

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH, WILDLIFE AND PARKS

Call to Order: By Chairman Mike Milburn, on February 22, 2007 at 3:20 P.M., in Room 152 Capitol.

ROLL CALL

Members Present:

Rep. Mike Milburn, Chairman (R)
Rep. Robyn Driscoll, Vice Chairman (D)
Rep. Gordon R. Hendrick, Vice Chairman (R)
Rep. Debby Barrett (R)
Rep. Arlene Becker (D)
Rep. Gary Branae (D)
Rep. Douglas Cordier (D)
Rep. Ernie Dutton (R)
Rep. George G. Groesbeck (D)
Rep. Edward Hilbert (R)
Rep. Rick Jore (C)
Rep. Harry Klock (R)
Rep. Roger Koopman (R)
Rep. Ken Peterson (R)
Rep. Mike Phillips (D)
Rep. Kendall Van Dyk (D)
Rep. Chas Vincent (R)
Rep. Bill Wilson (D)

Members Excused: Rep. John Ward (R)

Members Absent: None.

Staff Present: Debra Polhemus, Committee Secretary
Doug Sternberg, 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: HB 476, 2/16/2007; HJ 35,
2/16/2007; HB 721, 2/15/2007; HB
759, 2/15/2007; HB 770, 2/19/2007
Executive Action: HB 476; HB 613; HB 642; HB 721
HJ 35; HB 770; HB 759; HB 440
HB 284

HEARING ON HB 770

Opening Statement by Sponsor:

00:02:55 Rep. JP Pomnichowski (D), HD 63, opened the hearing on
HB 770, Revise Fish, Wildlife, and Parks laws regarding
disabled certification.

Proponents' Testimony:

00:05:22 Jeff Hagener, Director, Fish, Wildlife & Parks
[EXHIBIT\(fih40a01\)](#)
00:06:14 Robert Throssell, representing Montana Wildlife
Federation
00:06:29 Joe Gutkoski, Director, Gallatin Wildlife Association

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:07:02 Rep. JP Pomnichowski

HEARING ON HJ 35

Opening Statement by Sponsor:

00:07:16 Rep. Bob Ebinger (D), HD 62, opened the hearing on HJ
35, Urge Fish, Wildlife & Parks weed program
performance audit.
[EXHIBIT\(fih40a02\)](#)
[EXHIBIT\(fih40a03\)](#)

Proponents' Testimony:

00:10:46 Marty Malone, Weed Control Association
00:11:41 Jay Bodner, Montana Stock Growers Association
00:13:15 John Youngbird, Montana Farm Bureau
00:13:25 Clay Williams, Park Country Weed Control District

Opponents' Testimony: None

Informational Testimony:

00:14:51 Bob Rainey, former Montana Legislator
00:15:35 Jeff Hagener, Director, Fish, Wildlife & Parks
[EXHIBIT\(fih40a04\)](#)

Questions from Committee Members and Responses:

00:17:18 Rep. Barrett
00:17:53 Jeff Hagener
00:18:46 Rep. Phillips

Closing by Sponsor:

00:20:02 Rep. Bob Ebinger

HEARING ON HB 721

Opening Statement by Sponsor:

00:20:28 Rep. Wayne Stahl (R), HD 35, opened the hearing on HB 721, Revise law on sportsman landowner relations/recreational use of streams.

Proponents' Testimony:

00:22:29 Lance Lovell, Attorney, Billings
00:28:06 John Bloomquist, Attorney, representing Montana Stock Growers Association
00:29:45 John Youngbird, Montana Farm Bureau
00:30:09 Bill Galt, Rancher, White Sulphur Springs

Opponents' Testimony:

00:30:38 Robert Throssell, representing Montana Wildlife Federation
00:32:03 Stan Frasier, Helena Hunters and Anglers Association
00:32:56 John Gibson, representing Billings Rod and Gun Club
00:33:48 Chris Marchion, President, Montana Wildlife Federation, also Vice President, Anaconda Sportsman Club

Opponents' Testimony: (Con't)

00:34:17 Mark Aagenes, Montana Trout Unlimited
00:35:19 Tony Schoonen, Public Land Access Association
00:36:12 Molly Immen, representing Montana Audubon
00:36:49 Joe Gutkoski, President, Montana River Action
00:37:21 Kirk Kephert, Cornerstone Conservation
00:38:00 George Graham, Billings

