

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE

Call to Order: Chairman Mike Jopek, on March 26, 2009 at 3:12 P.M., in Room 472 Capitol

ROLL CALL

Members Present:

Rep. Mike Jopek, Chairman (D)
Rep. Edward B. Butcher, Vice Chairman (R)
Rep. Russell Bean (R)
Rep. Mary Caferro (D)
Rep. Sue Dickenson (D)
Rep. John Fleming (D)
Rep. Timothy Furey (D)
Rep. Brian Hoven (R)
Rep. Krayton Kerns (R)
Rep. Edith (Edie) McClafferty (D)
Rep. Lee Randall (R)
Rep. J. David Roundstone (D)
Rep. Janna Taylor (R)
Rep. Wendy Warburton (R)

Members Excused: None

Members Absent: Rep. Julie French, Vice Chairman (D)
Rep. Tony Belcourt (D)
Rep. David Howard (R)
Rep. Margaret MacDonald (D)
Rep. Keith Regier (R)
Rep. Bob Wagner (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: SB 407, SJ 11, 3/23/2009

Executive Action: SJ 11, SJ 17, SJ 20, SB 68, SB 104,
SB 126, SB 286, SB 407, HB 575

HEARING ON SB 407

Opening Statement by Sponsor:

00:01:31 Sen. Rick Ripley (R), SD 9, opened the hearing on
SB 407, Revise district court confirmation of federal
water contracts.

00:03:59 Rep. Regier entered the room.

Proponents' Testimony:

00:04:20 Mike Murphy, Montana Water Resources Association
[EXHIBIT \(agh67a01\)](#)

00:07:23 William Hritsco, Board Member, Montana Water Resources
Association

00:09:26 Rep. Belcourt entered the room.

00:13:04 Bob Hardin, Manager, Greenfields Irrigation District

00:14:27 Jim Foster, Manager, Helena Valley Irrigation District

00:16:14 Holly Franz, Board Member, Montana Water Resources
Association

Opponents' Testimony:

00:17:08 Walter Van Deren, Owner, Open A Ranch
[EXHIBIT \(agh67a02\)](#)

00:23:53 Robert Van Deren, Open A Ranch
[EXHIBIT \(agh67a03\)](#)

00:25:05 Rep. MacDonald entered the room.

00:27:50 Hertha Lund, Attorney, Representing Van Deren Family
[EXHIBIT \(agh67a04\)](#)

00:32:10 Cindy Younkin, Attorney, Representing Van Deren Family
[EXHIBIT \(agh67a05\)](#)

Informational Testimony:

00:39:29 John Tubbs, Administrator, Water Resources Division,
Department of Natural Resources and Conservation

00:39:58 Dan Jewell, Area Manager, Montana Bureau of Reclamation

Questions from Committee Members and Responses:

00:42:51 Rep. Hoven

00:43:24 Sen. Ripley
00:44:05 Rep. Hoven
00:44:25 Mr. Hardin
00:46:12 Rep. Fleming
00:46:29 Mr. Tubbs
00:47:34 Rep. Fleming
00:47:54 Mr. Tubbs
00:48:20 Rep. Butcher
00:49:30 Mr. Tubbs
00:50:41 Rep. Butcher
00:51:18 Ms. Lund
00:52:43 Rep. Belcourt
00:52:54 Ms. Younkin
00:53:37 Rep. Belcourt
00:54:07 Mr. Jewell
00:54:39 Rep. Taylor
00:54:49 Mr. Jewell
00:55:03 Rep. Taylor
00:55:08 Mr. Jewell
00:55:52 Rep. Warburton
00:56:42 Ms. Franz
00:58:08 Rep. French entered the room.
00:58:44 Rep. Warburton
00:59:03 Ms. Franz
01:01:05 Rep. Butcher
01:02:07 Ms. Younkin
01:02:43 Chairman Jopek
01:03:09 Rep. Butcher
01:03:59 Mr. Younkin
01:04:05 Rep. Roundstone exited the room.
01:04:12 Chairman Jopek

Closing by Sponsor:

01:04:20 Sen. Ripley
01:06:52 Chairman Jopek

EXECUTIVE ACTION ON SJ 20

01:08:37 **Motion:** Rep. French moved that **SJ 20 BE CONCURRED IN.**

Discussion:

01:08:43 Chairman Jopek
01:09:21 Rep. Belcourt
01:09:40 Rep. Dickenson
01:10:59 Rep. French

01:11:42 **Vote:** Motion carried unanimously by voice vote. Rep. Howard, Rep. Roundstone, and Rep. Howard voted by proxy. Rep. Bergren will carry the bill in the House.

