

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE

Call to Order: Chair Krayton Kerns, on February 17, 2011 at 3:00 PM, in Room 472
Capitol

ROLL CALL

Members Present:

Rep. Krayton Kerns, Chair (R)
Rep. Timothy Furey, Vice Chair (D)
Rep. Joanne G. Blyton (R)
Rep. Christy Clark (R)
Rep. Lila Walter Evans (R)
Rep. Steve Fitzpatrick (R)
Rep. Brian Hoven (R)
Rep. Margaret (Margie) MacDonald (D)
Rep. Edith (Edie) McClafferty (D)
Rep. Jonathan McNiven (R)
Rep. Carolyn Pease-Lopez (D)
Rep. Joe Read (R)
Rep. Daniel R. Salomon (R)
Rep. Sterling Small (R)
Rep. Frank Smith (D)
Rep. Kathleen Williams (D)

Members Excused: Rep. Bob Wagner, Vice Chair (R)
Rep. Lee Randall (R)
Rep. Alan Hale (R)

Members Absent: Rep. Pat Noonan (D)
Rep. David Howard (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 476, 2/14/2011; HB 478, 2/14/2011; HB 524, 2/14/2011; HB 541, 2/14/2011

Executive Action: HB 476, HB 478, HB 524, HB 541, HB 497, HB 413, HB 166

HEARING ON HB 541

Opening Statement by Sponsor:

00:01:37 Rep. Jeffery Welborn (R), HD 72, opened the hearing on HB 541, Exempt domestic livestock trailing from FWP regulation and MEPA.

00:02:51 Vice Chair Wagner joined the meeting.

Proponents' Testimony:

00:04:21 John Helle, Helle Livestock

[EXHIBIT\(agh39a01\)](#)

00:07:50 Jon Konen, Rehash and Konen Livestock

00:10:16 Jim Brown, Montana Wool Growers Association (MWGA)

00:13:41 Nicole Rolf, Montana Farm Bureau Federation (MFBF)

00:14:27 Ariel Overstreet, Montana Stockgrowers Association (MSGA)

Opponents' Testimony:

00:14:59 Jim Bailey, Gallatin Wildlife Association

00:17:24 Art Noonan, Deputy Director, Fish, Wildlife, and Parks (FWP)

[EXHIBIT\(agh39a02\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

00:21:46 Rep. Evans

00:22:13 Mr. Noonan

00:22:21 Rep. Randall joined the meeting.

00:22:48 Rep. McNiven

00:23:52 Mr. Brown

00:25:48 Rep. Williams

00:26:19 Mr. Helle

00:27:31 Rep. McNiven

00:27:50 Mr. Helle

00:28:47 Rep. McNiven

00:29:01 Mr. Helle

00:29:03 Rep. McNiven

00:29:10 Mr. Helle

00:29:23 Vice Chairman Wagner

00:29:56 Mr. Noonan
00:30:17 Vice Chairman Wagner
00:30:32 Mr. Noonan
00:30:47 Vice Chairman Wagner
00:30:52 Mr. Noonan
00:31:05 Rep. Furey
00:31:40 Mr. Noonan

Closing by Sponsor:

00:33:29 Rep. Welborn

HEARING ON HB 478

Opening Statement by Sponsor:

00:34:36 Rep. Matthew Rosendale (R), HD 38, opened the hearing on HB 478, Revise apiary statutes to require notice, written permission, and due process.

Proponents' Testimony: None

Opponents' Testimony:

00:36:47 Craig Rodenberg, President, Montana Beekeepers Association, Honeyland, Inc.
[**EXHIBIT**\(agh39a03\)](#)
00:40:29 James Rehm, Smoot Honey Company, Inc.
00:41:22 Wade Anderson, Bearspaw Apiaries

Informational Testimony:

00:43:29 Cort Jensen, Attorney, Montana Department of Agriculture

Questions from Committee Members and Responses:

00:46:03 Rep. Blyton
00:46:22 Rep. Rosendale
00:48:15 Rep. Blyton
00:48:45 Mr. Jensen
00:49:44 Rep. Randall
00:50:07 Mr. Jensen

Closing by Sponsor:

00:50:26 Rep. Rosendale

HEARING ON HB 476

Opening Statement by Sponsor:

00:51:13 Rep. Roy Hollandsworth (R), HD 28, opened the hearing on HB 476, Allow a landlord lien on ag crop production, clarify ag lien priorities.

00:54:52 Rep. MacDonald left the meeting.

