

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION

JOINT APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES AND COMMERCE

Call to Order: By Chairman Rick Ripley, on January 24, 2007 at 8:00 A.M., in Room 317-C Capitol.

ROLL CALL

Members Present:

Rep. Rick Ripley, Chairman (R)
Sen. Ken (Kim) Hansen, Vice Chairman (D)
Rep. John L. Musgrove (D)
Sen. Bill Tash (R)
Sen. Mitch Tropila (D)
Rep. Craig Witte (R)

Members Excused: None.

Members Absent: None.

Staff Present: Eileen Rose, Office of Budget and Program Planning
Katie Butcher for Christie Messer, Committee Secretary
Barbara Smith, 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: Fish Wildlife and Parks
Executive Action: Fish Wildlife and Parks Decision packets

Meeting with the Fish Wildlife and Parks

00:00:01 Chairman Ripley called hearing to order
00:00:11 Barbara Smith
00:00:45 Rep. Ripley
00:00:48 Jeff Hagener, Director, Fish, Wildlife, and Parks
00:01:10 Rep. Ripley
00:01:34 Mr. Hagener
00:01:49 Ms. Smith
00:02:12 Rep. Ripley
00:02:27 Rep. Musgrove
00:03:13 Sen. Tropila
00:03:58 Mr. Hagener
00:05:49 Sen. Tropila
00:06:37 Mr. Hagener
00:07:30 Sen. Tropila
00:07:39 Rep. Ripley
00:08:39 Rep. Musgrove
00:08:43 Ms. Smith
00:10:14 Rep. Musgrove
00:10:33 Rep. Ripley
00:11:06 Sen. Tropila
00:11:14 Ms. Smith

[EXHIBIT \(jnh16a01\)](#)

[EXHIBIT \(jnh16a02\)](#)

[EXHIBIT \(jnh16a03\)](#)

**EXECUTIVE ACTION ON EXECUTIVE ACTION ON FISH WILDLIFE AND PARKS
DECISION PACKETS**

00:11:55 **Motion/Vote:** Rep. Musgrove moved **TO ADOPT DP 103,DP 209,DP 308,DP 514,DP 610,DP 805,DP 909 AS SATISFYING LEGISLATIVE AUDIT CONCERNS AND SWITCHING FROM FEDERAL TO STATE SPECIAL.** Motion carried unanimously by voice vote.

Discussion:

00:12:35 Rep. Ripley
00:12:55 Ms. Smith
00:13:34 Rep. Ripley
00:14:04 Ms. Smith
00:16:20 Rep. Ripley

DP 201-Block Management

00:16:30 **Motion/Vote:** Rep. Musgrove moved **DP 201 BE ADOPTED.**
Motion carried unanimously by roll call vote.
Rep. Witte voted by proxy.

DP 202-Tax Adjustment

00:16:45 **Motion:** Sen. Hansen moved **DP 202 BE ADOPTED.**

Discussion:

00:18:56 Rep. Ripley

00:19:01 Larry Peterman

00:19:08 **Vote:** Motion carried unanimously by roll call vote.
Rep. Witte voted by proxy.

DP 203-Game Damage Elk Herders

00:19:31 **Motion/Vote:** Rep. Musgrove moved **DP 203 BE ADOPTED.**
Motion failed 3-3 by roll call vote, Rep. Musgrove,
Sen. Hansen, and Sen. Tropila voting aye. Rep. Witte
voted by proxy.

DP 206-Conservation Easement Land Steward

00:20:10 **Motion/Vote:** Rep. Musgrove moved **DP 206 BE ADOPTED.**
Motion failed 3-3 on a roll call vote. Rep. Musgrove,
Sen. Hansen, and Sen. Tropila voting aye. Rep. Witte
voted by proxy.

DP 208-Dam Safety Act Technical Adjustments

00:21:34 **Motion/Vote:** Rep. Musgrove moved **TO ADOPT DP 208.**
Motion carried unanimously by roll call vote. Rep.
Witte voted by proxy.

