MONTANA SENATE
2005 LEGISLATURE

ROLL CALL

JUDICIARY

DATE 2-4-05

NAMES	PRESENT	ABSENT	EXCUSED
SEN. MICHAEL WHEAT, CHAIRMAN	X		
SEN. BRENT CROMLEY	X		
SEN. AUBYN CURTISS	X		
SEN. JON ELLINGSON	X		
SEN. JESSE LASLOVICH	X		
SEN. JEFF MANGAN	X		
SEN. DAN McGEE	X		
SEN. LYNDA MOSS	X		
SEN. JERRY O'NEIL	X		
SEN. GERALD PEASE	X		
SEN. GARY PERRY	X		
SEN. JIM SHOCKLEY	X		
VALENCIA LANE, LSD	X		
MARI PREWETT, COMMITTEE SECRETARY	X		

DATE February 4, 2005

SENATE COMMITTEE ON Judiciary

BILLS BEING HEARD TODAY: SB 218

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
EARL BRICKER	374 2554	FARM BUREAU	SB 218		
Bill Richtun	464 2298	Farm Bureau	SB218		✓
M.S. KAKUK	443-7788	W.E.T.A	SB 218		✓
Don Dutton	664-3000	Self	SB 218	✓	
Larry Johnson	372-3227	Self	SB218	✓	
Jeanne Charter	942-2151	Bill Mt Land Alliance	SB218	✓	
Dena Hoff	687-3645	Glendive	SB218	✓	
Rachel Langel	285-6707	Three Forks	SB218	✓	
Janet McMillan	244-0300	Greenough	SB218	✓	
Arleen Lia	265-1619	MABA	SB218		✓
Mike DeVries	567-3022	BARBER SEED SERVICE	SB 218		✓
MARY FITZPATRICK	251-3851	RES. COUNCIL NORTHERN PLAINS	SB218	✓	
Jim Barngrover	442-3505	AERO	SB218	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE

DATE 2-4-2005

SENATE COMMITTEE ON Judiciary

BILLS BEING HEARD TODAY: SB 218

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Patricia B Helvey	475-3631	Self	218	✓	

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SENATE COMMITTEE ON Judiciary

BILLS BEING HEARD TODAY: SB 218

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NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Dan Teigen	4282444	NPRC Ag Task Force	SB218	✓	
JOHN SMILLIE	252-9672	WORC	SB218	✓	
FRANK KUEHN	248-3602	NPRC	SB 218	✓	
Dan Biggerstaff	587-1218	WestBred, LLC MABA	SB218		✓
Mark Peterson	394-2216	Ag Producer	SB218		✓
BILL WENZEL	(877) 968-3276	FARMER TO FARMER COMPANION	SB 218	✓	
BOB STEVENS	442-9424	self	SB 218	✓	
Jon Stoner	265-2153	MGGA	218		✓
Toni Chew	208-3704	Self	218	✓	
[illegible]	282-7592	Ag Producer	SB218	✓	
John Venhuizen	284-3730	Ag Producer	SB 218	✓	
NICK VENHUIZEN	282-6026	AG PRODUCER	SB 218	✓	
Ryan Lammers	265-2273	MT AG Business Ass	SB218		✓

VISITOR REGISTER

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DATE February 4, 2005

SENATE COMMITTEE ON Judiciary

BILLS BEING HEARD TODAY: SB 218

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Bill Wilson	698-8706	JR Simplot Co.	SB218		✓
Mike King	698-6073	MT Ag Bus Assoc DuPont Ag Prod	SB218		✓
Linda Gryczan	431-3635	Grow Montana	SB218	✓	
AUGA PICHETTE		SAO	SB218		
Scott A. Settle	368-2315	Settle Ranch Co	SB218	✓	
Eric Schiedermayer		MT Catholic Conference	SB218	✓	
Pam Langley	449-7391	Montana Seed Trade Assn, Montana Agri Business Assn	SB218		✓
Chris Christiaens	868-6406	Yet Farmers Union	SB218	X	
Darin Argandright	899-0264	MGGA - Personal			X
Richard Owen		MGGA - Exec. Vice Pres.			X
Danielle Rau	442-9476	MT Farm Bureau			X
Nancy Schlepp	442-9476	MT Farm Bureau			X