Informational Testimony:

00:38:34 Jeff Hagener, Director, Fish, Wildlife & Parks
[EXHIBIT\(fih40a05\)](#)
[EXHIBIT\(fih40a06\)](#)

Questions from Committee Members and Responses:

00:41:20 Rep. Dutton
00:43:38 Rep. Peterson
00:45:23 Bob Lane, Attorney, Fish, Wildlife & Parks

Closing by Sponsor:

00:46:17 Rep. Wayne Stahl

HEARING ON HB 759

Opening Statement by Sponsor:

00:48:38 Rep. Gordon Hendrick (R), HD 14, opened the hearing on
HB 759, Revise fee system funding search &
rescue/search & rescue advisory council.
[EXHIBIT\(fih40a07\)](#)

Proponents' Testimony:

00:55:03 Mike Byrnes, Vice President, Mineral Country Search and
Rescue
01:00:52 Mike Bedick, President, Sanders County Search and
Rescue
01:01:16 Tony Schoonen, self

Opponents' Testimony:

01:01:42 Cheryl Liedle, Sheriff, Lewis & Clark County and
President of Montana Sheriff and Peace Officers
Association

Informational Testimony:

01:04:37 Jeff Hagener, Director, Fish, Wildlife & Parks

[EXHIBIT\(fih40a08\)](#)

01:05:48 Dan McGowan, Administrator, Montana Disaster and
Emergency Services

Questions from Committee Members and Responses:

01:09:39 Rep. Phillips

01:11:16 Rep. Barrett

01:11:39 Mike Byrnes

01:12:03 Dan McGowan

01:13:20 Rep. Barrett

Closing by Sponsor:

01:17:24 Rep. Gordon Hendrick

HEARING ON HB 476

Opening Statement by Sponsor:

01:18:43 Rep. Kendall Van Dyk (D), HD 49, opened the hearing on
HB 476, Revise special elk permit law/waiting
period/exceptions.

[EXHIBIT\(fih40a09\)](#)

Proponents' Testimony:

01:26:56 John Gibson, Billings Rod and Gun Club

01:28:45 Tony Schoonen, representing Skyline and Anaconda Sports
Clubs

01:31:41 Robert Throssell, representing Montana Wildlife
Federation

01:32:11 Chris Marchion, self

01:32:57 Stan Frasier, Helena Hunters and Anglers Association

01:33:12 Fred Easy, representing Prickly Pear Sportsman
Association

Opponents' Testimony:

01:30:01 Gary Dobler, Rancher/Farmer, Elkhorn Range

01:33:38 Jay Bodner, representing Montana Stock Growers
Association

01:37:21 Gene Johnson, representing Montana Outfitters and
Guides Association

01:39:22 Karla Johnson, representing Montana Cattle Women and
also speaking for personal family

Opponents' Testimony: (Con't)

01:40:16 Mike Murphy, speaking for self and family
01:42:13 John Youngbird, representing Montana Farm Bureau
01:43:24 Pat Torgerson, self

Informational Testimony:

01:44:24 Jeff Hagener, Directors, Fish, Wildlife & Parks
EXHIBIT(fih40a10)

Questions from Committee Members and Responses: None

Closing by Sponsor:

01:45:43 Rep. Kendall Van Dyk

01:50:43 Break
02:01:44 Reconvene

EXECUTIVE ACTION ON HJR 35

02:02:16 **Motion:** Rep. Hendrick moved that **HJR 35 BE ADOPTED.**

Discussion:

02:02:28 Rep. Phillips
02:02:36 Rep. Jore arrived at hearing
02:02:48 **Vote:** **MOTION CARRIED** 18-1 by voice vote with Rep. Jore voting no with Reps. Koopman and Ward voting by proxy.

EXECUTIVE ACTION ON HB 770

02:04:15 **Motion/Vote:** Rep. Branae moved that **HB 770 DO PASS.**
MOTION CARRIED unanimously by voice vote with Rep. Koopman and Ward voting by proxy.

EXECUTIVE ACTION ON HB 476

02:05:37 **Motion:** Rep. Van Dyk moved that **HB 476 DO PASS.**

02:05:55 **Motion/Vote:** Rep. Van Dyk moved that **HB 476 BE AMENDED. MOTION CARRIED** 18-1 by voice vote with Rep. Barrett voting no and Reps. Koopman and Ward voting by proxy.