00:22:58 Barbara Smith

DP 301-Ft. Peck Base Adjustment

00:23:03 **Motion:** Rep. Musgrove moved **TO ADOPT DP 301.**

Discussion:

00:23:13 Rep. Ripley
00:23:16 Barbara Smith

00:23:19 **Substitute Motion:** Rep. Musgrove made a substitute motion **TO REDUCE FT. PECK'S OPERATING COSTS BY APPROXIMATELY \$83,000 PER YEAR.**

Discussion:

00:23:55 Rep. Ripley
00:24:01 Barbara Smith
00:24:22 Rep. Ripley

00:25:03 **Vote:** Motion carried unanimously by roll call vote. Rep. Witte voted by proxy.

DP 302-Fish Management Biologists and Tech

00:25:27 **Motion:** Sen. Hansen moved **TO ADOPT DP 302.**

Discussion:

00:25:47 Sen. Tash
00:26:16 Rep. Musgrove
00:26:24 Chris Hunter, Fish Wildlife and Parks, Administrator of Fisheries Management
00:27:46 Rep. Musgrove
00:27:51 Rep. Ripley
00:27:58 Mr. Hunter
00:28:40 Rep. Ripley
00:28:49 Mr. Hunter
00:29:36 Barbara Smith
00:30:22 Mr. Hunter
00:30:29 Barbara Smith
00:30:51 Sen. Tropila
00:31:52 Mr. Hunter

00:32:10 **Substitute Motion:** Sen. Tropila moved **TO REDUCE THE FTE IN DP 302 FOR FISCAL YEARS 2008 AND 2009.**

Discussion:

00:33:03 Barbara Smith
00:33:09 Sen. Tropila
00:33:15 Sen. Tash

00:34:24 **Vote:** Motion carried 5-1 by roll call vote. Rep. Ripley voted no.

DP 303-Operations Cost Adjustment

00:34:51 **Motion/Vote:** Rep. Musgrove moved **TO ADOPT DP 303**. Motion failed 3-3 on a roll call vote. Rep. Musgrove, Sen. Hansen, and Sen. Tropila voted aye.

DP 307-Fisheries Legislative Contract Authority OTO

00:35:28 **Motion:** Sen. Hansen moved **TO ADOPT DP 307 AS ONE TIME ONLY**.

Discussion:

00:35:48 Rep. Witte
00:36:05 Barbara Smith
00:36:09 Mr. Hunter
00:36:58 Mr. Witte
00:37:01 Mr. Hunter
00:37:04 Mr. Witte

00:38:39 **Vote:** Motion carried 4-2 by roll call vote. Rep. Witte and Rep. Ripley voted no.

Discussion:

00:38:53 Barbara Smith
00:39:26 Rep. Ripley

DP 306-Fisheries Statewide Wildlife Grants

00:39:32 **Motion/Vote:** Rep. Musgrove moved **TO ADOPT DP 306 AS ONE TIME ONLY GENERAL FUND**. Motion failed 3-3 on a roll call vote. Rep. Musgrove, Sen. Tropila, and Sen. Hansen voted aye.

DP 402-Warden Overtime

00:40:52 **Motion:** Sen. Hansen moved **DP 402 BE ADOPTED**.

Discussion:

00:41:14 Rep. Witte
00:41:56 Sen. Tash
00:42:14 Jim Kropp, Fish Wildlife and Parks Enforcement

00:43:34 **Vote:** Motion carried unanimously by roll call vote.

DP 403-Block Management

00:43:45 **Motion:** Rep. Musgrove moved **DP 403 BE ADOPTED.**

Discussion:

00:43:56 Rep Witte
00:44:42 Mr. Kropp
00:45:30 Rep Ripley
00:45:48 Sue Daly, Fish Wildlife and Parks
00:46:07 Barbara Smith
00:46:49 Rep. Ripley

00:49:10 **Vote:** Motion carried 4-2 by roll call vote, with Rep.
Ripley and Rep. Witte voting no.

DP 404-Parks Enforcement

00:49:31 **Motion/Vote:** Rep. Musgrove moved **DP 404 BE ADOPTED.**
Motion carried 4-2 by roll call vote, Rep. Ripley and
Sen. Tash voting no.