INFO ✓

VISITOR REGISTER

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2-4-05 Rm #37

HB 218

Farmer's protection Act

applies Wheat
provides background

family farms & ranches getting fewer
discusses options

3 things control - seed, labor
and operational time
& taxes

no longer market place
no longer profit

Maintain Control of seed supply

about control of seed
genetic seed - environment

options other than suing neighbor

Meat of bill - Section 3

Ask Opponents - About profitabily in family farm op.
role of Feds
Consolidation

talks about Monsanto

7.6 P- Deena Hoff - Glendive Northern Plains
Wheat important
largest producer of ~~wh~~ organic Wheat

intent of JR-8 -
protect farmers -
talks about problems
~~[illegible]~~ & liability
farmer not company liable

Written testimony
1

Monsanto Suing =
discusses Monsanto handout

Exh. ~~[illegible]~~

Manufacturer assume liability

11.9 Larry Johnson
90-95 percent
Montana Bu
Ag Wise Inc. =
tells Big Problem =
Black Box Payments
price fixing
discusses chemical companies
parent companies pharmaceutical

Registered Product =
3 -- discussed
~~the~~
talks about research - governmental approval
money making entities
responsibility
GMO - Crop =
Put rules on the game

discusses Court cases =

Tape 1
Side B

John Smiley
3 - Fed Agencies
U.S. Dept of Ag -
Food & Drug Admin -
Environmental Protection Agency =

No Agency studies risks or impact

Dr. Robert Wisner =
lose 1/2 of export markets
critical not to introduce be markets are ready -

3.4 Nick Van Hizen -
want protection from GMC

4.9 Dan Dutton
Written testimony
get a hold of legal curve =
strong incentive for compliance

9.0 Bill Kim - Kim Seed Potatoes
provides history

Who did, who paid, who provided results

not a proven product
discusses weaknesses in genetically
engineered seeds -

profit margin less -
keep America diversified

14.6 Dr. Scott A. Settle - Settle Ranch Co.
patented genetic information

Farmers need legal protection

17.3 John Van Huizen - Manhattan Farmer
~~the~~ choice ~~and~~ available
as to what to grow and how to grow it
have ability
liability fall where it belongs

Tape 2
Side A

Bill Wenzell → reads his testimony
Will submit testimony later
Nat'l Dir. -
Support Bill -
places liability where it belongs

reduce need for litigation

talks about recent report
provides examples
Rodney Nelson - law suit w/ Monsanto

Troy Rousch -
law suit w/ Monsanto

Make industry liable for their product.

12.2 Max Tagger -
opportunity to protect Montana Farmers
unable to obtain insurance protection

cannot count on protection from the
government -

14.8 Jean Charter - Bull Mountain Land
Alliance -
Chance to defend small businesses

16.0 Linda Gryczan - Grow Montana

protect liability

17.3 Ted Fitch MT Trial Lawyers -
reviewed Monsanto Contracts

refers to Page 3
Page 4 lines 3-6

20.8 quotes from contract

Article 13,

22.8 Jim Barngrover - ~~[illegible]~~ AERO
written testimony

*

Tape 2
side B

Mary Fitzpatrick - Northern Plains

* Hand out -
support HB 218

1.6 Tony Chew -
* written testimony

5.9 Lymric -

6.3 Chris Christiansen -
Believe state policy needs
to be taken on this issue.

7.1 Bob Stevens CARO & Northern Plains Members
What about the consumers -
who speaks for them -

talks about Moratorium
Western European Union

(10.1)

10.2 O- John Stoner - Havre - Montana Growers Assn.
want research to continue
wait for market to be ready
Monsanto closed research on wheat

~~HB 218~~
~~Mont~~ Moratorium on Wheat
talks about G.E. traits

15.3 Dr. Max Biggerstaff - Bozeman -
Written testimony -
primary concern
would deny -

talks about genetics =
and genetic modification
talks about report from the Vatican

