

## MINUTES

### MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON AGRICULTURE, LIVESTOCK AND IRRIGATION

**Call to Order:** Chair Donald J. Steinbeisser, on February 17, 2011 at 3:00 PM, in Room 335 Capitol

#### ROLL CALL

**Members Present:**

Sen. Donald J. Steinbeisser, Chairman (R)  
Sen. Gary Branae (D)  
Sen. Bob Hawks (D)  
Sen. Cliff Larsen (D)  
Sen. Frederick (Eric) Moore (R)  
Sen. Terry Murphy (R)  
Sen. Rick Ripley (R)

**Members Excused:**

Sen. Taylor Brown, Vice Chairman (R)  
Sen. Rowlie Hutton (R)  
Sen. Sharon Stewart-Peregoy (D)  
Sen. Jonathan Windy Boy (D)

**Members Absent:** None

**Staff Present:** Prudence Gildroy, 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: SB 339 2/14/11; SB 313, 2/14/11; SB 365, 2/15/11; SB 343 2/14/11; SJ 14, 2/15/11; HB 294, 2/11/2011

Executive Action: SJ 14; HB 294; SB 300

**HEARING ON SB 339**

**Opening Statement by Sponsor:**

00:03:05 Sen. Frederick (Eric) Moore (R), SD 20, opened the hearing on SB 339, Revise agricultural lien laws, including pesticide & fertilizer liens.

**Proponents' Testimony:**

00:06:21 Bill Bickle, Stockman Bank  
00:09:43 Phillip Johnson, President, First Interstate Bank  
00:10:30 Matthew McKamey, Wells Fargo Bank  
00:12:17 Steve Turkiewicz, Montana Bankers Association  
00:16:13 Steve Yeakel, Montana Independent Bankers Association  
00:17:44 Clyde Dailey, Montana Credit Union Network

**Opponents' Testimony:**

00:18:35 Krista Lee Evans, Montana Agriculture Business Association (MABA)  
00:23:04 Curtis Hershberger, NGS Sales  
00:26:04 Frank Shumacher, Mountain View Coop  
00:31:42 Ryan Lammers, Milk River Coop  
00:33:43 Marty Lundstrom, MABA  
00:34:56 Paul Newby, Association of Montana Aerial Applicators (AMAA)  
00:36:35 Russell Ferguson, AMAA  
00:37:34 John Semple, AMAA  
00:38:25 Arlene Rice, Morse Farms  
00:40:07 Pat Keim, Columbia Grain, Inc.

**EXHIBIT(ags39a01)**

00:42:26 John Youngberg, Montana Farm Bureau Federation  
00:43:44 Carol Lambert, Women Involved in Farm Economics (WIFE)  
00:44:58 Matt Flikhema, Montana Grain Growers Association

**Informational Testimony:**

00:45:27 David Novotny, Department of Administration

**Questions from Committee Members and Responses:**

00:45:50 Sen. Hawks  
00:46:34 Sen. Moore  
00:48:19 Sen. Hawks  
00:48:38 Sen. Moore  
00:48:51 Sen. Brown  
00:49:49 Mr. Johnson  
00:52:21 Sen. Brown  
00:53:03 Mr. Johnson  
00:53:20 Sen. Steinbeisser  
00:53:47 Mr. Johnson

00:53:57 Sen. Brown  
00:54:58 Mr. Shumacher  
00:57:06 Sen. Brown  
00:57:16 Mr. Shumacher  
00:58:09 Mr. Bickel  
00:58:59 Sen. Brown  
00:59:18 Mr. Bickel  
00:59:41 Sen. Brown  
01:00:05 Mr. Schumacher  
01:00:48 Sen. Brown  
01:00:51 Mr. Schumacher

**Closing by Sponsor:**

01:01:30 Sen. Moore

**HEARING ON SB 313**

**Opening Statement by Sponsor:**

01:09:12 Sen. Jim Peterson (R), SD 15, opened the hearing on SB 313, Establish process for FWP to remove beaver/dams for injury to adjacent property.