DP 406-Board of Outfitters

00:50:00 **Motion:** Rep. Musgrove moved **DP 406 BE ADOPTED.**

Discussion:

00:50:25 Rep. Witte
00:50:50 Rep. Ripley
00:50:53 Mr. Kropp
00:52:02 Rep. Witte
00:53:00 Barbara Smith
00:53:43 Mr. Kropp
00:54:40 Mr. Hagener
00:55:29 Rep. Witte

00:55:45 Rep. Ripley
00:55:56 Sen. Tash

00:56:47 **Vote:** Motion carried unanimously by roll call vote.

DP 407-Regional Investigators

00:56:59 **Motion:** Rep. Musgrove **TO ADOPT DP 407.**

Discussion:

00:57:14 Sen. Hansen
00:57:23 Mr. Kropp
00:57:36 Sen. Hansen
00:58:08 Mr. Kropp
00:59:08 Rep. Ripley
00:59:19 Mr. Kropp
00:59:26 Rep. Ripley
00:59:34 Mr. Kropp
00:59:42 Barbara Smith
01:00:27 Rep. Ripley
01:01:19 Sen. Tropila
01:01:22 Rep. Ripley
01:01:29 Rep. Musgrove
01:01:37 Barbara Smith
01:01:43 Sen. Tropila
01:01:49 Barbara Smith
01:01:59 Rep. Ripley

01:02:24 **Vote:** Motion carried unanimously by roll call.

DP 409-Radio Dispatch

01:02:50 **Motion:** Sen Hansen moved **TO ADOPT DP 409.**

Discussion:

01:03:02 Rep. Witte
01:03:37 Mr. Kropp
01:06:20 Rep. Witte
01:06:23 Mr. Kropp
01:07:15 Rep. Witte
01:07:53 Rep. Ripley
01:08:31 Sen. Tash
01:08:52 Barbara Smith

01:09:01 **Vote:** Motion carried 4-2 by roll call vote with Rep. Ripley and Rep. Witte voting no.

DP 410-Off Highway Vehicle

01:09:53 **Motion/Vote:** Rep. Musgrove moved **TO ADOPT DP 410**. Motion failed 3-3 by roll call vote, Rep. Musgrove, Sen. Hansen, and Sen. Tropila voting aye.

DP 411-Legislative Contract Authority OTO

01:10:34 **Motion:** Sen. Hansen **TO ADOPT DP 411**.

Discussion:

01:10:50 Rep. Witte
01:11:01 Barbara Smith
01:12:05 Mr. Kropp
01:12:14 Rep. Ripley
01:12:23 Mr. Kropp
01:13:47 Rep. Ripley

01:14:37 **Vote:** Motion failed 3-3 by roll call with Rep. Musgrove, Sen. Tropila, and Sen. Hansen voting aye.

DP 412-State Lands Wardens

01:14:51 **Motion:** Rep. Musgrove moved **TO ADOPT DP 412**.

Discussion:

01:15:16 Sen. Hansen
01:15:26 Barbara Smith
01:16:08 Eileen Rose, OBPP

01:16:42 **Vote:** Motion failed 3-3, with Rep. Musgrove, Sen. Hansen, and Sen. Tropila voting aye.

DP 501-Restore Survey and Inventory Money

01:17:35 **Motion:** Rep. Musgrove moved **TO ADOPT DP 501**.

01:17:43 Barbara Smith
01:18:15 Rep. Ripley
01:18:29 Barbara Smith

01:19:17 **Vote:** Motion failed 3-3 by roll call vote, Sen. Hansen,
Sen. Tropila, and Rep. Musgrove voting aye.

DP 502-Wildlife Conflict Specialist

01:19:31 **Motion:** Sen. Hansen moved **TO ADOPT DP 502.**

Discussion:

01:19:57 Rep. Witte

01:20:46 **Vote:** Motion failed 3-3 by roll call vote, Sen.
Tropila, Sen. Hansen, and Rep. Musgrove voting aye.