Tape 3
side A

Continuation
of testimony

Handout
*

1.4 Michael Kakuk =
talks about legal aspects of bill

Nothing stops patent holder from suing

Page 2 - Line 6

Bill does -
Page 3 - Line 6
e - livlihood or reputation
page 3 line 14
Subsection 4 pg 3

Section 4 pg 4
Section 5

8.7 Cort N. Kakuk

9.1 Arlen Rice - Hill Co. Wheat Grower
talks about products created by bio tech

talks about research -
wheat not a big market

13.7 Earl Bricker - MT Farm Bureau
AFBF
do not support
What will happen if bill passes

14.5 Dr. Mike King -
focused on contention
gen. wheat kept from -
tolerance necessary fact of life
(reasonable tolerance)
pollen drift =
* written testimony

18.7 Mark Peterson
stepping stone to other crops
identify potential uses

19.9 Mike Debries - Denton -
talks about Montana Seed Industry
stop opportunity for seed business
in Montana
face liability problem
ask oppose

22.1 Nancy Schlepp - Farm Bureau
talks about Higgins Ranch
wrong way to handle issue

Marketing Issue -
educate producers how to write a contract

Tape 3
Side B

Lammers,
Wants family farms to succeed
in Montana
limit direction in the future
MT Quality not quantity
don't make Montana an island

2.4 Bill Richter - MT Farm Bureau -
Gives background info on himself
discusses Counties he has served in -
longest Teton Co.

Wheat varieties have low infection rates
use no more than 6 years =
talks about contamination

GMO encourage leave option open
faith in farmers and ranchers -
talks about family operations that
are commercial -

do demand productivity

daughter = biotechnologist
works for Cargill -
research on Canola
27 transfers for Cargill =
Canola premium shortening
in the marketplace.
now does health research -

cannot turn away business
economic disadvantage - do what we can do
LAST AREA -
Industry = important to have
available in our State

Potlatch Montana Foreign owned Company

Biotechnology accepted in the health field

why bad name in Agriculture

18.2 Pam Langley - Exe Dir.
displaced farm kid

Handout
Brochure

No other state has passed this
~~legislation~~ legislation =
no one wants them until they
are ready -

has a petition (100 individuals)

earliest introduction 6 years away
urge Vote No

means to save =

22.1 - I - Alicia Pickette - State Auditors Office

Tape 4
side A

22.7 Sen. Shockley - Kakuk

0.4 Shockley - Rakuk

0.6 " "

adhesion

0.9 Ellingson - Ms. Langley

Sect 3 Subsection 1

1.9 Ellingson - Langley =

2.4 Ellingson - Langley -

3.8 Ellingson - Langley =

~~the~~ determining liability

use buffer space -

growers need to be smart

6.0 Ellingson - Langley =

6.1 Ellingson - Langley

7.6 Ellingson - Langley

7.8 Ellingson - Langley -
Sub 2 of Sec 3

8.6 Ellingson - Langley -
Sub 3 of Sec 3

10.2 Perry - Langley
re buffer strips
segregation after harvest -

11.3 Perry - Langley
work for knapweed -

12.3 Perry - Kakuk - WHEATA -
wheat company

12.8 Perry - Kakuk -

14.9 Sen Perry - Stoner
define customers

15.9 Perry - Stoner
who primary customers
to elevators -

16.4 Perry - Testor
how regards protection of farmer
from Patent owner -

17.7 Perry - Testor
Cargill
Continental
Idpt -
Tyson

21.0 Curtiss - Kakuk
to Sen Ellingson last? to Langly

23.0 Moss - Stoner
Grain Growers Assn. -
decline in membership
decline in Farmers
increased competition

25.1 Moss - Stoner

Formal Resolution

25.5 Moss - Stoner
Ratified by

Tape 4 Side B

Cromley - Debries

1.5 Cromley - Debries

1.9 Cromley - Debries

2.7 O'Neil - Fitch

3.7 O'Neil - Fitch

3.9 O'Neil - Fitch

5.1 O'Neil - Fitch
not under current law -

6.0 McGee - Testor -
Page 3 14-15

7.7 Shockley - Lester

change "manufacturer" to "owner"

9.2 Cromley - Lester

9.6 Close -

~~13.7~~

11:00 a.m.