

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE, LIVESTOCK AND IRRIGATION

Call to Order: Chair Donald J. Steinbeisser, on March 8, 2011 at 3:00 PM, in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Donald J. Steinbeisser, Chair (R)
Sen. Taylor Brown, Vice Chair (R)
Sen. Gary Branae (D)
Sen. Bob Hawks (D)
Sen. Rowlie Hutton (R)
Sen. Cliff Larsen (D)
Sen. Frederick (Eric) Moore (R)
Sen. Terry Murphy (R)
Sen. Sharon Stewart-Peregoy (D)
Sen. Jonathan Windy Boy (D)

Members Excused: Sen. Rick Ripley (R)

Members Absent: None

Staff Present: Rinay Bender, 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: HB 309, 3/3/2011

Executive Action on SB 381

00:00:25 Sen. Brown
00:01:06 Sen. Steinbeisser

00:01:10 **Motion/Vote:** Sen. Brown moved to **RECONSIDER THE MOTION** on **SB 381**.
Motion carried unanimously by voice vote.

00:01:44 Sen. Larsen
00:02:18 Sen. Steinbeisser

00:02:29 **Motion:** Sen. Brown moved that **SB 381 BE AMENDED**.

Discussion:

00:02:58 Sen. Windy Boy
00:03:24 Sue O'Connell, Legislative Services Division (LSD)
00:04:31 Sen. Windy Boy
00:04:37 Ms. O'Connell
00:04:51 Sen. Steinbeisser
00:05:27 Sen. Larsen
00:05:49 Sen. Steinbeisser

00:05:53 **Vote:** Motion carried 9-2 by roll call vote with Sen. Branae and Sen. Windy Boy
voting no. Sen. Ripley voted by proxy.

00:07:02 **Motion:** Sen. Brown moved that **SB 381 DO PASS AS AMENDED**.

Discussion:

00:07:14 Sen. Windy Boy
00:07:31 Sen. Brown
00:08:27 Sen. Steinbeisser
00:08:55 Sen. Murphy left the meeting.

00:10:06 **Vote:** Motion carried 8-3 by roll call vote with Sen. Branae, Sen. Larsen and
Sen. Windy Boy voting no. Sen. Murphy and Sen. Ripley voted by proxy.

HEARING ON HB 309

Opening Statement by Sponsor:

00:12:07 Rep. Jeffery Welborn (R), HD 72, opened the hearing on HB 309, Clarify
prohibition on recreational access to ditches.

Proponents' Testimony:

00:14:57 William Mercer, Montana Rural Family Irrigators (MRFI)
00:20:40 Ed Grady, Former Representative
00:23:32 John Youngberg, Montana Farm Bureau Federation (MFBF)

00:25:13 Sen. Ripley arrived at the meeting.
 00:26:02 Ronda Wiggers, MRFI
 00:29:17 Harris Wheat, Rancher
 00:31:03 Rhonda Johnson, Rancher, Representing District 4 Farm Bureau
 00:32:03 Bruce Wright, Vice President, MFBF
 00:32:51 Lilian Ostendorf, Rancher
 00:34:37 Peter Taylor, Busby, Rancher
 00:35:48 Tom Ostendorf, Farmer
 00:37:33 Shelby Demars, United Property Owners of Montana (UPOM)
 00:40:39 Jay Bodner, Montana Stockgrowers Association (MSGA), Montana Wool
 Growers Association (MWGA)
 00:42:06 Mike Murphy, Montana Water Resources Association (MWRA)
 00:43:20 Tammy Johnson, MRFI
 00:45:39 Tim Ravndal, Lewis and Clark Conservative Tea Party (LCCTP)

Opponents' Testimony:

00:47:16 Sen. Gallus, SD 37, Butte
 00:48:34 Sen. Van Dyk, SD25, Billings
 00:52:41 Rep. McClafferty, HD 75, Butte
 00:53:37 Sen. Shockley, SD 45, Victor
 00:58:12 Bob Lane, Attorney for Fish, Wildlife and Parks
 01:02:21 Richard Lessner, Executive Director, Madison River Foundation

EXHIBIT(ags52a01)