DP 504-Harvest Survey Automation

01:21:23 **Motion:** Rep. Musgrove moved **TO ADOPT DP 504, AS A
BIENNIAL APPROPRIATION, ONE TIME ONLY.**

Discussion:

01:21:41 Ms Smith
01:21:46 Sen. Tropila
01:22:23 Sen. Tropila
01:22:27 Rep. Witte
01:23:20 Rep. Ripley
01:23:26 Rep. Witte
01:23:39 Ken McDonald, Administrator, FWP
01:24:34 Rep. Witte
01:25:10 Mr. McDonald
01:25:46 Rep. Witte
01:26:51 Rep. Ripley
01:26:56 Rep. Musgrove
01:27:38 Rep. Ripley
01:27:41 Barbara Smith
01:29:36 Rep. Witte
01:30:11 Barbara Smith

01:30:49 **Vote:** Motion carried 4-2 on a roll call vote, Rep.
Ripley, Sen. Tash voting no.

01:31:19 Sen. Hansen
01:35:36 Rep. Ripley

01:35:53 Break
01:50:47 Reconvene

01:51:07 Rep. Ripley
01:51:12 Barbara Smith

Public Comment

01:52:05 Gary Marbut, Montana Shooting Sports Association__
02:00:08 Rep Witte
02:00:13 Mr. Marbut
02:00:47 Rep Witte
02:00:52 Mr. Marbut
02:02:08 Rep. Ripley
02:03:03 Mr. Marbut
02:03:57 Rep. Ripley
02:04:01 Mr. Marbut
02:04:51 Rep. Ripley
02:05:01 Mr. Hagener
02:06:03 Ron Aasheim, Administrator of Communications and
Education, FWP
02:07:20 Rep. Musgrove
02:07:51 Mr. Marbut
02:08:18 Rep. Witte
02:09:24 Mr. Marbut
02:11:05 Sen. Hansen
02:12:38 Rep. Ripley

DP 505-Black Bear Research, OTO

02:12:54 **Motion:** Rep. Musgrove moved **TO ADOPT DP 505, AS ONE
TIME ONLY.**

Discussion:

02:13:50 Sen. Hansen
02:13:57 Mr. McDonald
02:14:15 Rep. Ripley
02:14:24 Mr. McDonald
02:14:27 Rep. Ripley
02:14:36 Mr. McDonald
02:14:46 Barbara Smith
02:15:08 Rep. Witte
02:15:34 Barbara Smith

02:16:02 Mr. Hagener

02:16:30 **Vote:** Motion carried 5-1 by roll call vote with Sen. Tash voting no.

DP 510-Legislative Contract Authority

02:17:32 **Motion/Vote:** Rep. Musgrove moved **TO ADOPT DP 510.** Motion failed 3-3 by roll call vote, with Rep. Witte, Rep. Musgrove, and Sen. Hansen voting aye.

DP 511-Deer, Elk, Moose, Goat, Sheep Auctions

02:18:11 **Motion/Vote:** Rep. Musgrove moved **TO ADOPT DP 511.** Motion carried unanimously by roll call vote.

DP 513-Migratory Bird Fund-Upland Game Bird

02:18:31 **Motion:** Sen. Hansen moved **TO ADOPT DP 513.**

Discussion:

02:18:53 Barbara Smith

02:19:42 **Vote:** Motion carried 4-2 by roll call vote, Rep. Ripley and Sen. Tash voting no.

DP 507-State Wildlife Grants

02:20:24 **Motion:** Rep. Musgrove moved **TO ADOPT DP 507.**

Discussion:

02:21:07 Sen. Tropila

02:20:33 Barbara Smith

02:22:32 Rep. Ripley

02:22:57 **Vote:** Motion failed 3-3 by roll call vote, Rep. Musgrove, Sen. Hansen, and Sen. Tropila voting aye.

DP 603-Land and Water Conservation Fund

02:23:23 **Motion:** Sen. Hansen moved **TO ADOPT DP 603.**

Discussion:

02:23:48 Rep. Musgrove

02:23:51 Barbara Smith

02:24:27 **Vote:** Motion carried unanimously by roll call vote.

DP 604-Snowmobile Equipment BIEN

02:24:35 **Motion/Vote:** Rep. Witte moved **TO ADOPT DP 604, AS A BIENNIAL APPROPRIATION.** Motion carried unanimously by roll call vote.

