

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH, WILDLIFE AND PARKS

Call to Order: By Chairman Mike Milburn, on April 3, 2007 at 3:00 P.M., in Room 303, the Old Supreme Court Chambers, 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. John Ward (R)
Rep. Bill Wilson (D)

Members Excused: None.

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: SJR 3, 3/13/2007; SB 78, 3/7/2007

Executive Action: SJR 18; SB 128; SB 372

EXECUTIVE ACTION ON SJR 18

00:07:25 **Motion:** Rep. Hendrick moved that **SJR 18 BE ADOPTED.**

00:07:31 **Vote:** **MOTION CARRIED** 10-9 by roll call vote with Reps. Barrett, Hilbert, Jore, Klock, Koopman, Milburn, Peterson, Vincent, and Ward voting no and Rep. Vincent voting by proxy. Rep. Van Dyk will carry SJR 18.

00:07:36 Rep. Vincent arrived at hearing.

EXECUTIVE ACTION ON SB 372

00:09:19 **Motion:** Rep. Ward moved that **SB 372 BE CONCURRED IN.**

Discussion:

00:09:32 Rep. Barrett

00:09:51 Rep. Ward

00:10:09 **Vote:** **MOTION CARRIED** unanimously by voice vote. Rep. Milburn will carry SB 372.

EXECUTIVE ACTION ON SB 128

00:10:44 **Motion:** Rep. Hendrick moved that **SB 128 BE CONCURRED IN.**

Discussion:

00:11:02 Chairman Milburn

00:11:28 **Vote:** **MOTION CARRIED** 17-2 by voice vote with Reps. Jore and Koopman voting no. Rep. Peterson will carry SB 128.

00:12:01 Break

00:29:36 Reconvene

HEARING ON SJR 3

Opening Statement by Sponsor:

00:29:52 Sen. Dan Weinberg (D), SD 2, opened the hearing on SJR 3, Urge funding for restoration of parks, battlefields, and monuments.

Proponents' Testimony:

00:34:54 Sandy Pew, Rancher, Belgrade, Chair of the Northern Rockies National Park Conservation Association and Chair, Glacier National Park
00:38:34 William Hammerquist, speaking for Governor Schweitzer and Lt. Governor Bohlinger

EXHIBIT (fih71a01)

00:39:16 Carl Schweitzer, representing Bozeman and Kalispell Chamber of Commerce
00:39:55 Peter Frank, young Glacier Park enthusiast
00:40:36 Aiden Mhyre, self
00:41:40 Jane Ratzlaff, Executive Director, Glacier National Park Fund
00:42:46 Fred Sterhan, Marina Cay Co-Owner, also speaking for Montana Innkeepers Association
00:43:16 Jan Metzmaker, Director, Whitefish Convention and Visitors Bureau
00:44:09 Jim Hollenback, President, Glacier County Regional Tourism Commission

EXHIBIT (fih71a02)

00:44:36 Mike Scholz, Bozeman/Big Sky, Governor's Tourism Advisory Council
00:45:05 Amy MacNamera, Greater Yellowstone Commission
00:45:42 Robin Hoover, Executive Director, Yellowstone Tourism
00:45:57 May Sue Costello, West Yellowstone County
00:46:09 Molly Immen, representing Montana Audubon
00:46:22 Rhonda Fitzgerald, Whitefish small business owner
00:46:41 Ed Bartlett, representing Travel Industry Association of Montana

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:47:06 Rep. Barrett
00:47:49 Sen Dan Weinberg
00:48:01 Rep. Barrett
00:48:54 Rep. Jore

Closing by Sponsor:

00:49:55 Sen. Dan Weinberg

HEARING ON SB 78

Opening Statement by Sponsor:

00:51:14 Sen. Lane Larson (D), SD 22, opened the hearing on SB 78, Clarify stream access from bridges.

Proponents' Testimony:

00:54:52 Mark Aagenes, also speaking for many Montana anglers

00:58:41 Robert Throssell, representing Montana Wildlife Federation

[EXHIBIT\(fih71a03\)](#)

[EXHIBIT\(fih71a04\)](#)

[EXHIBIT\(fih71a05\)](#)

01:01:07 Jeff Hagener, Director, Fish, Wildlife & Parks

[EXHIBIT\(fih71a06\)](#)

01:04:46 Jim Goetz, Attorney, Bozeman, previously represented Coalition for Stream Access

01:06:48 Sen. Jim Shockley, SD 45

01:09:42 John Ostlund, Yellowstone County Commissioners speaking for all Yellowstone County Commissioners