01:04:46 John Rich, Fisherman
 01:07:03 Michael Howell, Publisher, Bitterroot Star, Secretary, Bitterroot River Protection
 Agency
 01:08:53 Robin Cunningham, Outfitter, Gallatin Gateway

EXHIBIT(ags52a02)

EXHIBIT(ags52a03)

01:11:50 Tom Burnell, Montana River Action
 01:17:54 George Golie, Montana Wildlife Federation (MWF)

EXHIBIT(ags52a04)

01:20:26 Dan Short, Montana Trout Unlimited (MTU)
 01:22:31 Mark Aagenes, Director, Montana Trout Unlimited (MTU)
 01:23:10 Bob Gilbert, Walleyes Unlimited (WU)
 01:25:13 Susan Reneau, on behalf of Richard Reneau
 01:26:43 Jim Klug, Outfitter, Fly Fishing Trade Association
 01:29:25 Greg Munther, Montana Chapter of Backcountry Hunters and Anglers
 01:30:26 Ashley Mrkich
 01:31:40 Lacie Tarkalson
 01:33:07 Ashley Houchin
 01:34:16 Sage Schoonen
 01:35:07 Rich Hohn, Simms Fishing Outfitters
 01:35:23 William Geer, Board of Directors, Helena Hunters and Anglers
 01:35:40 Dan Vermillion, Sweetwater Fly Shop
 01:36:08 Tony Schoonen, Montana Coalition for Stream Access
 01:36:24 Raymond Gross

EXHIBIT(ags52a05)

01:37:05 Lorry Thomas

01:37:21 Trapper Badovanic
01:37:36 Leroy Mehring, Skyline Sportsmen

EXHIBIT(ags52a06)

01:38:02 Cliff Gibbons, Executive Director, Fly Fishers of the Bitterroot
01:38:15 Gary Peterson
01:38:35 Sean O'Brien, Osprey Outfitters Fly Shop

EXHIBIT(ags52a07)

01:39:13 Bob Lay
01:39:17 Fred Upchurch

EXHIBIT(ags52a08)

01:39:42 Mike Sedlock, Upper Missouri River Chapter, WU
01:39:58 Jim Posewitz, Helena Hunters and Anglers

EXHIBIT(ags52a09)

01:40:17 Dale Burk, Ravalli County Fish and Wildlife
01:40:44 Randy Newberg, Headwaters Sportsmen Association
01:41:06 Ron Jones, Vice President, Ravalli County Fish and Wildlife Association
01:41:21 Ali Bovington, Attorney General's Office
01:41:52 Don McAfee, Rancher
01:42:13 Tom Jenni, Outfitter
01:42:21 John Sindland, Bighorn River Alliance
01:42:48 Chris Straub, Fly Fishing Guide
01:43:04 Justin Hartman
01:43:13 Steve Morehouse
01:44:05 J W Westman
01:44:42 Casey Hickathorn, Outfitter
01:44:54 Ross Prosperi, Montana Conservation Voters
01:45:13 Don Bishop, Bud Lilly Federation of Fly Fishers

EXHIBIT(ags52a10)

01:45:42 Willis Curdy
01:46:03 Paul Roos
01:46:17 Julia Page
01:46:36 Grant Snyder
01:46:53 David Palmer, Fishing Guide

EXHIBIT(ags52a11)

01:47:24 Tim Aldrich, President, MWF
01:47:35 Steve Luebeck, George Grant Chapter MTU
01:47:45 Gary Chatriand, George Grant Chapter MTU

EXHIBIT(ags52a12)

01:48:15 David Delisi, President, Lewis and Clark Chapter MTU
01:48:44 Dick Solum, Montana Bowhunters Association (MTBA)
01:49:09 Robert Lienemann

EXHIBIT(ags52a13)

01:49:41 Bob Olson, MTU
01:50:05 Al Luebeck, Vice President, Skyline Sportsmen Association
01:50:38 Jerry Davis
01:51:09 Sam Samson
01:51:22 Mike Spenner, Broadwater Chapter MTU
01:51:43 Kit Fischer, Hellgate Hunters and Anglers
01:51:59 John Hudgens
01:52:10 Dan Bailey

