus Maciver, Legislative Audit Division

Questions from Committee Members and Responses:

02:45:47 Sen. Ripley
02:46:44 Sen. Curtiss
02:47:00 Sen. Ripley
02:47:09 Sen. Curtiss
02:47:27 Sen. Ripley
02:47:36 Sen. Curtiss
02:48:08 Sen. Brown
02:48:39 Sen. Curtiss
02:49:17 Sen. Ripley
02:49:43 Sen. Curtiss
02:49:54 Sen. Hamlett
02:50:22 Mr. Dana
02:50:48 Sen. Hamlett
02:50:59 Mr. Dana
02:51:54 Chairman Steinbeisser
02:52:03 Mr. Dana
02:52:20 Mr. MacIver
02:52:58 Sen. Steinbeisser
02:53:05 Mr. MacIver
02:53:18 Sen. Murphy
02:53:50 Mr. Ravndal
02:57:12 Sen. Murphy
02:57:19 Mr. Grady
02:58:47 Sen. Murphy
02:59:04 Mr. Grady
03:00:35 Sen. Jackson
03:01:36 Mr. MacIver
03:05:50 Sen. Jackson
03:06:46 Mr. MacIver
03:07:03 Sen. Ripley
03:07:57 Mr. Marx
03:09:07 Sen. Ripley
03:10:12 Sen. Brown
03:10:36 Mr. Marx

Closing by Sponsor:

03:11:23 Sen. Curtiss

03:16:40 Recess

03:42:36 Reconvene

EXECUTIVE ACTION ON SB 473

03:42:40 Chairman Steinbeisser

03:42:42 Sen. Brown

Discussion:

03:42:59 Sen. Branae

[EXHIBIT](#)(ags39a13)

03:45:06 **Motion:** Sen. Branae moved that **SB 473 DO PASS.**

Additional Discussion:

03:43:25 Sen. Branae

03:45:38 Sen. Brown

03:46:00 Linda McCulloch, Secretary of State

03:47:45 Sen. Larsen

03:49:53 Sen. Hamlett

03:50:34 Sen. Ripley

03:51:22 **Substitute Motion/Vote:** Sen. Hamlett moved that **SB 473 BE TABLED.** Motion carried unanimously by roll call vote.

HEARING ON SB 478

Opening Statement by Sponsor:

03:52:39 Sen. John Brenden (R), SD 18, opened the hearing on SB 478, Change easements from perpetuity to time certain.

[EXHIBIT](#)(ags39a14)

Proponents' Testimony:

04:06:11 Tim Ravndal, Montana Multiple Use Association

Opponents' Testimony:

04:09:08 Glenn Marx, Executive Director, Montana Association of Land Trust

04:13:35 Denny Iverson, Iverson Ranch

04:14:58 Chairman Steinbeisser left the room.

04:15:19 Vice Chairman Murphy took the chair.
04:16:42 Vice Chairman Murphy
04:16:54 Jacklyn Corday, City of Missoula
04:18:34 Sen. Steinbeisser now present
04:20:01 Phil Rostad
04:22:06 Jerry Townsend, Rancher
04:25:56 Scott Hibbard
04:27:06 Andrew Dana
04:28:29 Dusty Crary
04:30:42 Fred Pessl
04:33:37 Paul Sihler, Administrator, Field Services Division,
Montana Fish, Wildlife & Parks (FWP)

EXHIBIT (ags39a15)

04:37:11 Mike Bay, Bay Ranch
04:38:06 Michael Harris, Gallatin County Open Space
04:40:07 Robert Sanders, Ducks Unlimited
04:41:32 Grant Kier, Executive Director, Five Valleys Land Trust
04:42:40 Kelly Pohl, Gallatin Valley Land Trust

EXHIBIT (ags39a16)

Informational Testimony: None

Questions from Committee Members and Responses:

04:44:30 Sen. Brown
04:45:09 Mr. Marx, MALT
04:46:14 Sen. Brown
04:47:15 Mr. Marx, MALT
04:48:13 Sen. Ripley
04:48:28 Mr. Harris
04:48:41 Sen. Ripley
04:48:50 Mr. Harris

Closing by Sponsor:

04:49:08 Sen. Brenden

EXECUTIVE ACTION ON SB 478

05:00:19 **Motion:** Sen. Ripley moved that **SB 478 DO PASS.**

05:00:25 **Motion:** Sen. Ripley moved that **SB 478 BE AMENDED.**

EXHIBIT (ags39a17)

05:01:13 Sue O'Connell, Legislative Services Division
05:02:00 Sen. Ripley

Discussion:

05:03:09 Sen. Jackson

05:05:09 Sen. Brown

05:06:06 **Vote:** Motion failed 4-5 by roll call vote with Sen. Brown, Sen. Jackson, Sen. Ripley, and Sen. Steinbeisser voting aye.