01:12:22 Chairman Jopek

EXECUTIVE ACTION ON SJ 17

01:12:46 **Motion:** Rep. Butcher moved that **SJ 17 BE CONCURRED IN.**

Discussion:

01:12:54 Chairman Jopek

01:13:06 Rep. French

01:13:40 **Motion:** Rep. Butcher moved that **SJ 17 BE AMENDED.**

EXHIBIT(agh67a06)

Discussion:

01:14:06 Chairman Jopek

01:14:10 Rep. Butcher

01:16:19 Rep. Bean

01:16:22 Rep. Roundstone entered the room.

01:16:25 Rep. Kerns exited the room.

01:16:45 Chairman Jopek

01:16:54 **Vote:** Motion failed 9-11 by roll call vote with Rep. Butcher, Rep. Hoven, Rep. Howard, Rep. Kerns, Rep. Randall, Rep. Regier, Rep. Taylor, Rep. Wagner, and Rep. Warburton voting aye. Rep. Howard, Rep. Kerns, and Rep. Wagner voted by proxy.

01:18:38 Chairman Jopek

01:18:40 Rep. Kerns entered the room. Rep. Roundstone exited the room.

01:18:48 **Vote:** Motion carried 17-3 by voice vote with Rep. Bean, Rep. Caferro, and Rep. Kerns voting no. Rep. Howard, Rep. Roundstone, and Rep. Wagner voted by proxy. Rep. Belcourt will carry the bill in the House.

01:19:32 Rep. Taylor

01:19:44 Chairman Jopek

01:19:49 Rep. Taylor

01:19:51 Rep. Roundstone entered the room.

01:20:09 Chairman Jopek

EXECUTIVE ACTION ON SB 68

01:20:45 **Motion:** Rep. Bean moved that **SB 68 BE CONCURRED IN.**

Discussion:

01:20:53 Chairman Jopek
01:21:00 Rep. Butcher
01:21:07 Rep. Bean
01:21:38 Rep. Butcher
01:22:45 Chairman Jopek
01:22:49 Rep. Butcher
01:23:12 Rep. Randall
01:23:47 Rep. Warburton
01:24:23 Rep. MacDonald
01:25:12 Rep. Dickenson
01:26:28 Rep. Kerns
01:26:45 Rep. Butcher
01:29:03 Chairman Jopek

01:30:05 **Vote:** Motion carried 13-7 by roll call vote with Rep. Butcher, Rep. Howard, Rep. Kerns, Rep. Randall, Rep. Taylor, Rep. Wagner, and Rep. Warburton voting no. Rep. Howard and Rep. Wagner voted by proxy. Rep. Bean will carry the bill in the House.

01:31:24 Chairman Jopek

EXECUTIVE ACTION ON SB 104

01:32:24 **Motion:** Rep. Dickenson moved that **SB 104 BE CONCURRED IN.**

Discussion:

01:32:38 Chairman Jopek
01:32:41 Rep. Dickenson

01:33:18 **Motion:** Rep. Butcher moved that **SB 104 BE AMENDED.**
EXHIBIT(agh67a07)

Discussion:

01:33:24 Chairman Jopek
01:33:31 Rep. Butcher
01:35:00 Chairman Jopek

01:35:10 **Vote:** Motion carried 19-1 by voice vote with Rep. Taylor voting no. Rep. Howard and Rep. Wagner voted by proxy.

01:35:34 **Motion/Vote:** Rep. Dickenson moved that **SB 104 BE CONCURRED IN AS AMENDED**. Motion carried 19-1 by voice vote with Rep. Warburton voting no. Rep. Howard and Rep. Wagner voted by proxy. Rep. Dickenson will carry the bill in the House.

01:36:15 Rep. Bean

01:36:46 Chairman Jopek

EXECUTIVE ACTION ON SB 126

01:37:12 **Motion:** Rep. Taylor moved that **SB 126 BE CONCURRED IN**.

Discussion:

01:37:28 Rep. Taylor

01:37:39 Rep. Kerns

01:37:50 Chairman Jopek

01:38:09 **Vote:** Motion carried unanimously by voice vote. Rep. Howard and Rep. Wagner voted by proxy. Rep. Taylor will carry the bill in the House.

