

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE

Call to Order: Chairman Mike Jopek, on April 9, 2009 at 10:35
A.M., in Room 472 Capitol

ROLL CALL

Members Present:

Rep. Mike Jopek, Chairman (D)
Rep. Julie French, Vice Chairman (D)
Rep. Russell Bean (R)
Rep. Tony Belcourt (D)
Rep. John Fleming (D)
Rep. Brian Hoven (R)
Rep. David Howard (R)
Rep. Krayton Kerns (R)
Rep. Margaret MacDonald (D)
Rep. Edith (Edie) McClafferty (D)
Rep. J. David Roundstone (D)
Rep. Bob Wagner (R)

Members Excused: None

Members Absent:

Rep. Edward B. Butcher, Vice Chairman (R)
Rep. Mary Caferro (D)
Rep. Sue Dickenson (D)
Rep. Timothy Furey (D)
Rep. Lee Randall (R)
Rep. Keith Regier (R)
Rep. Janna Taylor (R)
Rep. Wendy Warburton (R)

Staff Present: Todd Everts, Legislative Branch
Marshall McEwen, 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: None

Executive Action: SB 38, SB 55, SB 167, SB 204,
SB 214, SB 300, SB 322, SB 343

00:01:15 Rep. Regier, Rep. Taylor, Rep. Dickenson, and Rep. Warburton joined the committee.

EXECUTIVE ACTION ON SB 204

00:01:23 **Motion/Vote:** Rep. Bean moved that **SB 204 BE CONCURRED IN**. Motion carried 14-6 by voice vote with Rep. Butcher, Rep. Howard, Rep. Kerns, Rep. Taylor, Rep. Wagner, and Rep. Warburton voting no. Rep. Butcher, Rep. Caferro, Rep. Randall, and Rep. Furey voted by proxy. Rep. French will carry the bill in the House.

00:02:58 Chairman Jopek

EXECUTIVE ACTION ON SB 343

00:03:03 **Motion:** Rep. French moved that **SB 343 BE CONCURRED IN**.

Discussion:

00:03:07 Chairman Jopek
00:03:25 Rep. Fleming
00:03:37 Rep. Butcher and Furey joined the committee.
00:04:09 Rep. Taylor
00:04:38 Rep. Fleming
00:05:25 Rep. Taylor
00:06:23 Chairman Jopek
00:06:28 Rep. French
00:06:48 Rep. Howard
00:07:04 Rep. Dickenson
00:07:57 Rep. Warburton
00:08:03 Rep. Caferro joined the committee.
00:08:19 Rep. Butcher
00:09:47 Chairman Jopek
00:09:52 Rep. Butcher
00:10:26 Rep. Taylor
00:10:57 Rep. French
00:11:32 Rep. Wagner
00:13:46 Chairman Jopek
00:13:59 Rep. Furey
00:14:29 Chairman Jopek
00:14:35 Rep. Butcher

00:17:40 Chairman Jopek
00:17:53 Rep. Fleming
00:17:57 Rep. MacDonald
00:18:19 Mr. Everts, Legislative Services Division
00:18:36 Rep. MacDonald
00:18:56 Rep. McClafferty
00:19:18 Chairman Jopek
00:19:50 Rep. MacDonald
00:20:08 Rep. Fleming
00:21:32 Chairman Jopek
00:21:38 Rep. Taylor
00:22:44 Rep. Hoven
00:23:28 Chairman Jopek
00:23:37 Rep. Regier
00:24:30 Rep. McClafferty

00:25:25 **Vote:** Motion carried 16-4 by roll call vote with Rep. Belcourt, Rep. Caferro, Rep. Dickenson, and Rep. French voting no. Rep. Randall voted by proxy. Rep. Taylor will carry the bill in the House.

00:26:30 Chairman Jopek
00:27:15 Rep. Taylor

EXECUTIVE ACTION ON SB 167

00:27:29 **Motion:** Rep. French moved that **SB 167 BE CONCURRED IN.**

Discussion:

00:27:35 Chairman Jopek
00:27:43 Rep. Kerns
00:28:00 Chairman Jopek

00:28:15 **Vote:** Motion failed 10-10 by roll call vote with Rep. Belcourt, Rep. Caferro, Rep. Dickenson, Rep. Fleming, Rep. French, Rep. Furey, Rep. Jopek, Rep. MacDonald, Rep. McClafferty, and Rep. Taylor voting aye. Rep. Randall voted by proxy.