01:52:19 Brooks Jessen
 01:52:43 Brian Neilsen, Vice President, Missouri River Fly Fishers
 01:52:51 John Herzer, Black River Outfitter
 01:53:08 David Van Tighem, Montana Sportsmen Association
 01:53:31 Robert Eddins
 01:53:48 Land Tawney, President, Hellgate Hunters and Anglers

EXHIBIT(ags52a14)

01:54:34 Lou Goosey
 01:54:59 Lyle Vinson
 01:55:09 Mike Chapman, Snowy Mountain MTU

EXHIBIT(ags52a15)

01:55:45 Don Lepinsky
 01:56:10 Herb Wanke
 01:56:36 Casey Perkins, Montana Audubon
 01:56:55 Amy Canatta
 01:57:05 John Bateman
 01:57:20 Brianna Randall, Clark Fork Coalition
 01:57:35 Mike Watson
 01:57:48 John Borgreen, President, Russell Country Sportsmen
 01:58:14 Rich Day
 01:58:30 Kerry Fee, Board Member, Park County Environmental Council
 01:58:51 Sharon Sweeney-Fee
 01:59:12 Jim McDonald
 01:59:25 David Goodhart
 01:59:43 Dan Frasier
 01:59:54 Travis Wortman
 02:00:05 Joe Dilschneider
 02:00:28 Jerry Kustich, Lewis and Clark MTU, Sweetgrass Rods
 02:00:50 Tom Bugni, Skyline Sports
 02:01:26 Curt McChesney, Guide, MTU
 02:01:49 Dan Mayer, Ravalli County Fish and Wildlife Association
 02:02:04 Gary Baron
 02:02:30 Burt Loendorf
 02:02:49 Vince Fischer
 02:03:05 George Kelly, Fishing Guide
 02:03:20 Dave Harlacher, Ravalli County Fish and Wildlife Association
 02:03:37 Jim Jensen, Director, Montana Environmental Information Center (MEIC)
 02:04:08 Bob Ream

Informational Testimony:

None

Questions from Committee Members and Responses:

02:05:05 Sen. Ripley
 02:06:28 Sen. Shockley
 02:06:44 Sen. Ripley
 02:06:59 Sen. Shockley
 02:07:51 Mr. Mercer

SENATE COMMITTEE ON AGRICULTURE, LIVESTOCK AND IRRIGATION

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02:12:08	Sen. Ripley
02:13:14	Mr. Lane, FWP
02:10:32	Sen. Ripley
02:11:03	Mr. Lane
02:14:13	Sen. Moore
02:15:51	Mr. Lane
02:18:02	Sen. Moore
02:18:44	Mr. Lane
02:19:39	Sen. Larsen
02:21:10	Rep. Welborn
02:21:54	Sen. Larsen
02:22:32	Rep. Welborn
02:22:47	Sen. Larsen
02:23:20	Sen. Windy Boy
02:24:08	Mr. Lane
02:27:35	Sen. Branae
02:28:20	Rep. Welborn
02:29:12	Sen. Branae
02:29:22	Rep. Welborn
02:29:28	Sen. Brown
02:31:02	Mr. Aagenes, MTU
02:31:34	Sen. Brown
02:32:28	Mr. Mercer
02:33:28	Mr. Brown
02:34:15	Mr. Mercer
02:36:02	Sen. Brown
02:36:59	Mr. Mercer
02:37:50	Sen. Hawks
02:38:43	Mr. Lane
02:40:57	Sen. Hawks
02:41:16	Mr. Lane
02:42:07	Sen. Ripley
02:43:14	Mr. Mercer
02:44:19	Sen. Shockley

Closing by Sponsor:

02:44:29	Rep. Welborn
02:47:23	Sen. Steinbeisser

ADJOURNMENT

02:47:49 Sen. Steinbeisser adjourned the meeting.

Rinay Bender, Secretary

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Additional Exhibits:

Exhibit 16 has several documents all relate to HB 309.

[EXHIBIT\(ags52a16\)](#)

Additional Documents:

EXHIBIT([ags52aad.pdf](#))