**Proponents' Testimony:**

None

**Opponents' Testimony:**

01:14:45 Ken McDonald, Fish, Wildlife and Parks (FWP)  
[EXHIBIT\(ags39a02\)](#)  
01:18:15 Casey Perkins, Montana Audubon Society  
01:19:49 Brianna Randall, Clark Fork Coalition

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

01:21:59 Sen. Ripley  
01:22:45 Mr. McDonald, FWP  
01:24:23 Sen. Ripley  
01:24:51 Mr. McDonald  
01:25:24 Sen. Moore  
01:25:50 Sen. Peterson  
01:26:28 Sen. Moore  
01:27:01 Sen. Peterson  
01:30:26 Sen. Moore

01:31:09 Mr. McDonald  
01:31:30 Sen. Larsen  
01:32:04 Sen. Peterson  
01:33:07 Sen. Larsen  
01:33:22 Sen. Brown  
01:33:42 Mr. McDonald  
01:34:03 Sen. Brown  
01:34:17 Mr. McDonald

**Closing by Sponsor:**

01:34:52 Sen. Peterson

**HEARING ON SB 365**

**Opening Statement by Sponsor:**

01:42:08 Sen. Dave Lewis (R), SD 42, opened the hearing on SB 365, Clarify expenditures subject to 12% expend cap for noxious weed program admin.

**Proponents' Testimony:**

01:45:04 Celestine Duncan, WMS  
01:47:43 John Youngberg, Montana Farm Bureau Federation  
01:48:07 Carol Lambert, Women Involved in Farm Economics (WIFE)  
01:48:41 Jeff Tiberi, Executive Director, Montana Association of Conservation Districts  
01:49:11 Bob Gilbert, Rosebud County Weed District, representing himself  
01:49:51 Errol Rice, Montana Stockgrowers Association

**Opponents' Testimony:**

01:50:36 Greg Ames, Department of Agriculture (AGS)  
01:54:43 Gary Olsen, Wheatland County Weed Coordinator

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

01:58:04 Sen. Ripley  
01:58:26 Mr. Ames, AGS  
01:59:40 Sen. Ripley  
01:59:57 Mr. Ames  
02:00:15 Sen. Brown  
02:00:29 Mr. Ames  
02:03:34 Sen. Brown  
02:03:48 Mr. Ames  
02:03:55 Sen. Larsen

02:04:37 Mr. Ames  
02:05:14 Sen. Larsen  
02:06:04 Mr. Ames  
02:06:34 Sen. Brown  
02:06:43 Mr. Ames  
02:07:13 Sen. Ripley  
02:07:29 Mr. Ames  
02:09:08 Sen. Ripley  
02:09:26 Ms. Duncan  
02:11:26 Sen. Ripley  
02:11:34 Sen. Brown  
02:11:54 Ms. Duncan  
02:12:55 Sen. Brown  
02:13:06 Ms. Duncan

**Closing by Sponsor:**

02:13:25 Sen. Lewis

**HEARING ON SB 343**

**Opening Statement by Sponsor:**

02:15:21 Sen. Verdell Jackson (R), SD 5, opened the hearing on SB 343, Revise Montana aquatic invasive species act.

[EXHIBIT\(ags39a03\)](#)

[EXHIBIT\(ags39a04\)](#)

**Proponents' Testimony:**

02:30:15 Greg Ames, Department of Agriculture (AGS)

[EXHIBIT\(ags39a05\)](#)

02:33:34 Jeff Tiberi, Montana Association of Conservation Districts

02:34:03 Brianna Randall, Clark Fork Coalition

02:35:02 Celestine Duncan, WMS

02:35:36 Caryn Miske, Flathead Basin Commission

[EXHIBIT\(ags39a06\)](#)

02:37:02 Rep. Janna Taylor, HD 11

02:38:21 Mark Aagenes, Montana Trout Unlimited and representing Tom Ebzery

02:39:48 Larry Copenhaver, Montana Wildlife Federation

**Opponents' Testimony:**

02:41:16 Robin Cunningham, Fishing Outfitters Association of Montana

02:50:13 Robert Wiltshire, Executive Director, Center for Aquatic Nuisance Species

02:53:33 Bob Gilbert, Walleyes Unlimited of Montana

03:00:32 Robin Cunningham

[EXHIBIT\(ags39a07\)](#)