01:38:27 Rep. Taylor

01:38:31 Chairman Jopek

01:38:35 Rep. Taylor

01:38:42 Chairman Jopek

EXECUTIVE ACTION ON SB 286

01:39:11 **Motion:** Rep. French moved that **SB 286 BE CONCURRED IN**.

Discussion:

01:39:18 Chairman Jopek

01:39:36 **Motion:** Rep. French moved that **SB 286 BE AMENDED**.

EXHIBIT (agh67a08)

Discussion:

01:39:43 Chairman Jopek

01:40:52 Rep. Bean

01:41:08 Rep. Hoven

01:41:42 **Vote:** Motion carried 17-3 by voice vote with Rep. Bean, Rep. Fleming, and Rep. Hoven voting no. Rep. Howard and Rep. Wagner voted by proxy.

01:42:14 **Motion:** Rep. French moved that **SB 104 BE CONCURRED IN AS AMENDED.**

Discussion:

01:42:20 Chairman Jopek

01:42:44 Rep. Hoven

01:46:30 Chairman Jopek

01:46:53 **Vote:** Motion carried 14-6 by roll call vote with Rep. Caferro, Rep. Kerns, Rep. Randall, Rep. Regier, Rep. Wagner, and Rep. Warburton voting no. Rep. Howard and Rep. Wagner voted by proxy. Rep. Hoven will carry the bill in the House.

01:48:04 Chairman Jopek

01:48:32 Rep. Taylor

01:49:07 Chairman Jopek

01:49:36 Committee recesses.

02:08:56 Committee reconvenes. Rep. Howard was not present after the break.

HEARING ON SJ 11

Opening Statement by Sponsor:

02:10:04 Sen. John Brueggeman (R), SD 6, opened the hearing on SJ 11, Request Congress fund bioproduct innovation centers.

Proponents' Testimony:

02:12:04 Joel Clairmont, Deputy Director, Montana Department of Agriculture

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

02:13:23 Sen. Brueggeman

02:13:43 Chairman Jopek

EXECUTIVE ACTION ON SJ 11

02:14:01 **Motion:** Rep. French moved that **SJ 11 BE CONCURRED IN.**

Discussion:

02:14:06 Chairman Jopek

02:14:11 Rep. Bean

02:14:25 Rep. Warburton

02:14:33 Chairman Jopek

02:14:44 Rep. Fleming

02:14:57 Rep. Butcher

02:15:15 **Vote:** Motion carried 18-2 by voice vote with Rep. Bean and Rep. Kerns voting no. Rep. Howard voted by proxy. Rep. Fleming will carry the bill in the House.

02:15:48 Chairman Jopek

EXECUTIVE ACTION ON SB 407

02:16:16 **Motion:** Rep. Bean moved that **SB 407 BE CONCURRED IN.**

Discussion:

02:16:22 Chairman Jopek

02:16:43 Rep. Kerns

02:16:54 Rep. Wagner

02:17:12 Rep. Taylor

02:17:49 Rep. Bean

02:18:11 Rep. Butcher

02:18:41 Rep. French

02:19:03 Mr. Everts, Legislative Services Division

02:20:06 Chairman Jopek

02:20:12 Rep. Dickenson

02:21:19 Rep. Randall

02:21:37 Rep. Dickenson

02:21:41 Rep. Randall

02:21:43 Rep. Dickenson

02:21:58 Mr. Everts

02:22:04 Rep. French

02:22:12 Rep. Taylor

02:23:41 Rep. Wagner

02:24:42 Rep. Fleming

02:25:09 Rep. Bean

02:25:24 Chairman Jopek

02:25:39 **Vote:** Motion failed 5-15 by roll call vote with Rep. Bean, Rep. Belcourt, Rep. Caferro, Rep. Jopek, and Rep. Warburton voting aye. Rep. Howard voted by proxy.

02:26:57 Chairman Jopek

EXECUTIVE ACTION ON HB 575

02:27:01 **Motion:** Rep. Belcourt moved that **HB 575 DO PASS.**

Discussion:

02:27:08 Chairman Jopek

02:27:15 Rep. Belcourt

02:27:55 **Motion:** Rep. Belcourt moved that **HB 575 BE AMENDED.**

EXHIBIT(agh67a09)

Discussion:

02:28:11 Chairman Jopek

02:28:33 Rep. Belcourt

02:28:40 Mr. Everts

02:34:08 Chairman Jopek

02:34:39 Rep. French

02:34:43 Rep. Fleming

02:35:00 Rep. Taylor

02:35:23 Committee recesses.