Additional Discussion:

05:07:07 Sen. Brown

05:08:53 **Motion/Vote:** Sen. Ripley moved that **SB 478 BE TABLED.** Motion carried 9-1 by roll call vote with Sen. Jackson voting no.

EXECUTIVE ACTION ON SB 407

05:12:45 **Motion:** Sen. Ripley moved that **SB 407 DO PASS.**

05:13:07 **Motion:** Sen. Ripley moved that **SB 407 BE AMENDED.**
EXHIBIT(ags39a18)

Discussion: None

05:13:56 **Vote:** Motion carried unanimously by voice vote.

05:14:39 **Motion:** Sen. Ripley moved that **SB 407 BE AMENDED.**
EXHIBIT(ags39a19)

Discussion:

05:16:14 Sen. Murphy

Without objection:

05:16:26 Bertha Lund

05:16:57 Sen. Hamlett

05:17:45 **Vote:** Motion carried 7-2 by voice vote with Sen. Hamlett and Sen. Larsen voting no.

Discussion:

05:18:40 Sen. Hamlett

05:18:53 Sen. Brown

EXHIBIT(ags39a20)

05:21:30 Sen. Jackson

05:21:35 Sen. Ripley

05:23:17 Sen. Murphy
05:24:15 Sen. Larsen
05:25:08 Chairman Steinbeisser
05:25:37 Sen. Brown
05:26:21 Sen. Ripley
05:26:59 Sen. Jackson
05:28:11 Sen. Murphy
05:28:26 Sue O'Connell, LSD
05:29:18 Sen. Murphy
05:29:41 Sen. Ripley
05:30:16 Sen. Hamlett
05:30:28 Sen. Brown

Without objection:

05:30:38 Ms. Lund
05:31:04 Sen. Brown
05:31:14 Sen. Ripley
05:31:52 Sen. Brown
05:32:06 Sen. Hamlett
05:32:30 Sen. Ripley

Without Objection:

05:32:51 Sen. Ripley
05:33:01 Ms. Lund
05:33:28 Sen. Larsen
05:33:55 Sen. Ripley
05:34:24 Sen. Hamlett
05:34:45 Chairman Steinbeisser

05:34:55 **Vote:** Motion failed 4-5 by roll call vote with Sen. Brown, Sen. Jackson, Sen. Ripley, and Sen. Steinbeisser voting aye.

EXECUTIVE ACTION ON SB 286

05:36:45 **Motion:** Sen. Brown moved that **SB 286 DO PASS.**

05:38:23 **Motion:** Sen. Brown moved that **SB 286 BE AMENDED.**
EXHIBIT (ags39a21)

Discussion:

05:39:36 Sen. Brown
05:42:16 George Harris, Administrator, Department of Livestock
05:44:14 Sen. Brown
05:44:55 Sue O'Connell, LSD
05:46:05 Sen. Brown

05:46:57 **Vote:** Motion carried unanimously by voice vote.

05:47:09 **Motion:** Sen. Brown moved that **SB 286 DO PASS AS AMENDED.**

Discussion:

05:47:27 Sen. Jackson

05:47:54 Sen. Brown

Without Objection:

05:49:18 Sen. Jackson

05:49:48 Christa Lee Evans, Country Classic Dairy

05:50:42 Sen. Ripley

05:51:20 Sue O'Connell, LSD

05:51:58 Sen. Brown

05:52:52 Chairman Steinbeisser

05:52:59 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 337

05:54:23 **Motion:** Sen. Ripley moved that **SB 337 DO PASS.**

05:54:43 **Motion/Vote:** Sen. Murphy moved that **SB 337 BE AMENDED.** Motion carried unanimously by voice vote.
EXHIBIT (ags39a22)

05:55:18 **Motion:** Sen. Ripley moved that **SB 337 DO PASS AS AMENDED.**

Discussion:

05:55:20 Sen. Hansen

05:57:41 Sen. Larsen

05:58:23 Chairman Steinbeisser

05:58:29 Sen. Larsen

05:58:38 Sen. Hamlett

05:59:17 Sen. Brown

05:59:33 Sen. Larsen

06:00:11 Sen. Hamlett

06:00:19 Sen. Brown

06:01:48 **Vote:** Motion carried unanimously by voice vote.

06:02:06 Sen. Brown

06:02:44 Sen. Jackson

06:02:48 Sen. Ripley

ADJOURNMENT

Adjournment: 9:00 P.M.

Joan Linkenbach, Secretary

j1

Additional Exhibits:

[EXHIBIT \(ags39a23\)](#)

[EXHIBIT \(ags39a24\)](#)

[EXHIBIT \(ags39a25\)](#)

[EXHIBIT \(ags39a26\)](#)

Additional Documents:

[EXHIBIT \(ags39aad.pdf\)](#)