00:29:35 Chairman Jopek

EXECUTIVE ACTION ON SB 214

00:29:51 **Motion:** Rep. Belcourt moved that **SB 214 BE CONCURRED IN.**

00:30:01 **Motion/Vote:** Rep. Warburton moved that **SB 214 BE AMENDED**. Motion carried unanimously by voice vote. Rep. Randall voted by proxy.

[EXHIBIT \(agh78a01\)](#)

00:31:32 **Motion:** Rep. French moved that **SB 214 BE CONCURRED IN AS AMENDED**.

00:31:35 **Motion:** Rep. Jopek moved that **SB 214 BE AMENDED**.

[EXHIBIT \(agh78a02\)](#)

Discussion:

00:32:18 Rep. Butcher

00:32:46 Rep. Kerns

00:32:54 Rep. Howard

00:33:16 Chairman Jopek

00:33:30 Rep. Belcourt

00:33:56 **Vote:** Motion carried 17-3 by voice vote with Rep. Bean, Rep. Randall, and Rep. Warburton voting no. Rep. Randall voted by proxy.

00:34:29 **Motion/Vote:** Rep. Belcourt moved that **SB 214 BE CONCURRED IN AS TWICE AMENDED**. Motion carried 19-1 by voice vote with Rep. Wagner voting no. Rep. Randall voted by proxy. Rep. Belcourt will carry the bill in the House.

00:35:20 Chairman Jopek

EXECUTIVE ACTION ON SB 322

00:35:34 **Motion:** Rep. French moved that **SB 322 BE CONCURRED IN**.

00:35:47 **Motion:** Rep. Regier moved that **SB 322 BE AMENDED**.

[EXHIBIT \(agh78a03\)](#)

Discussion:

00:35:53 Chairman Jopek

00:36:03 Rep. Regier

00:37:29 Chairman Jopek

00:37:34 Rep. Regier

00:38:07 **Motion:** Chairman Jopek moved that **THE AMENDMENT BE SEGREGATED** (see Exhibit 3). Motion carried without objection. Parts 6 and 8 are now separated from 1-5 and 7. The committee continued discussion on parts 6 and 8.

00:38:22 Rep. Dickenson

00:38:50 Rep. Regier

00:39:26 Rep. Dickenson

00:39:37 Rep. Butcher

00:42:04 Rep. Dickenson

00:42:42 Rep. Butcher

00:43:26 **Vote:** Motion carried unanimously by voice vote on parts 6 and 8. Rep. Randall voted by proxy.

00:43:51 **Motion:** Rep. Regier moved that **SB 322 BE AMENDED** with parts 1-5 and 7 (see Exhibit 3).

Discussion:

00:44:35 Chairman Jopek

00:44:57 Rep. Butcher

00:47:07 Chairman Jopek

00:47:31 Rep. Warburton

00:47:51 Rep. Howard

00:48:14 Chairman Jopek

00:48:22 **Vote:** Motion carried 14-6 by roll call vote with Rep. Belcourt, Rep. Caferro, Rep. Jopek, Rep. Kerns, Rep. Taylor, and Rep. Warburton voting no on parts 1-5 and 7. Rep. Randall voted by proxy.

00:49:40 **Motion/Vote:** Rep. Butcher moved that **SB 322 BE CONCURRED IN AS TWICE AMENDED**. Motion carried 17-3 by voice vote with Rep. Caferro, Rep. Kerns, and Rep. Taylor voting no. Rep. Randall voted by proxy. Rep. Roundstone will carry the bill in the House.

00:50:12 Rep. Belcourt

00:50:37 Rep. Taylor

00:51:11 Chairman Jopek

EXECUTIVE ACTION ON SB 55

00:51:33 **Motion:** Rep. Fleming moved that **SB 55 BE CONCURRED IN**.