DP 605-Community Service

02:25:02 **Motion:** Rep. Musgrove moved **TO ADOPT DP 605.**

Discussion:

02:25:57 Barbara Smith

02:26:30 Rep. Witte

02:26:32 Barbara Smith

02:26:39 Joe Maurier, Parks department

02:27:14 Rep. Witte

02:27:50 Mr. Maurier

02:27:57 Rep. Witte

02:29:49 **Vote:** Motion failed 3-3 by roll call, with Rep. Musgrove, Sen. Hansen, Sen. Tropila voting aye.

DP 606-FAS Maintenance and Operations

02:30:07 **Motion:** Rep. Musgrove moved **TO ADOPT DP 606.**

Discussion:

02:30:32 Rep. Musgrove

02:31:17 Barbara Smith

02:32:58 Mr. Maurier

02:33:42 Barbara Smith

02:34:21 Sen. Tropila

02:35:04 Barbara Smith

02:36:21 Ms. Daly

02:37:42 Barbara Smith

02:38:00 **Vote:** Motion failed 3-3, with Rep. Musgrove, Sen. Hansen, and Sen. Tropila voting aye.

DP 607-Parks Operation & Maintenance

02:38:58 **Motion:** Sen. Hansen moved **TO ADOPT DP 607.**

02:39:36 **Vote:** Motion failed 3-3 on a roll call vote, Rep. Musgrove, Sen. Hansen. and Sen. Tropila voting aye.

DP 608-Cultural and Historic Resource Staff

02:39:44 **Motion:** Sen. Tropila moved **TO ADOPT DP 608.**

Discussion:

02:40:04 Rep. Witte

02:40:24 Mr. Maurier

02:41:28 **Vote:** Motion carried 4-2 by roll call with Rep. Ripley and Sen. Tash voting no.

DP 611-Parks Legislative Contract Authority OTO

02:41:35 **Motion/Vote:** Sen. Tropila moved **TO ADOPT DP 611, ONE TIME ONLY.** Motion failed 3-3 by roll call vote, with Rep. Musgrove, Sen. Tropila, and Sen. Hansen voting aye.

DP 802

02:42:31 **Motion:** Rep. Musgrove moved **TO ADOPT DP 802.**

Discussion:

02:42:53 Rep. Musgrove

02:43:26 Rep. Witte

02:43:43 Mr. Aasheim

02:44:15 Rep. Witte

02:44:50 Rep. Musgrove

02:46:32 **Vote:** Motion carried 5-1 by roll call, Rep. Witte voting no.

EXECUTIVE ACTION ON DP 804

02:47:18 **Motion:** Sen. Hansen moved **DP 804 BE ADOPTED.**

Discussion:

02:47:42 Rep. Ripley

02:48:01 **Vote:** Motion failed on a 3-3 roll call vote, Sen. Hansen, Sen. Tropila, Rep. Musgrove voting aye.

DP 901-State Wildlife Grants and Energy Development

02:48:56 **Motion:** Rep. Musgrove moved **TO ADOPT DP 901.**

Discussion:

02:49:09 Rep. Ripley

02:49:25 Barbara Smith

02:50:04 **Vote:** Motion failed 3-3 on a roll call vote, Rep. Musgrove, Sen. Hansen, and Sen. Tropila voting aye.

DP 903-Citizen Advisory Committees

02:50:16 **Motion:** Sen. Hansen moved **DP 903 BE ADOPTED.**

02:50:33 Barbara Smith

02:50:44 Rep. Witte

02:51:08 Rep. Ripley

02:51:17 Barbara Smith

02:51:25 Sen. Hansen

02:51:57 Rep. Ripley

02:52:16 Rep. Witte

02:53:07 **Vote:** Motion carried unanimously by voice vote.

DP 904-Area Office Rent Increase

02:53:26 **Motion:** Rep. Musgrove moved **TO ADOPT DP 904.**

Discussion:

02:54:04__Rep. Ripley

02:54:12 Mr. Hagener
02:55:02 Rep. Witte
02:55:27 Mr. Hagener
02:55:42 Rep. Ripley
02:55:54 Rep. Witte
02:55:59 Barbara Smith
02:56:14 Rep. Musgrove
02:56:24 Sen. Tropila
02:56:38 Rep. Witte
02:56:46 Rep. Ripley

02:57:20 **Vote:** Motion carried, 5-1 by roll call vote, Sen. Tash voting no.