02:06:32 **Motion:** Rep. Van Dyk moved that **HB 476 DO PASS AS AMENDED.**

Discussion:

02:06:41 Rep. Klock

02:06:58 Rep. Barrett

02:07:20 Rep. Van Dyk

02:08:03 Rep. Phillips

02:08:14 Rep. Koopman returned to hearing

02:09:26 Rep. Hilbert

02:11:26 Rep. Vincent

02:11:44 Rep. Hendrick

02:12:11 Chairman Milburn

02:12:26 Rep. Peterson

02:13:19 **Vote:** **MOTION FAILED** 9-10 by roll call vote with Reps. Becker, Branae, Cordier, Driscoll, Dutton, Groesbeck, Phillips, Van Dyk, and Wilson voting aye with Rep. Ward voting by proxy.

02:14:12 **Motion/Vote:** Rep. Hendrick moved that **HB 476 BE TABLED AND THE VOTE REVERSED. MOTION CARRIED** unanimously by voice vote with Rep. Ward voting by proxy.

EXECUTIVE ACTION ON HB 759

02:14:35 **Motion:** Rep. Hendrick moved that **HB 759 DO PASS.**

02:14:54 **Motion/Vote:** Rep. Dutton moved that **HB 759 BE AMENDED. MOTION CARRIED** 18-1 by voice vote with Rep. Barrett voting no and Rep. Ward voting by proxy.

02:15:58 **Motion:** Rep. Hendrick moved that **HB 759 DO PASS AS AMENDED.**

Discussion:

02:16:38 Chairman Milburn

02:17:19 **Vote:** **MOTION CARRIED** 13-6 by roll call vote with Reps. Jore, Klock, Koopman, Milburn, Peterson, and Van Dyk voting no and Rep. Ward voting by proxy.

EXECUTIVE ACTION ON HB 721

02:18:36 **Motion:** Rep. Peterson moved that **HB 721 DO PASS.**

Discussion:

02:18:56 Rep. Peterson
02:19:26 Rep. Barrett
02:20:06 Rep. Peterson
02:21:03 Chairman Milburn
02:21:11 Rep. Barrett
02:21:17 Doug Sternberg, Legislative Services Division
02:22:15 Rep. Van Dyk

02:22:22 **Motion/Vote:** Rep. Van Dyk moved that **HB 721 BE TABLED. MOTION CARRIED** 13-6 by voice vote with Reps. Barrett, Jore, Milburn, Hendrick, Koopman, and Vincent voting no and Rep. Ward voting by proxy.

EXECUTIVE ACTION ON HB 642

02:24:11 **Motion:** Rep. Hendrick moved that **HB 642 DO PASS.**

02:24:36 **Motion:** Rep. Hendrick moved that **HB 642 BE AMENDED. [EXHIBIT\(fih40a11\)](#)**

Discussion:

02:25:07 Chairman Milburn
02:31:30 Rep. Koopman
02:32:03 Chairman Milburn
02:32:53 Rep. Peterson
02:33:13 Chairman Milburn
02:33:46 Rep. Peterson
02:34:05 Doug Sternberg
02:35:35 Rep. Peterson
02:36:16 Doug Sternberg
02:38:15 Chairman Milburn
02:38:32 Rep. Becker
02:39:02 Doug Sternberg
02:42:09 Chairman Milburn
02:42:47 Rep. Barrett
02:42:59 Chairman Milburn

02:43:22 **Vote:** **MOTION CARRIED** 17-2 by roll call vote with Reps. Groesbeck and Van Dyk voting no and Rep. Ward voting by proxy.

02:44:13 **Motion:** Rep. Hendrick moved that **HB 642 DO PASS AS AMENDED.**

Discussion:

02:44:39 Rep. Jore

02:46:52 Rep. Peterson

02:49:42 **Vote:** **MOTION FAILED** 7-12 by roll call vote with Reps. Barrett, Hendrick, Jore, Koopman, Milburn, Vincent, and Ward voting aye and Rep. Ward voting by proxy.

02:50:44 **Motion/Vote:** Rep. Hendrick moved that **HB 642 BE TABLED AND THE VOTE REVERSED. MOTION CARRIED** unanimously by voice vote and Rep. Ward voting by proxy.

