

**MINUTES**

**MONTANA HOUSE OF REPRESENTATIVES  
61st LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON AGRICULTURE**

**Call to Order:** Chairman Mike Jopek, on March 5, 2009 at 3:03  
P.M., in Room 472 Capitol

**ROLL CALL**

**Members Present:**

Rep. Mike Jopek, Chairman (D)  
Rep. Edward B. Butcher, Vice Chairman (R)  
Rep. Julie French, Vice Chairman (D)  
Rep. Russell Bean (R)  
Rep. Tony Belcourt (D)  
Rep. Mary Caferro (D)  
Rep. Sue Dickenson (D)  
Rep. Timothy Furey (D)  
Rep. Brian Hoven (R)  
Rep. David Howard (R)  
Rep. Krayton Kerns (R)  
Rep. Lee Randall (R)  
Rep. Keith Regier (R)  
Rep. Janna Taylor (R)  
Rep. Bob Wagner (R)  
Rep. Wendy Warburton (R)

**Members Excused:** Rep. John Fleming (D)  
Rep. Edith (Edie) McClafferty (D)

**Members Absent:** Rep. Margaret MacDonald (D)  
Rep. J. David Roundstone (D)

**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: HB 282, HB 290, HB 478, HB 511,  
HB 415, HB 416, HB 548

**EXECUTIVE ACTION ON HB 282**

00:01:59 **Motion:** Rep. French moved **that HB 282 DO PASS**

**Discussion:**

00:02:05 Chairman Jopek

00:02:07 Rep. Hoven entered the room.

00:02:12 **Substitute Motion/Vote:** Rep. MacDonald made a substitute motion that **HB 282 BE TABLED**. Substitute motion carried unanimously by voice vote. Rep. Belcourt, Rep. Fleming, Rep. McClafferty, and Rep. Roundstone voted by proxy.

00:02:51 Chairman Jopek

00:04:00 Mr. Everts, Legislative Services Division

00:08:16 Chairman Jopek

**EXECUTIVE ACTION ON HB 290**

00:08:33 **Motion:** Rep. French moved that **HB 290 DO PASS**.

**Discussion:**

00:08:36 Chairman Jopek

00:08:44 Rep. Wagner

00:09:26 Chairman Jopek

00:10:16 Rep. Wagner

00:10:24 Chairman Jopek

00:10:29 Rep. MacDonald

00:11:00 Chairman Jopek

00:11:10 Rep. Butcher

00:12:25 Chairman Jopek

00:12:28 Rep. Hoven

00:12:39 Chairman Jopek

00:13:13 Rep. Dickenson

00:14:44 Rep. Wagner

00:16:00 Rep. MacDonald

00:18:12 Rep. Furey

00:19:07 Rep. MacDonald

00:19:36 Rep. Furey

00:19:46 Rep. Butcher  
00:20:09 Rep. MacDonald  
00:20:31 Rep. Butcher  
00:20:37 Rep. MacDonald  
00:21:04 Rep. Butcher  
00:21:33 Rep. Wagner  
00:21:47 Rep. French  
00:22:14 Mr. Everts  
00:22:37 Rep. Wagner  
00:25:45 Chairman Jopek

00:25:54 **Vote:** Motion carried 13-7 by roll call vote with Rep. Bean, Rep. Butcher, Rep. Howard, Rep. Kerns, Rep. Taylor, Rep. Wagner, and Rep. Warburton voting no. Rep. Belcourt, Rep. Fleming, Rep. McClafferty, and Rep. Roundstone voted by proxy.