DP 905-Search and Rescue Base Adjustment

02:57:29 **Motion:** Sen. Hansen moved that **DP 905 BE ADOPTED.**

Discussion:

02:57:49 Rep. Witte
02:58:05 Barbara Smith
02:58:33 Rep. Ripley
02:59:29 Barbara Smith
02:59:38 Sen. Tash
02:59:43 Barbara Smith
03:00:05 Sen. Tash
03:00:30 Rep. Ripley
03:01:22 Sen. Tash
03:01:49 Rep. Witte
03:02:06 Barbara Smith
03:02:46 Rep. Witte
03:02:50 Barbara Smith
03:03:59 Rep. Ripley
03:04:06 Rep. Witte
03:04:36 Rep. Ripley

03:04:58 **Vote:** Motion carried unanimously by roll call vote.

DP 906 Water Adjudication RST

03:05:11 **Motion:** Rep. Musgrove moved that **DP 906 BE ADOPTED.**

Discussion:

03:05:32 Barbara Smith

03:05:55 **Vote:** Motion carried unanimously by voice vote.

DP 907-Commission Expense Adjustment

03:06:24 **Motion:** Sen. Hansen moved that **DP 907 BE ADOPTED.**

Discussion:

03:06:36 Rep. Witte

03:06:44 Barbara Smith

03:07:08 Rep. Ripley

03:07:20 **Vote:** Motion carried unanimously by voice vote.

DP 908-Seasonal Overtime

03:07:41 **Motion:** Rep. Musgrove moved that **DP 908 BE ADOPTED.**

Discussion:

03:08:07 Rep. Witte

03:08:44 Barbara Smith

03:09:07 Ms. Daly

03:09:50 Rep. Witte

03:10:13 Ms. Daly

03:10:35 Rep. Witte

03:10:40 Ms. Daly

03:11:16 **Vote:** Motion failed 3-3 in a roll call vote, with Rep. Musgrove, Senator Tropila, and Sen. Hansen voting aye.

DP 911-Statute Book Printing

03:11:29 **Motion/Vote:** Rep. Musgrove moved that **DP 911 BE ADOPTED.** Motion failed 3-3 by roll call, Sen. Hansen, Sen. Tropila, and Rep. Musgrove voting aye.

DP 915-River Recreation Management Program

03:12:16 **Motion:** Rep. Musgrove moved that **DP 915 BE ADOPTED.**

Discussion:

03:12:52 Rep. Witte

03:13:05 Rep. musgrove

03:13:27 Mr. Hagener

03:14:26 **Vote:** Motion failed 3-3 by roll call vote, Rep. Musgrove, Sen. Hansen, and Sen. Tropila voting aye.

03:14:36 Barbara Smith

Proprietary Program for Description of Duplicating Centers

Discussion:

03:15:08 Rep. Ripley

03:15:47 Rep. Musgrove

03:16:14 Barbara Smith

03:17:00 Rep. Ripley

03:17:02 Barbara Smith

03:18:21 Rep. Ripley

03:18:24 Barbara Smith

03:18:31 **Motion/Vote:** Rep. Musgrove moved **TO ADOPT THE PROPRIETARY RATES WITH REDUCED VEHICLE RATES.** Motion carried unanimously by voice Vote.

Discussion:

03:20:20 Rep. Witte

03:22:32 Ms. Daly

03:22:41 Rep. Witte

03:23:21 Ms. Daly

03:24:43 Rep. Witte

03:26:54 Ms. Daly

03:27:08 Rep. Witte

3:29:11 Rep. Ripley

EXECUTIVE ACTION ON FISH, WILDLIFE, AND PARKS LANGUAGE

03:29:21 **Motion/Vote:** Sen. Tropila moved **TO REPLACE STATE SPECIAL WITH FEDERAL MONEY.** Motion carried by unanimous voice vote.

ADJOURNMENT

03:30:45 Adjournment

REP. RICK RIPLEY, Chairman

KATIE BUTCHER, Secretary
for CHRISTIE MESSER

RR/kb

Additional Exhibits:

EXHIBIT ([jnh16aad.pdf](#))