**Informational Testimony:**

03:00:55 Bruce Rich, Fish, Wildlife and Parks (FWP)  
**EXHIBIT(ags39a08)**

**Questions from Committee Members and Responses:**

03:02:17 Sen. Ripley  
03:02:54 Sen. Jackson  
03:03:15 Eileen Ryce, Aquatic Invasive Species Coordinator, FWP  
03:06:59 Sen. Ripley  
03:07:09 Ms. Ryce  
03:08:19 Sen. Ripley  
03:09:17 Sen. Jackson  
03:09:27 Sen. Ripley  
03:10:37 Sue O'Connell, Legislative Services Division (LSD)  
03:11:18 Sen. Ripley  
03:11:22 Ms. O'Connell, LSD  
03:11:56 Ms. Ryce  
03:12:31 Sen. Steinbeisser  
03:12:51 Sen. Jackson  
03:13:21 Sen. Steinbeisser  
03:13:23 Sen. Jackson

**Closing by Sponsor:**

03:13:42 Sen. Jackson

**HEARING ON SJ 14**

**Opening Statement by Sponsor:**

03:14:30 Sen. Bob Hawks (D), SD 33, opened the hearing on SJ 14, Resolution urging improved Dept of Livestock communication on bison control.

**Proponents' Testimony:**

None

**Opponents' Testimony:**

None

**Informational Testimony:**

03:16:14 Marty Zaluski, State Veterinarian, Department of Livestock

**Questions from Committee Members and Responses:**

03:16:41 Sen. Brown  
03:16:53 Sen. Moore  
03:17:08 Dr. Zaluski

**Closing by Sponsor:**

03:17:26 Sen. Hawks

**EXECUTIVE ACTION ON SJ 14**

03:18:24 **Motion/Vote:** Sen. Hawks moved that **SJ 4 DO PASS**. Motion carried 9-0 by voice vote. Sen. Stewart-Peregoy and Sen. Windy Boy were excused.

**HEARING ON HB 294**

**Opening Statement by Sponsor:**

03:19:43 Rep. Rob Cook (R), HD 27, opened the hearing on HB 294, Provide confidentiality of livestock testing info collected by Livestock Dept.

**Proponents' Testimony:**

03:20:34 Errol Rice, Montana Stockgrowers Association  
03:21:43 Aeric Reilly, Montana Farmers Union, and for Robert Baker  
03:22:35 Marty Zaluski, State Veterinarian, Department of Livestock (DOL)  
[EXHIBIT\(ags39a09\)](#)

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

03:25:50 Sen. Ripley  
03:26:27 Dr. Zaluski, DOL  
03:26:54 Ms. O'Connell  
03:27:04 Sen. Moore  
03:27:40 Dr. Zaluski  
03:28:21 Sen. Brown  
03:28:51 Dr. Zaluski  
03:32:21 Sen. Brown  
03:32:57 Dr. Zaluski

03:33:31 Sen. Steinbeisser  
03:33:52 Dr. Zaluski  
03:35:29 Sen. Steinbeisser  
03:35:35 Dr. Zaluski  
03:35:58 Sen. Moore  
03:36:20 Dr. Zaluski

**Closing by Sponsor:**

03:37:22 Rep. Cook

**EXECUTIVE ACTION ON HB 294**

03:37:59 **Motion/Vote:** Sen. Brown moved that **HB 294 BE CONCURRED IN**. Motion carried 9-0 by voice vote. Sen. Stewart-Peregoy and Sen. Windy Boy were excused. Sen. Brown will carry the bill.

**EXECUTIVE ACTION ON SB 300**

03:39:47 **Motion:** Sen. Hutton moved that **SB 300 DO PASS**.

**Discussion:**

03:39:58 Sen. Hawks  
03:41:43 Sen. Moore  
03:43:03 Sen. Murphy  
03:43:22 Sen. Steinbeisser  
03:43:47 Sen. Hawks

03:44:31 **Substitute Motion/Vote:** Sen. Hawks made a substitute motion that **SB 300 BE TABLED**. Substitute Motion carried 7-4 by roll call vote with Sen. Hutton, Sen. Moore, Sen. Ripley and Sen. Steinbeisser voting no. Sen. Stewart-Peregoy and Sen. Windy Boy voted by proxy.

**Additional Exhibits:**

**EXHIBIT(ags39a10)**

Written testimony of Amy Chadwick, Watershed Consulting, LLC, on SB 313

**EXHIBIT(ags39a11)**

Written testimony of Margie Edsall, Madison County Weed Board on SB 365

**ADJOURNMENT**

Adjournment: 7:03

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Prudence Gildroy, Secretary

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Additional Documents:

**EXHIBIT([ags39aad.pdf](#))**