

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE

Call to Order: By **CHAIRMAN EDWARD B. BUTCHER**, on January 13, 2005 at 3 P.M., in Room 472 Capitol.

ROLL CALL

Members Present:

Rep. Edward B. Butcher, Chairman (R)
Rep. Carol Lambert, Vice Chairman (R)
Rep. Jonathan Windy Boy, Vice Chairman (D)
Rep. Bob Bergren (D)
Rep. Gary Branae (D)
Rep. Kevin T. Furey (D)
Rep. Ralph Heinert (R)
Rep. Llew Jones (R)
Rep. Jim Keane (D)
Rep. Bruce Malcolm (R)
Rep. Jim Peterson (R)
Rep. Diane Rice (R)
Rep. Veronica Small-Eastman (D)
Rep. Dan Villa (D)
Rep. Karl Waitschies (R)
Rep. Jeanne Windham (D)
Rep. Brady Wiseman (D)

Members Excused: Rep. Joan Andersen (R)
Rep. Wanda Grinde (D)
Rep. John (Jack) W. Ross (R)

Members Absent: None.

Staff Present: Linda Keim, Committee Secretary
Krista Lee Evans, Legislative Branch

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: No Bills Heard
Executive Action: HB 86; HB 195

EXECUTIVE ACTION ON POSSIBLE HOUSE COMMITTEE RESOLUTION

REP. MALCOLM asked the Committee to sponsor a resolution to address the Bovine Spongiform Encephalopathy (BSE) situation. He noted his willingness to draft the resolution.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 1.6}

Krista Lee Evans, Legislative Staffer, stated that a bill draft request has already been received to draft a resolution urging the Federal Government not to re-open the Canadian Border. She said that this is **REP. SMALL-EASTMAN's** resolution, and added that the committee could draft their own committee resolution. The other alternative is to ask the Speaker to prioritize her draft.

REP. WISEMAN asked if keeping the border closed is what **REP. MALCOLM** had in mind.

REP. MALCOLM said we need to keep the cattle industry safe from BSE, and it needs to be stated in a resolution.

CHAIRMAN BUTCHER determined from **REP. SMALL-EASTMAN** that her bill draft is a Joint Resolution of the Senate and the House.

REP. SMALL-EASTMAN said she discussed asking **SPEAKER MATTHEWS** to have this draft placed at the top of Staffer Evans' bill requests.

Staffer Evans noted that **SEN. TESTER** and **REP. SMALL-EASTMAN** have been discussing the option of having separate resolutions in the Senate and the House.

REP. BUTCHER suggested there could be a Senate Resolution going at the same time one was being written in the House, rather than having a Joint Resolution. Having more bills would give even more publicity, if that is what the intention is.

REP. MALCOLM said it is important that this Agriculture Committee calls attention to the fact that our Legislature is backing the safety and health of the cattle industry.

REP. PETERSON noted that a committee resolution would have more impact than an individual's bill. Doing both is a possibility. He said that **REP. MALCOLM** was hoping for permission from this committee to provide language that could be presented as a committee resolution. The current rules are very inconsistent. He said he would like the resolution to be based on sound science, World Health Organization rules, and it should apply to everything we do with BSE.

REP. WINDY BOY suggested watching time constraints since Congress is currently in session.

REP. KEANE commented that if **REP. SMALL-EASTMAN** has a bill, it should be prioritized and brought before the committee to get it out as fast as we can, rather than have another bill.

CHAIRMAN BUTCHER asked for copies of **REP. SMALL-EASTMAN's** draft for the committee to read and discuss later in today's meeting. He emphasized that the draft will not be voted upon and is only for discussion.

EXHIBIT(agh09a01)

{Tape: 1; Side: A; Approx. Time Counter: 1.6 - 10.6}

EXECUTIVE ACTION ON HB 86

Motion/Vote: **REP. LAMBERT** moved that **HB 86 DO PASS**. Motion passed 20-0 by voice vote. Voting by proxy were **REPS. GRINDE, ANDERSON** and **ROSS**.

Motion/Vote: **REP. LAMBERT** moved **HB 86** be put on the Consent Calendar. Motion passed 20-0 by voice vote. Voting by proxy were **REPS. GRINDE, ANDERSON** and **ROSS**.