00:51:43 **Motion:** Rep. Fleming moved that **SB 55 BE AMENDED**.
EXHIBIT (agh78a04)

Discussion:

00:52:06 Chairman Jopek

00:52:41 Rep. Fleming

00:53:35 **Vote:** Motion carried 19-1 by voice vote with Rep. Wagner voting no. Rep. Randall voted by proxy.

00:53:53 **Motion:** Rep. French moved that **SB 55 BE CONCURRED IN AS AMENDED.**

00:54:05 **Motion:** Rep. Jopek moved that **SB 55 BE AMENDED.**

EXHIBIT (agh78a05)

Discussion:

00:54:11 Rep. French

00:54:35 **Vote:** Motion carried 19-1 by voice vote with Rep. Wagner voting no. Rep. Randall voted by proxy.

00:54:57 **Motion:** Rep. French moved that **SB 55 BE CONCURRED IN AS TWICE AMENDED.**

Discussion:

00:55:02 Chairman Jopek

00:55:15 Rep. Howard

00:55:42 Rep. Wagner

00:56:52 Chairman Jopek

00:57:06 Rep. Wagner

00:57:11 Rep. Fleming

00:58:00 Rep. Kerns

00:58:22 Rep. Wagner

00:59:08 Rep. Taylor

00:59:30 Chairman Jopek

00:59:56 Rep. Butcher

01:00:50 Chairman Jopek

01:01:24 **Vote:** Motion carried 15-5 by voice vote with Rep. Bean, Rep. Howard, Rep. Kerns, Rep. Randall, and Rep. Wagner voting no. Rep. Randall voted by proxy. Rep. Fleming will carry the bill in the House.

01:02:10 Rep. Furey

01:02:45 Chairman Jopek

EXECUTIVE ACTION ON SB 300

01:03:14 **Motion/Vote:** Rep. French moved that **SB 300 BE CONCURRED IN**. Motion carried 15-5 by voice vote with Rep. Howard, Rep. Kerns, Rep. Regier, Rep. Wagner, and Rep. Warburton voting no. Rep. Randall voted by proxy. Rep. Butcher will carry the bill in the House.

EXECUTIVE ACTION ON SB 38

01:04:50 **Motion:** Rep. Hoven moved that **SB 38 BE CONCURRED IN**.

01:05:06 **Motion:** Rep. Wagner moved that **SB 38 BE AMENDED**.
EXHIBIT (agh78a06)

Discussion:

01:05:20 Chairman Jopek

01:05:24 Rep. Wagner

01:07:48 Chairman Jopek

01:08:12 Rep. Butcher

01:09:19 Chairman Jopek

01:09:52 Rep. Wagner

01:09:58 Rep. Dickenson, Rep. Furey, Rep. MacDonald, and Rep. McClafferty exited the committee.

01:11:22 Chairman Jopek

01:11:47 Rep. Wagner

01:12:00 Chairman Jopek

01:12:17 Rep. Belcourt

01:13:11 **Vote:** Motion failed 10-10 by roll call vote with Rep. Bean, Rep. Butcher, Rep. Hoven, Rep. Howard, Rep. Kerns, Rep. Randall, Rep. Regier, Rep. Taylor, Rep. Wagner, and Rep. Warburton voting aye. Rep. Furey, Rep. Randall, Rep. Dickenson, Rep. McClafferty, and Rep. MacDonald voted by proxy.

01:14:29 Chairman Jopek

01:15:00 Rep. Wagner

01:15:21 **Vote:** Motion carried 12-8 by roll call vote with Rep. Bean, Rep. Howard, Rep. Kerns, Rep. Randall, Rep. Regier, Rep. Taylor, Rep. Wagner, and Rep. Warburton voting no. Rep. Furey, Rep. Randall, Rep. Dickenson, Rep. McClafferty, and Rep. MacDonald voted by proxy. Rep. Grinde will carry the bill in the House.

01:16:40 Chairman Jopek

01:16:45 Rep. French

01:17:23 Chairman Jopek

01:17:44 Rep. Butcher

01:18:07 Chairman Jopek

ADJOURNMENT

01:18:12 Adjournment: 11:53 A.M.

Marshall McEwen, Secretary

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Additional Documents:

EXHIBIT ([agh78aad.pdf](#))