01:10:53 Ed Tinsley, Lewis & Clark County Commissioner

01:12:21 Bob Gilbert, Executive Director, Walleyes Unlimited of Montana

01:13:08 Robin Cunningham, fishing outfitter

01:13:43 Chris Marchion, representing Montana Wildlife Federation as Volunteer President

01:16:30 Hugo Tureck, Coffee Creek rancher

[EXHIBIT\(fih71a07\)](#)

01:17:53 John Gibson, representing Billings Rod and Gun Club

01:20:37 Mr. Holderf, Butte Sportsman Association

[EXHIBIT\(fih71a08\)](#)

01:21:09 Harold Blattie, Executive Director, Montana Association of Counties (MACo)

01:21:14 Tony Schoonen, Director, Public Lands/Water Access Association, Inc.

[EXHIBIT\(fih71a09\)](#)

01:21:28 Steve Luebeck, Trout Unlimited, Butte

01:21:41 Pat Munday, self

01:22:10 Chad Okrusch, self

01:22:36 Josh Vincent, business owner, Butte

01:22:52 Paul Richards, Montana Wildlands Alliance

01:23:11 Stan Frasier, Helena Hunters and Anglers Association

[EXHIBIT\(fih71a10\)](#)

Proponents' Testimony: (Con't)

01:23:24 Molly Immen, Montana Audubon
01:23:34 Paul Roos, former outfitter, Blackfoot
01:23:46 Matt Vincent, self, Butte
01:24:07 Pat Straub, self
01:24:28 Joe Gutkoski, President, Montana River Action
01:24:49 W. Robert Korizek

EXHIBIT(fih71a11)

01:25:01 Tom Bugni, Co-Founder, Coalition of Stream Access,
President, Skyline Sportsman Association, Butte
01:25:30 Jim Bjornemo, self
01:25:47 Charlotte Trolinger, Boulder

Opponents' Testimony:

01:26:35 John Bloomquist, representing Montana Stock Growers
Association
01:37:34 George Trischman, Madison and Beaverhead Rancher

EXHIBIT(fih71a12)

01:42:03 Steve Wilcox, Rancher, Ruby River
01:44:34 Fred Finke, Big Sandy Rancher
01:47:04 Bill Garrison, Rancher from Madison Silverbow County
01:50:47 Ken Higit, Cascade area Rancher
01:52:13 Bob Butler, Twin Bridges
01:52:22 John Youngbird, Montana Farm Bureau
01:52:31 Mike Murphy, Montana Water Resources Association
01:52:43 Pat Torgerson, representing Women Involved in Farm
Economics
01:52:56 Lance Lovell, Billings Attorney
01:53:08 Jay Sprott, Billings

EXHIBIT(fih71a13)

01:53:23 Karla Johnson, representing Montana Cattlewomen
01:53:33 Jason Olson
01:53:38 Jay Bodner, representing Public Lands Council
01:53:57 Gene Curry, Rancher
01:54:05 Randy Lowder, Twin Bridges
01:54:16 Jeremy Miller, Ruby River Rancher
01:54:28 Meghann Miller, Miller Cattle Company
01:54:42 John Bloomquist

EXHIBIT(fih71a14)

EXHIBIT(fih71a15)

EXHIBIT(fih71a16)

Informational Testimony: None

Questions from Committee Members and Responses:

01:55:44 Rep. Ward
01:56:13 Sen. Larson
01:57:22 Rep. Ward
01:58:42 Sen. Shockley
01:59:12 Rep. Groesbeck
01:59:38 Jim Goetz
02:00:26 Rep. Groesbeck
02:00:39 Jim Goetz
02:02:48 Rep. Groesbeck
02:03:45 John Bloomquist
02:06:49 Rep. Barrett
02:07:31 John Bloomquist
02:10:31 Rep. Vincent
02:11:35 John Bloomquist
02:12:40 Rep. Phillips
02:13:16 Jeff Hagener
02:15:36 Rep. Phillips
02:16:30 Rep. Driscoll
02:17:03 John Bloomquist
02:18:14 Rep. Driscoll
02:18:22 Sen. Larson
02:19:29 Rep. Dutton
02:20:30 Sen. Larson
02:20:58 Bob Lane, Chief Legal Council, Fish, Wildlife & Parks
02:22:29 Rep. Dutton
02:23:16 Bob Lane
02:24:25 Rep. Koopman
02:25:43 Lance Lovell
02:31:35 Rep. Koopman
02:33:22 Lance Lovell
02:34:49 Rep. Van Dyk
02:35:25 Harold Blattie
02:37:09 Rep. Van Dyk
02:37:52 Sen. Larson
02:38:40 Rep. Peterson
02:39:01 John Ostlund
02:40:05 Rep. Peterson
02:40:25 John Ostlund
02:42:04 Rep. Peterson
02:42:36 Jim Goetz
02:44:26 Chairman Milburn
02:45:12 John Bloomquist
02:49:58 Chairman Milburn
02:50:25 John Youngbird
02:51:24 Chairman Milburn
02:51:35 Mark Aagenes
02:55:07 Chairman Milburn
02:55:46 Sen. Larson

