

## MINUTES

### MONTANA SENATE 63rd LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON AGRICULTURE, LIVESTOCK AND IRRIGATION

**Call to Order:** Chair Taylor Brown, on February 21, 2013 at 3:00 PM, in Room 335  
Capitol

#### ROLL CALL

**Members Present:**

Sen. Taylor Brown, Chair (R)  
Sen. Frederick (Eric) Moore, Vice Chair (R)  
Sen. Shannon Augare (D)  
Sen. Scott Boulanger (R)  
Sen. Mary Caferro (D)  
Sen. Sue Malek (D)  
Sen. Terry Murphy (R)  
Sen. Mike Phillips (D)  
Sen. Scott Sales (R)  
Sen. Sharon Stewart-Peregoy (D)  
Sen. Janna Taylor (R)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Sue O'Connell, Legislative Branch  
Elizabeth Whiting, 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: SB 336, 2/18/2013; SB 334, 2/18/2013; SB 338, 2/18/2013

Executive Action : SB 334 - Tabled and the Vote Reversed  
SB 336 - Do Pass  
SB 338 - Tabled

**HEARING ON SB 334**

**Opening Statement by Sponsor:**

00:22:59 Sen. Bradley Hamlett (D), SD 10, opened the hearing on SB 334, Define perennial streams for streambed preservation act.

**Proponents' Testimony:**

00:26:50 Jeff Tiberi, Montana Association of Conservation Districts (MACD)

[EXHIBIT\(ags39a01\)](#)

[EXHIBIT\(ags39a02\)](#)

00:31:35 Don MacIntyre, Montana Association of Conservation Districts (MACD)

00:40:04 Neal Bouma, self

**Opponents' Testimony:**

00:41:35 Don Van der Hagen, self

00:44:53 Julia Altemus, Montana Wood Products Association (MWPA)

00:47:29 Jim Jensen, Montana Environmental Information Center (MEIC)

00:50:55 Brenda Lindlief-Hall, Tongue River Water Users Association (TRWUA)

00:51:50 Tim Ravndal, self

**Informational Testimony:**

00:52:40 Laurie Zeller, Chief, Montana Department of Natural Resources and Conservation (DNRC)

**Questions from Committee Members and Responses:**

00:53:16 Sen. Phillips

00:53:45 Laurie Zeller, DNRC

00:53:53 Chairman Brown

00:55:00 Jeff Tiberi, MACD

00:55:04 Chairman Brown

00:55:12 Jeff Tiberi

00:55:44 Sen. Malek

00:57:02 Jeff Tiberi

00:57:12 Sen. Malek

00:57:32 Laurie Zeller

**Closing by Sponsor:**

00:57:58 Sen. Hamlett

**HEARING ON SB 336**

**Opening Statement by Sponsor:**

01:00:56 Sen. Bradley Hamlett (D), SD 10, opened the hearing on SB 336, Clarify the definition of spring in water law.

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:03:00 Sen. Moore  
01:03:42 Sen. Hamlett  
01:03:55 Sen. Murphy  
01:04:20 Sen. Hamlett  
01:04:59 Chairman Brown  
01:05:24 Sen. Hamlett  
01:05:55 Sen. Phillips  
01:06:18 Sen. Moore  
01:06:31 Sen. Hamlett  
01:07:22 Sen. Malek  
01:07:49 Sen. Hamlett

**Closing by Sponsor:**

01:08:26 Sen. Hamlett

**HEARING ON SB 338**

**Opening Statement by Sponsor:**

01:08:48 Sen. Bradley Hamlett (D), SD 10, opened the hearing on SB 338, Revise management and control of state-owned property.

**Proponents' Testimony:** None

**Opponents' Testimony:**

01:12:13 Janet Ellis, Montana Audubon  
01:14:18 Shawn Thomas, Administrator, Trust Land Management Division, Montana Department of Natural Resources and Conservation (DNRC)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:20:59 Sen. Malek  
 01:21:18 Shawn Thomas, DNRC  
 01:21:34 Sen. Malek  
 01:21:40 Shawn Thomas  
 01:21:50 Sen. Moore  
 01:22:10 Sen. Hamlett

**Closing by Sponsor:**

01:22:41 Sen. Hamlett  
  
 01:26:31 Sen. Moore  
 01:26:34 Sen. Caferro left the hearing.

**EXECUTIVE ACTION ON SB 334**

01:28:08 **Motion:** Sen. Murphy moved that **SB 334 DO PASS.**

01:28:18 **Motion:** Sen. Murphy moved that **SB 334 BE AMENDED.**  
[EXHIBIT\(ags39a03\)](#)  
[EXHIBIT\(ags39a04\)](#)

**Discussion:**

01:29:03 Sue O'Connell, Legislative Services Division (LSD)  
 01:30:40 Jeff Tiberi, Montana Association of Conservation Districts (MACD)  
 01:31:06 Sen. Phillips  
 01:31:54 Chairman Brown  
 01:32:41 Sen. Murphy  
 01:33:27 Sen. Phillips  
 01:34:18 Don MacIntyre, MACD  
 01:39:16 Sen. Phillips  
 01:40:05 Sen. Murphy  
 01:42:11 Sen. Moore  
 01:42:30 Sen. Phillips  
  
 01:43:00 **Vote:** Motion carried 9-1 by voice vote with Sen. Moore voting no. Sen. Caferro was excused.

01:43:26 **Motion:** Sen. Murphy moved that **SB 334 DO PASS AS AMENDED.**

**Discussion:**

01:43:36 Sen. Phillips  
  
 01:44:02 **Vote:** Motion failed 4-7 by roll call vote with Sen. Augare, Sen. Murphy, Sen. Stewart-Peregoy and Sen. Taylor voting aye. Sen. Caferro voted by proxy.

01:45:28 **Motion/Vote:** Sen. F. Moore moved that **SB 334 BE TABLED AND THE VOTE REVERSED**. Motion carried 10-1 by voice vote with Sen. Taylor voting no. Sen. Caferro voted by proxy.

**EXECUTIVE ACTION ON SB 336**

01:46:25 **Motion:** Sen. F. Moore moved that **SB 336 DO PASS**.

**Discussion:**

01:46:27 Sen. Sales

01:47:25 Sen. Moore

01:47:39 Sen. Phillips

01:48:31 **Vote:** Motion carried 6-5 by roll call vote with Sen. Boulanger, Sen. Brown, Sen. Moore, Sen. Sales and Sen. Taylor voting no. Sen. Caferro voted by proxy.

**EXECUTIVE ACTION ON SB 338**

01:50:53 **Motion:** Sen. Phillips moved that **SB 338 DO PASS**.

**Discussion:**

01:51:07 Sen. Murphy

01:52:00 Sen. Malek

01:52:33 **Substitute Motion/Vote:** Sen. Augare made a substitute motion that **SB 338 BE TABLED**. Substitute Motion carried 11-0 by roll call vote. Sen. Caferro voted by proxy.

01:53:33 Chairman Brown

**ADJOURNMENT**

Adjournment: 4:43 p.m.

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Elizabeth Whiting, Secretary

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Additional Documents:

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