00:27:06 Rep. Butcher  
00:27:22 Mr. Everts  
00:27:36 Rep. Butcher  
00:27:40 Mr. Everts  
00:28:00 Rep. Butcher  
00:28:21 Mr. Everts  
00:28:42 Chairman Jopek

**EXECUTIVE ACTION ON HB 478**

00:28:58 **Motion:** Rep. French moved that **HB 478 DO PASS.**

**Discussion:**

00:29:07 Chairman Jopek  
00:29:28 Rep. Roundstone and Rep. Fleming entered the room.  
00:29:34 Rep. MacDonald  
00:31:11 Rep. Hoven

00:31:44 **Vote:** Motion carried 16-4 by voice vote with Rep. Bean, Rep. Kerns, Rep. Taylor, and Rep. Wagner voting no. Rep. Belcourt and Rep. McClafferty voted by proxy.

00:32:28 Chairman Jopek

**EXECUTIVE ACTION ON HB 511**

00:32:32 **Motion:** Rep. Butcher moved that **HB 511 DO PASS.**

**Discussion:**

00:32:36 Chairman Jopek

00:33:19 **Motion:** Rep. Butcher moved that **HB 511 BE AMENDED.**  
**EXHIBIT (agh49a01)**

**Discussion:**

00:33:26 Chairman Jopek  
00:33:31 Mr. Everts  
00:34:32 Chairman Jopek  
00:34:39 Rep. Dickenson  
00:34:52 Rep. Butcher  
00:34:59 Chairman Jopek  
00:35:24 Rep. Dickenson  
00:36:00 Rep. Wagner  
00:36:41 Chairman Jopek  
00:36:45 Rep. MacDonald  
00:37:54 Rep. Butcher  
00:39:01 Rep. French  
00:39:39 Mr. Everts  
00:41:29 Chairman Jopek

00:41:41 **Vote:** Motion carried 18-2 by voice vote with Rep. Hoven and Rep. Wagner voting no. Rep. Belcourt and Rep. McClafferty voted by proxy.

00:42:06 **Motion:** Rep. Butcher moved that **HB 511 DO PASS AS AMENDED.**

**Discussion:**

00:42:11 Chairman Jopek  
00:42:20 Rep. Hoven  
00:42:55 Rep. Butcher  
00:43:22 Rep. Hoven  
00:43:43 Rep. Wagner  
00:43:54 Rep. French  
00:44:15 Mr. Everts  
00:44:30 Rep. French  
00:44:56 Mr. Everts  
00:45:01 Rep. French  
00:45:29 Mr. Everts  
00:46:35 Rep. French  
00:46:38 Mr. Everts  
00:46:44 Chairman Jopek

00:46:58 **Vote:** Motion failed 8-12 by roll call vote with Rep. Butcher, Rep. Fleming, Rep. Furey, Rep. Jopek, Rep. Regier, Rep. Taylor, Rep. Wagner, and Rep. Warburton voting aye. Rep. Belcourt and Rep. McClafferty voted by proxy.

00:48:38 Chairman Jopek

**EXECUTIVE ACTION ON HB 415**

00:48:57 **Motion:** Rep. MacDonald moved that **HB 415 DO PASS.**

00:49:07 **Motion:** Rep. MacDonald moved that **HB 415 BE AMENDED.**  
**EXHIBIT (agh49a02)**

**Discussion:**

00:49:19 Chairman Jopek

00:49:24 Rep. MacDonald

00:50:53 Rep. Dickenson

00:50:57 Rep. Caferro exited the room.

00:51:25 Rep. MacDonald

00:51:44 Chairman Jopek

00:51:47 **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. Roundstone voting aye. Rep. Belcourt, Rep. Caferro, and Rep. McClafferty voted by proxy.

00:53:08 Chairman Jopek

00:53:21 Rep. Randall

00:54:31 Rep. Caferro entered the room.

00:56:31 Rep. MacDonald

01:00:11 Rep. Wagner

01:01:31 Chairman Jopek

01:01:36 **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. Roundstone voting aye. Rep. Belcourt and Rep. McClafferty voted by proxy.

