

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON AGRICULTURE**

**Call to Order:** Chair Krayton Kerns, on January 27, 2011 at 3:00 PM, in Room 472  
Capitol

#### **ROLL CALL**

**Members Present:**

Rep. Krayton Kerns, Chair (R)  
Rep. Bob Wagner, Vice Chair (R)  
Rep. Lila Walter Evans (R)  
Rep. Steve Fitzpatrick (R)  
Rep. Alan Hale (R)  
Rep. Brian Hoven (R)  
Rep. David Howard (R)  
Rep. Margaret (Margie) MacDonald (D)  
Rep. Jonathan McNiven (R)  
Rep. Carolyn Pease-Lopez (D)  
Rep. Lee Randall (R)  
Rep. Daniel R. Salomon (R)  
Rep. Sterling Small (R)  
Rep. Frank Smith (D)  
Rep. Kathleen Williams (D)

**Members Excused:** None

**Members Absent:** Rep. Timothy Furey, Vice Chair (D)  
Rep. Edith (Edie) McClafferty (D)  
Rep. Christy Clark (R)  
Rep. Pat Noonan (D)  
Rep. Joe Read (R)  
Rep. Joanne G. Blyton (R)

**Staff Present:** Dave Bohyer, Legislative Branch  
Lauren Head, Committee Secretary

**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: HB 303, 1/24/2011; HB 309, 1/24/2011; HB 318, 1/24/2011

**HEARING ON HB 303****Opening Statement by Sponsor:**

00:01:18 Rep. Kelly Flynn (R), HD 68, opened the hearing on HB 303, Revise surface owner notification and compensation laws for mining.

[\*\*EXHIBIT\*\*](#)(agh21a01)

00:02:41 Rep. Clark joined the meeting.

00:03:04 Rep. McClafferty joined the meeting.

00:03:24 Rep. Blyton joined the meeting.

**Proponents' Testimony:**

00:03:51 Mike Collins, self

[\*\*EXHIBIT\*\*](#)(agh21a02)

**Opponents' Testimony:**

00:07:00 Debbie Shea, Director, Montana Mining Association (MMA)

00:10:28 Don Allen, Western Environmental Trade Association (WETA)

00:13:34 KD Feedback, CR Montana Corporation

[\*\*EXHIBIT\*\*](#)(agh21a03)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:16:08 Rep. Hoven

00:16:22 Rep. Flynn

00:17:18 Vice Chair Wagner

00:17:44 Rep. Flynn

00:17:55 Vice Chair Wagner

00:18:02 Rep. Flynn

00:18:18 Mr. Collins

00:19:50 Rep. Randall

00:20:23 Rep. Flynn

00:20:45 Rep. Randall

00:21:19 Rep. Flynn

00:22:06 Rep. Noonan joined the meeting.

00:22:28 Rep. Randall

00:22:44 Mr. Feedback

00:23:31 Rep. Fitzpatrick

00:24:01 Mr. Feedback

00:24:06 Rep. Fitzpatrick

00:24:42 Mr. Feedback

00:24:49 Rep. Fitzpatrick  
 00:25:05 Mr. Feedback  
 00:25:53 Rep. Fitzpatrick  
 00:26:11 Mr. Feedback  
 00:26:23 Rep. MacDonald  
 00:27:05 Mr. Feedback  
 00:27:22 Rep. MacDonald  
 00:28:14 Mr. Feedback  
 00:28:40 Rep. Hoven  
 00:29:01 Mr. Feedback  
 00:29:10 Rep. Hoven  
 00:29:20 Mr. Collins  
 00:29:36 Rep. Hoven  
 00:29:41 Mr. Collins

**EXHIBIT(agh21a04)**

00:33:45 Rep. Hoven  
 00:33:46 Mr. Collins  
 00:35:16 Rep. Smith  
 00:35:55 Rep. Flynn  
 00:36:30 Rep. Smith  
 00:36:43 Rep. Flynn

**Closing by Sponsor:**

00:37:06 Rep. Flynn

**HEARING ON HB 318**

**Opening Statement by Sponsor:**

00:39:07 Rep. Wendy Warburton (R), HD 34, opened the hearing on HB 318, Ensure county oversight in movement of publicly-owned wild buffalo or bison.

**EXHIBIT(agh21a05)**

**Proponents' Testimony:**

00:48:40 Lesley Robinson, Phillips County Commissioner

**EXHIBIT(agh21a06)**

00:51:01 Marty Malone, Park County Commissioner

**EXHIBIT(agh21a07)**

**EXHIBIT(agh21a08)**

00:52:53 Jay Bodner, Montana Stockgrowers Association

00:54:07 John Youngberg, Montana Farm Bureau Federation (MFBF)

00:54:56 Shelby DeMars, United Property Owners of Montana (UPOM)

00:55:27 Jim Brown, Montana Wool Growers Association (MWGA)

**Opponents' Testimony:**

00:57:28 Art Noonan, Deputy Director, Fish, Wildlife, and Parks (FWP)

01:04:36 Annie Glover, Confederated Salish-Kootenai Tribes (CSKT)