02:38:39 Committee reconvenes. Rep. Taylor and Rep. Howard were not present after the break.

02:39:05 Rep. French

02:39:23 Rep. Belcourt

02:39:49 Rep. French

02:40:09 Mr. Everts

02:41:24 Rep. MacDonald

02:41:41 Mr. Everts

02:42:06 Rep. MacDonald

02:42:21 Mr. Everts

02:42:48 Rep. Roundstone

02:44:04 Mr. Everts

02:44:34 Rep. Roundstone

02:44:46 Mr. Everts

02:45:06 Chairman Jopek

02:45:17 Rep. Roundstone

02:46:25 Mr. Everts

02:48:51 Rep. Roundstone

02:50:14 Mr. Everts

02:50:33 Rep. Roundstone
02:50:56 Mr. Everts
02:50:59 Rep. French
02:51:08 Chairman Jopek
02:51:17 Mr. Everts
02:52:11 Rep. Roundstone
02:53:14 Mr. Everts
02:53:19 Rep. Roundstone
02:53:59 Mr. Everts
02:54:42 Rep. Fleming
02:55:53 Mr. Everts
02:56:50 Rep. Fleming
02:57:38 Chairman Jopek
02:57:48 Rep. Bean
02:58:17 Rep. Butcher
02:58:44 Chairman Jopek
02:58:58 Rep. Caferro
02:59:33 Rep. Wagner
03:01:03 Rep. French
03:01:07 Rep. Wagner
03:03:03 Chairman Jopek
03:03:33 Rep. MacDonald
03:05:26 Chairman Jopek
03:05:35 Rep. Dickenson
03:07:54 Rep. Kerns
03:08:23 Rep. Warburton
03:08:43 Chairman Jopek
03:09:01 Rep. Butcher
03:11:18 Chairman Jopek

03:11:38 **Vote:** Motion carried 12-8 by roll call vote with Rep. Caferro, Rep. Dickenson, Rep. Fleming, Rep. French, Rep. Furey, Rep. MacDonald, Rep. McClafferty, and Rep. Roundstone voting no. Rep. Taylor and Rep. Howard voted by proxy.

03:13:04 **Motion:** Rep. Belcourt moved that **HB 575 DO PASS AS AMENDED.**

03:13:10 **Motion:** Rep. Belcourt moved that **HB 575 BE TWICE AMENDED.**

EXHIBIT (agh67a10)

03:13:17 Rep. Belcourt
03:13:38 Chairman Jopek
03:13:44 Mr. Everts
03:14:03 Chairman Jopek
03:14:11 Rep. Caferro
03:14:19 Rep. Roundstone

03:17:09 Chairman Jopek
03:17:14 Rep. Kerns
03:17:29 Rep. Dickenson
03:15:01 Chairman Jopek
03:15:05 Rep. Roundstone
03:17:52 Mr. Everts
03:18:26 Rep. Dickenson
03:18:57 Rep. Fleming

03:19:26 **Vote:** Motion carried 15-5 by roll call vote with Rep. Caferro, Rep. Jopek, Rep. MacDonald, Rep. McClafferty, and Rep. Roundstone voting no. Rep. Howard and Rep. Taylor voted by proxy.

03:20:29 **Motion:** Rep. Belcourt moved that **HB 575 DO PASS AS TWICE AMENDED.**

Discussion:

03:20:35 Chairman Jopek
03:20:59 Rep. Wagner
03:23:45 Rep. MacDonald
03:25:57 Rep. Belcourt
03:27:05 Chairman Jopek
03:27:13 Rep. Roundstone

03:30:37 **Vote:** Motion carried 12-8 by roll call vote with Rep. Caferro, Rep. Dickenson, Rep. Fleming, Rep. French, Rep. Furey, Rep. MacDonald, Rep. McClafferty, and Rep. Roundstone voting no. Rep. Howard and Rep. Taylor voted by proxy.

03:31:46 Chairman Jopek

ADJOURNMENT

03:31:51 Adjournment: 6:43 P.M.

Marshall McEwen, Secretary

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Additional Documents:

EXHIBIT ([agh67aad.pdf](#))