01:02:45 Chairman Jopek

**EXECUTIVE ACTION ON HB 416**

01:02:58 **Motion:** Rep. MacDonald moved that **HB 416 DO PASS.**

**Discussion:**

01:03:03 Chairman Jopek

01:03:09 Rep. MacDonald

01:03:16 Chairman Jopek

01:03:18 Rep. MacDonald  
01:04:19 Rep. Wagner  
01:05:34 Rep. MacDonald  
01:06:44 Rep. Wagner  
01:07:44 Rep. MacDonald  
01:08:32 Rep. Butcher  
01:08:52 Rep. MacDonald  
01:09:30 Rep. Butcher  
01:10:03 Rep. MacDonald  
01:10:27 Rep. Taylor  
01:11:09 Rep. Randall  
01:13:09 Rep. Hoven  
01:13:32 Rep. Wagner  
01:14:07 Chairman Jopek  
01:14:18 Rep. MacDonald  
01:15:30 Chairman Jopek

01:15:35 **Vote:** Motion carried 16-4 by roll call vote with Rep. Kerns, Rep. Regier, Rep. Taylor, and Rep. Wagner voting no. Rep. Belcourt and Rep. McClafferty voted by proxy.

01:16:37 Chairman Jopek

**EXECUTIVE ACTION ON HB 548**

01:16:46 **Motion:** Rep. French moved that **HB 548 DO PASS.**

**Discussion:**

01:16:49 Chairman Jopek

01:16:56 **Motion:** Rep. Fleming moved that **HB 548 BE AMENDED.**  
**EXHIBIT (agh49a03)**

**Discussion:**

01:17:22 Chairman Jopek  
01:17:51 Rep. Fleming  
01:18:10 Chairman Jopek  
01:18:19 Rep. Fleming  
01:19:24 Rep. Kerns  
01:19:46 Rep. Fleming  
01:20:24 Rep. Kerns  
01:20:43 Rep. Fleming  
01:20:46 Rep. Kerns  
01:21:00 Rep. Butcher  
01:21:33 Rep. Kerns  
01:21:59 Rep. Dickenson  
01:22:59 Rep. Howard

01:23:13 Rep. Butcher  
01:25:26 Chairman Jopek  
01:25:31 Rep. Fleming  
01:26:14 Rep. Butcher  
01:27:16 Chairman Jopek  
01:27:27 Rep. French  
01:27:51 Rep. Fleming  
01:28:07 Chairman Jopek

01:28:27 **Vote:** Motion failed 10-10 by roll call vote with Rep. Belcourt, Rep. Caferro, Rep. Dickenson, Rep. Fleming, Rep. Furey, Rep. Hoven, Rep. Jopek, Rep. MacDonald, Rep. McClafferty, and Rep. Roundstone voting aye. Rep. Belcourt and Rep. McClafferty voted by proxy.

01:29:42 Rep. French  
01:30:11 Chairman Jopek  
01:30:30 Rep. Dickenson  
01:30:47 Chairman Jopek  
01:31:08 Rep. Howard  
01:33:12 Rep. Wagner  
01:33:25 Chairman Jopek  
01:33:40 Mr. Everts  
01:33:45 Rep. Wagner  
01:34:24 Chairman Jopek  
01:34:31 Rep. Wagner  
01:34:36 Rep. Bean  
01:35:43 Rep. Butcher  
01:39:22 Chairman Jopek  
01:39:43 Rep. Hoven  
01:40:08 Rep. Furey  
01:40:27 Chairman Jopek  
01:40:55 Rep. Kerns  
01:41:05 Rep. Fleming

01:42:57 **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. Roundstone voting aye. Rep. Belcourt and Rep. McClafferty voted by proxy.

01:44:09 Chairman Jopek  
01:44:22 Rep. French  
01:44:49 Chairman Jopek  
01:45:34 Rep. French  
01:45:38 Chairman Jopek

**ADJOURNMENT**

01:46:10 Adjournment: 4:49 p.m.

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Marshall McEwen, Secretary

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Additional Documents:

**EXHIBIT ([agh49aad.pdf](#))**