**EXHIBIT(agh21a09)**

01:07:09 Leroy Mehring, self

01:08:36 Lory Thomas, self

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:09:11 Vice Chairman Wagner

01:09:40 Mr. Noonan

01:09:47 Vice Chairman Wagner

01:09:50 Mr. Noonan

01:10:00 Rep. Smith

01:10:21 Mr. Noonan

01:10:27 Rep. Smith

01:10:32 Mr. Noonan

01:10:38 Rep. Smith

01:10:42 Mr. Noonan

01:10:45 Rep. Smith

01:10:50 Mr. Noonan

01:10:57 Rep. Smith

01:11:07 Mr. Noonan

01:11:10 Rep. Smith

01:11:25 Mr. Noonan

01:12:54 Rep. Clark

01:13:34 Mr. Noonan

01:14:36 Rep. Clark

00:14:56 Mr. Noonan

01:15:46 Rep. Pease-Lopez

01:16:12 Rep. Warburton

01:17:07 Rep. Pease-Lopez

01:17:34 Rep. Warburton

01:18:06 Rep. Hale

01:18:25 Mr. Noonan

01:18:43 Rep. Hale

01:18:47 Mr. Noonan

01:18:53 Rep. Hale

01:19:16 Mr. Noonan

01:19:29 Rep. Hale

01:19:35 Mr. Noonan

01:19:46 Rep. Hale

01:20:21 Mr. Noonan

01:20:43 Rep. Evans

01:21:04 Mr. Noonan

01:21:22 Rep. Evans

01:22:08 Mr. Noonan

01:24:10 Rep. Williams  
01:24:46 Mr. Noonan  
01:25:38 Rep. Williams  
01:25:42 Mr. Noonan  
01:25:56 Rep. Smith  
01:26:07 Mr. Noonan  
01:26:10 Rep. Smith  
01:26:15 Mr. Noonan  
01:26:37 Rep. Smith  
01:26:48 Mr. Noonan  
01:27:23 Rep. Smith  
01:27:29 Mr. Noonan  
01:27:44 Rep. Hoven  
01:28:09 Mr. Noonan  
01:28:21 Rep. McNiven  
01:29:02 Mr. Malone  
01:29:27 Rep. McNiven  
01:29:31 Mr. Malone  
01:29:54 Rep. McNiven  
01:30:04 Mr. Malone  
01:30:36 Rep. McNiven  
01:31:07 Mr. Noonan  
01:31:55 Rep. McNiven  
01:33:10 Mr. Noonan  
01:35:10 Rep. McNiven  
01:35:18 Mr. Noonan

**Closing by Sponsor:**

01:35:49 Rep. Warburton  
[EXHIBIT](#)(agh21a10)

01:39:02 Rep. Salomon and Rep. McNiven left the meeting.

**HEARING ON HB 309**

**Opening Statement by Sponsor:**

01:39:17 Rep. Jeffery Welborn (R), HD 72, opened the hearing on HB 309, Clarify prohibition on recreational access to ditches.

01:41:42 Rep. Salomon rejoined the meeting.

**Proponents' Testimony:**

01:42:36 Tammy Johnson, Montana Rural Family Irrigators Ad-Hoc Coalition  
01:48:31 Rep. McNiven rejoined the meeting.  
01:49:10 Ed Grady, self

01:52:49 John Youngberg, MFBF, Association of Gallatin Agricultural Irrigators (AGAI),  
Montana Water Resources Association (MWRA)  
01:54:41 Jim Brown, MWGA  
01:56:12 Jay Bodner, MSGA  
01:57:24 Rhonda Wiggers, Montana Rural Family Irrigators Ad-Hoc Coalition  
[EXHIBIT\(agh21a11\)](#)  
[EXHIBIT\(agh21a12\)](#)  
02:03:42 Shelby DeMars, UPOM

**Opponents' Testimony:**

02:04:49 George Golie, Montana Wildlife Federation (MWF)  
02:07:56 Bob Lane, Chief Legal Council, FWP  
02:16:45 Mark Aagenes, Montana Trout Unlimited (MTU)  
02:20:42 Tony Schooney, President, Montana Coalition for Stream Access  
02:24:23 Brianna Randall, Clark Fork Coalition  
02:26:36 Casey Perkins, Montana Audubon  
02:27:11 Lory Thomas, Anaconda Sportsman  
02:28:17 Leroy Mehring, Skyline Sportman, FWP  
02:29:23 Rich Day, George Grand Chapter, MTU  
02:30:20 Stan Frasier, Helena Hunters and Anglers  
02:32:02 Scott Renalds, self

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

02:33:08 Rep. Hoven  
02:33:52 Mr. Lane  
[EXHIBIT\(agh21a13\)](#)  
02:35:10 Rep. Noonan  
02:35:31 Rep. Welborn  
02:36:53 Rep. Noonan  
02:37:03 Rep. Welborn  
02:37:16 Rep. Howard  
02:37:46 Mrs. Wiggers  
02:40:20 Vice Chairman Wagner  
02:40:45 Mr. Lane  
02:41:38 Vice Chairman Wagner  
02:42:06 Mr. Lane  
02:42:42 Rep. Fitzpatrick  
02:43:16 Mr. Grady  
02:45:06 Rep. Smith  
02:45:41 Mr. Lane  
02:48:05 Rep. Smith  
02:48:09 Mr. Lane  
02:49:06 Mrs. Wiggers  
[EXHIBIT\(agh21a14\)](#)  
02:50:15 Rep. Williams  
02:50:34 Mr. Aagenes

02:51:05 Rep. Williams  
02:51:30 Mrs. Wiggers  
02:52:08 Rep. Williams  
02:52:39 Mrs. Wiggers  
02:53:35 Rep. Williams  
02:53:43 Mrs. Wiggers

**Closing by Sponsor:**

02:54:32 Rep. Welborn

**ADJOURNMENT**

02:56:03      Adjournment

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Lauren Head, Secretary

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Additional Documents:

**EXHIBIT([agh21aad.pdf](#))**