Proponents' Testimony: None

Opponents' Testimony:

00:55:29 Stuart Doggett, Montana Land Title Association (MLTA)

Informational Testimony:

00:56:21 Cort Jensen, DOA

Questions from Committee Members and Responses:

01:01:22 Rep. Furey

01:01:43 Rep. Hollandsworth

Closing by Sponsor:

01:02:16 Rep. Hollandsworth

HEARING ON HB 524

Opening Statement by Sponsor:

01:03:31 Rep. Krayton Kerns (R), HD 58, opened the hearing on HB 524, Revise water commissioner laws.

Proponents' Testimony:

01:04:05 Scott Boggio, former Representative HD 59, Water Policy Interim Committee

01:07:26 Janell Henschel, former Deputy Water Commissioner, City of Roberts

01:11:38 Rep. Hale joined the meeting.

01:11:48 Curtis Schwene, self

[EXHIBIT\(agh39a04\)](#)

[EXHIBIT\(agh39a05\)](#)

01:14:17 William Burgen, self

01:15:57 William H. Biernat, self

Opponents' Testimony:

01:16:20 Lezlie Kinne, Willow Creek Water Users Association, Cataract Water Users Association, Madison County Conservation District, Vice President of Montana Dam and Canal Association
01:19:48 Brenda Lindlief-Hall, Tongue River Water Users Association
01:22:49 Mike Murphy, Montana Water Resources Association (MWRA)
01:24:28 Krista Lee Evans, Senior Water Rights Coalition (SWRC), Association of Gallatin Agricultural Irrigators (AGAI)
01:25:23 John Youngburg, MFBF
01:25:45 Ariel Overstreet, MSGA
01:25:58 Tim Davis, Water Rights Division, Department of Natural Resources and Conservation (DNRC)

Informational Testimony: None**Questions from Committee Members and Responses:**

01:26:52 Rep. Williams
01:27:19 Mr. Burgen
01:28:05 Rep. Williams
01:28:11 Mr. Burgen
01:28:25 Rep. Blyton
01:28:50 Mr. Schwene
01:29:50 Rep. Clark
01:30:28 Mr. Boggio
01:32:59 Rep. Furey
01:33:32 Mr. Boggio
01:35:07 Rep. Furey
01:35:23 Mr. Boggio
01:35:57 Rep. Blyton
01:36:28 Mr. Davis
01:36:41 Rep. Blyton
01:36:50 Mr. Davis

Closing by Sponsor:

01:37:04 Rep. Kerns
01:37:45 Recess began.
01:46:42 Meeting reconvened without Vice Chair Wagner or Rep. McNiven present.

EXECUTIVE ACTION ON HB 541

01:47:04 **Motion:** Rep. Randall moved that **HB 541 DO PASS.**

Discussion:

01:47:28 Rep. McNiven and Rep. Wagner rejoined the meeting.
01:48:06 Rep. Williams

01:48:38 Rep. Evans
01:49:06 Chairman Kerns
01:49:27 Rep. MacDonald
01:49:57 Rep. Clark
01:50:24 Rep. Wagner
01:51:46 Rep. Pease-Lopez

01:52:08 **Vote:** Motion carried 13-8 by roll call vote with Rep. Fitzpatrick, Rep. Furey, Rep. MacDonald, Rep. McClafferty, Rep. Noonan, Rep. Pease-Lopez, Rep. Wagner and Rep. Williams voting no. Rep. Howard voted by proxy.

EXECUTIVE ACTION ON HB 478

01:53:31 **Motion:** Rep. Randall moved that **HB 478 DO PASS.**

Discussion:

01:53:50 Rep. Furey
01:54:26 Rep. Wagner
01:54:49 Rep. Smith

01:55:08 **Vote:** Motion failed 2-19 by roll call vote with Rep. Hale and Rep. Randall voting aye. Rep. Howard voted by proxy.

01:56:18 **Motion/Vote:** Rep. Randall moved that **HB 478 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote. Rep. Howard was absent and did not vote.

EXECUTIVE ACTION ON HB 476

01:56:26 **Motion:** Rep. Randall moved that **HB 476 DO PASS.**

Discussion:

01:56:45 Rep. Furey
01:57:04 Rep. Wagner
01:57:20 Dave Bohyer, Legislative Services Division (LSD)
01:57:39 Rep. Wagner
01:57:57 Rep. Randall
01:58:19 Rep. McNiven

01:58:44 **Vote:** Motion failed unanimously by roll call vote. Rep. Howard voted by proxy.

01:59:38 **Motion/Vote:** Rep. Randall moved that **HB 476 BE TABLED AND THE VOTE REVERSED.** Motion carried 20-0 by voice vote. Rep. Howard was absent and did not vote.