EXECUTIVE ACTION ON HB 613

02:51:51 **Motion:** Rep. Hendrick moved that **HB 613 DO PASS.**

02:52:13 **Motion:** Rep. Hendrick moved that **HB 613 BE AMENDED.**

Discussion:

02:53:20 Doug Sternberg

02:54:23 Rep. Jore left the hearing

02:55:54 **Substitute Motion:** Rep. Koopman made a substitute motion **TO SEGREGATE #3 OF THE AMENDMENTS. MOTION FAILED** 9-10 by roll call vote with Reps. Hendrick, Barrett, Becker, Groesbeck, Hilbert, Jore, Koopman, Vincent and Ward voting aye and Reps. Jore and Ward voting by proxy.

Discussion:

02:57:21 Rep. Hilbert

02:57:32 Doug Sternberg

02:58:26 Rep. Peterson

02:58:53 Rep. Van Dyk

02:59:01 Rep. Koopman

03:01:00 **Vote:** **MOTION FAILED 5-14** by roll call vote with Reps. Cordier, Groesbeck, Milburn, Van Dyk, and Wilson voting aye and Reps. Jore and Ward voting by proxy.

Discussion:

03:03:46 Doug Sternberg

03:03:59 **Substitute Motion/Vote:** Rep. Dutton made a substitute motion that **HB 613 BE TABLED. SUBSTITUTE MOTION CARRIED 10-9** by roll call vote with Reps. Hendrick, Hilbert, Jore, Klock, Koopman, Milburn, Van Dyk, Vincent, and Ward voting no and Reps. Jore and Ward voting by proxy.

EXECUTIVE ACTION ON HB 440

03:06:01 **Motion:** Rep. Barrett moved that **HB 440 DO PASS.**

Discussion:

03:06:18 Rep. Barrett

03:08:28 Rep. Phillips

03:10:53 **Vote:** **MOTION CARRIED 12-7** by roll call vote with Reps. Becker, Branae, Cordier, Driscoll, Phillips, Van Dyk, And Wilson voting no and Reps. Jore and Ward voting by proxy.

EXECUTIVE ACTION ON HB 284

03:12:22 **Motion/Vote:** Rep. Becker moved to **RECONSIDER THE ACTION ON HB 284. MOTION CARRIED** unanimously by voice vote with Reps. Jore and Ward voting by proxy.

03:13:30 **Motion:** Rep. Hendrick moved that **HB 284 DO PASS.**

03:13:49 **Motion:** Rep. Hendrick moved that **HB 284 BE AMENDED.**
EXHIBIT(fih40a12)

Discussion:

03:14:12 Chairman Milburn

03:14:36 Doug Sternberg

03:19:00 Rep. Peterson

03:19:39 Doug Sternberg

03:20:00 Rep. Peterson

03:20:13 Rep. Hendrick

03:21:11 Rep. Peterson

03:21:45 Rep. Koopman

03:22:12 Doug Sternberg

03:22:47 **Substitute Motion/Vote:** Rep. Peterson moved that **HB 284 BE AMENDED WITH A CONCEPTUAL AMENDMENT. MOTION CARRIED** unanimously by voice vote with Reps. Jore and Ward voting by proxy.

Discussion:

03:23:52 Rep. Barrett

03:24:56 Joe Maurier, Fish, Wildlife & Parks

03:25:37 **Motion/Vote:** Rep. Hendrick moved that **HB 284 BE AMENDED. MOTION CARRIED** unanimously by voice vote with Reps. Jore and Ward voting by proxy.

03:26:10 **Motion/Vote:** Rep. Hendrick moved that **HB 284 DO PASS AS AMENDED. MOTION CARRIED** unanimously by voice vote with Reps. Jore and Ward voting by proxy.

EXHIBIT(fih40a13)

Pertaining to HB 642 heard on February 20, 2007

EXHIBIT(fih40a14)

Pertaining to HB 440 heard on February 20, 2007

ADJOURNMENT

Adjournment: 6:50 P.M.

REP. MIKE MILBURN, Chairman

DEBRA POLHEMUS, Secretary

MM/dp

Additional Exhibits:

EXHIBIT ([fih40aad.pdf](#))