EXECUTIVE ACTION ON HB 195

Motion/Vote: **REP. WINDY BOY** moved that **HB 195 DO PASS**. Motion passed 20-0 by voice vote. Voting by proxy were **REPS. GRINDE, ANDERSON** and **ROSS**.

Motion/Vote: **REP. LAMBERT** moved **HB 195** be put on the Consent Calendar. Motion passed 20-0 by voice vote. Voting by proxy were **REPS. GRINDE, ANDERSON** and **ROSS**.

{Tape: 1; Side: A; Approx. Time Counter: 10.5 - 15.3}

EXECUTIVE ACTION ON POSSIBLE HOUSE COMMITTEE RESOLUTION

CHAIRMAN BUTCHER gave the committee a few minutes to read through **REP. SMALL-EASTMAN's** draft, and asked for the motion to have a committee resolution. He said that the committee would then discuss the package and decide whether they want to have a committee resolution. The Joint Resolution draft would have its own hearing at a later date.

Motion: **REP. MALCOLM** moved that **HOUSE COMMITTEE RESOLUTION TO ADDRESS BSE** and the health and safety of cattle in Montana **DO PASS**.

REP. WISEMAN asked **CHAIRMAN BUTCHER** to explain how the committee bill process works. **CHAIRMAN BUTCHER** deferred to Staffer Evans.

Staffer Evans explained the committee bill process.

REP. WISEMAN indicated he was in favor of **REP. MALCOLM's** motion.

CHAIRMAN BUTCHER noted that he saw no problem with having two bills deal with these issues, because one is a Joint Resolution, whereas this could be a House Agriculture Committee Resolution.

Staffer Evans indicated that **REP. SMALL-EASTMAN's** bill is about 12 down in priority on her desk.

{Tape: 1; Side: A; Approx. Time Counter: 15.3 - 21.1}

REP. PETERSON noted Congress is in session until July and did not feel there was any rush to get the bill together. He is in support of the committee resolution, and had no objection to **REP. SMALL-EASTMAN** having a bill. He would like to hear the two reasonably close together.

Staffer Evans said, "A committee resolution has priority over any bills that legislators requested that were in excess of six." A committee resolution could be drafted in only one or two days.

REP. SMALL-EASTMAN would like to have leadership bump up the bill on the calendar.

The committee discussed how they wanted to run the bills through.

Staffer Evans noted that the way the Joint Rule is written, the Senate President and the House Speaker each have ten bill draft requests which they can prioritize. She cautioned that resolutions must each be different.

{Tape: 1; Side: A; Approx. Time Counter: 21.1 - 30}

REP. PETERSON spoke in support of the motion on the floor, which is to authorize **REP. MALCOLM** to prepare wording to submit for a committee resolution.

REP. WINDHAM suggested having **SEN. MALCOLM's** attorney friend work directly with **REP. SMALL-EASTMAN**, since she has already been working on this and we know we can only pass one joint resolution. We could all be working together on one bill.

REP. KEANE commented he would be voting 'no,' as something simple has become very complicated.

REP. SMALL-EASTMAN said she is looking out for the Montana cattlemen, and would like to keep going with her bill. She will talk to SEN. TESTER. She noted that REP. MALCOLM spoke about having the Joint Resolution require scientific research in place before reopening the borders; and they can do that. She would like to have the committee give overall approval of this House Joint Resolution, and if anything needs to be added, a committee bill could be implemented.

Staffer Evans explained House Joint Resolutions and House Resolutions and several representatives discussed the pros and cons.

Motion/Vote: REP. MALCOLM moved that HOUSE COMMITTEE RESOLUTION TO ADDRESS BSE DO PASS. Motion passed 18-2 by roll call vote with KEANE and WINDHAM voting no. Voting by proxy were REPS. ANDERSEN, FUREY, GRINDE, and ROSS.

CHAIRMAN BUTCHER said REP. MALCOLM will expedite the language and get it to Staffer Evans.

{Tape: 1; Side: B; Approx. Time Counter: 0 - 11.6}

ADJOURNMENT

Adjournment: 3:45 P.M.

REP. EDWARD B. BUTCHER, Chairman

LINDA KEIM, Secretary

EB/LK

Additional Exhibits:

EXHIBIT ([agh09aad0.PDF](#))