EXECUTIVE ACTION ON HB 497

01:59:47 **Motion:** Rep. Randall moved that **HB 497 DO PASS.**

Discussion:

02:00:07 Rep. MacDonald
02:01:00 Rep. Clark
02:01:33 Rep. Fitzpatrick
02:02:24 Rep. Hoven
02:03:19 Rep. Williams
02:04:20 Rep. Smith
02:04:50 Chairman Kerns
02:05:02 Ms. Evans
02:05:15 Chairman Kerns
02:05:34 Ms. Evans
02:06:11 Chairman Kerns
02:06:14 Ms. Evans

02:06:24 **Vote:** Motion carried 12-9 by roll call vote with Rep. Fitzpatrick, Rep. Furey, Rep. MacDonald, Rep. McClafferty, Rep. McNiven, Rep. Pease-Lopez, Rep. Read, Rep. Small and Rep. Williams voting no. Rep. Howard voted by proxy.

EXECUTIVE ACTION ON HB 524

02:07:40 **Motion:** Rep. Randall moved that **HB 524 DO PASS.**

02:07:59 **Motion:** Rep. Kerns moved that **HB 524 BE AMENDED.**
EXHIBIT(agh39a06)

Discussion:

02:09:13 Mr. Boggio
02:16:51 Chairman Kerns
02:17:00 Mr. Boggio
02:17:13 Chairman Kerns
02:17:30 Mr. Boggio
02:17:51 Chairman Kerns
02:17:56 Mr. Boggio
02:18:29 Rep. MacDonald
02:19:12 Mr. Bohyer
02:19:30 Rep. MacDonald
02:19:34 Mr. Bohyer
02:19:54 Rep. Blyton
02:20:11 Chairman Kerns
02:20:19 Rep. Blyton

02:20:28 **Vote:** Motion carried 17-4 by roll call vote with Rep. Furey, Rep. MacDonald, Rep. McClafferty and Rep. Pease-Lopez voting no. Rep. Howard voted by proxy.

02:21:43 **Motion:** Rep. Randall moved that **HB 524 DO PASS AS AMENDED.**

Discussion:

02:21:54 Rep. Williams

02:22:33 Rep. Hoven

02:23:20 Vice Chair Wagner

02:24:09 **Vote:** Motion failed 8-13 by roll call vote with Rep. Blyton, Rep. Clark, Rep. Hale, Rep. Hoven, Rep. Howard, Rep. Kerns, Rep. Randall and Rep. Salomon voting aye. Rep. Howard voted by proxy.

02:25:17 **Motion/Vote:** Rep. Randall moved that **HB 524 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 413

Executive action was previously taken on this bill on February 11, 2011.

02:25:31 **Motion/Vote:** Rep. Randall moved to **RECONSIDER THE MOTION** on **HB 413.** Motion failed 9-11 by roll call vote with Rep. Blyton, Rep. Clark, Rep. Evans, Rep. Kerns, Rep. Randall, Rep. Read, Rep. Salomon, Rep. Small and Rep. Wagner voting aye. Rep. Howard was absent and did not vote.

EXECUTIVE ACTION ON HB 166

Executive action was previously taken on this bill on February 2, 2011.

02:27:58 **Motion:** Rep. Randall moved to **RECONSIDER THE MOTION** on **HB 166.**

Discussion:

02:28:23 Rep. MacDonald

02:28:40 Vice Chair Wagner

02:28:50 Rep. Randall

02:29:04 Rep. Smith

02:29:20 Rep. Williams

02:29:27 Vice Chair Wagner

02:29:46 **Vote:** Motion carried 17-3 by roll call vote with Rep. Hale, Rep. Small and Rep. Wagner voting no. Rep. Howard was absent and did not vote.

02:30:46 **Motion:** Rep. Randall moved that **HB 166 DO PASS AS AMENDED.**

Discussion:

02:30:56 Rep Wagner

02:31:15 Harold Blattie, Montana Association of Counties (MACo)

02:32:02 Rep. Williams

02:32:39 **Vote:** Motion carried 19-2 by roll call vote with Rep. Hale and Rep. Small voting no. Rep. Howard voted by proxy.

ADJOURNMENT

02:34:00 Adjournment

Lauren Head, Secretary

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Additional Documents:

[**EXHIBIT\(agh39a07\)**](#)

[**EXHIBIT\(agh39a08\)**](#)

Additional Documents:

[**EXHIBIT\(agh39aad.pdf\)**](#)