Closing by Sponsor:

02:57:55 Sen. Lane Larson

03:05:36 Break

03:36:14 Reconvene

EXECUTIVE ACTION ON SB 78

03:36:53 **Motion:** Rep. Hendrick moved that **SB 78 BE CONCURRED IN.**

03:37:02 **Motion:** Rep. Vincent moved that **SB 78 BE AMENDED.**
EXHIBIT(fih71a17)

Discussion:

03:37:31 Doug Sternberg, Legislative Services Division

03:48:46 Rep. Phillips

03:49:40 Doug Sternberg

03:50:04 Chairman Milburn

03:51:17 Rep. Phillips

03:51:29 Chairman Milburn

03:51:40 Rep. Phillips

03:52:11 Chairman Milburn

03:53:19 Doug Sternberg

03:54:08 Rep. Phillips

03:54:45 Rep. Van Dyk

03:55:12 Rep. Vincent

03:56:28 Rep. Van Dyk

03:56:42 Rep. Vincent

03:56:48 Rep. Van Dyk

03:58:50 Rep. Vincent

03:59:13 Rep. Peterson

04:00:53 Rep. Vincent

04:01:31 Doug Sternberg

04:03:32 Rep. Peterson

04:03:49 Chairman Milburn

04:04:11 Rep. Peterson

04:04:48 **Substitute Motion:** Rep. Jore made a substitute motion
that portion #4 and #23 of the **AMENDMENT BE SEGREGATED.**

Discussion:

04:05:16 Rep. Jore

04:06:10 Rep. Becker

04:06:41 Rep. Peterson

Discussion: (Con't)

04:07:09 Doug Sternberg
04:08:39 Rep. Vincent
04:08:57 Chairman Milburn
04:11:26 Rep. Phillips
04:12:20 Doug Sternberg

04:13:42 **Amendment to Substitution Motion:** Rep. Jore moved to add portion #9 to his previous motion. Without objection, the committee accepted this amendment.

04:14:09 **Vote:** **MOTION FAILED** 5-14 by roll call vote with Reps. Groesbeck, Hilbert, Jore, Koopman, and Van Dyk voting aye and Rep. Hendrick voting by proxy.

Discussion:

04:15:17 Rep. Phillips
04:15:40 Rep. Vincent
04:15:52 Doug Sternberg
04:17:39 Rep. Phillips
04:17:47 Doug Sternberg
04:17:55 Rep. Becker
04:19:07 Doug Sternberg

04:19:36 Rep. Hendrick returned to hearing.

04:21:09 Rep. Becker
04:21:56 Rep. Driscoll
04:22:21 Rep. Vincent
04:22:37 Rep. Driscoll
04:23:12 Rep. Vincent
04:24:20 Rep. Ward
04:25:07 Rep. Driscoll
04:25:21 Chairman Milburn

04:27:49 **Motion:** Rep. Peterson moved that **SB 78 BE AMENDED WITH A CONCEPTUAL AMENDMENT.**

Discussion:

04:28:55 Rep. Groesbeck
04:32:50 Rep. Dutton

04:34:08 **Vote:** **MOTION CARRIED** 11-8 by roll call vote with Reps. Becker, Branae, Cordier, Driscoll, Groesbeck, Phillips, Van Dyk, and Wilson voting no.

04:35:30 **Motion:** Rep. Hendrick moved that **HB 78 BE CONCURRED IN AS AMENDED.**

04:35:48 **Motion:** Rep. Dutton moved that **SB 78 BE AMENDED WITH A CONCEPTUAL AMENDMENT.**

Discussion:

04:36:09 Rep. Phillips
04:36:55 Doug Sternberg
04:37:43 Rep. Phillips
04:37:51 Doug Sternberg
04:38:37 Rep. Peterson
04:39:22 Doug Sternberg

04:41:39 **Vote:** **MOTION CARRIED** 11-8 by voice vote with Reps. Barrett, Cordier, Jore, Klock, Phillips, Van Dyk, Ward, and Wilson voting no.

04:43:12 **Motion:** Rep. Hendrick moved that **SB 78 BE CONCURRED IN AS AMENDED.**

04:43:21 **Substitute Motion/Vote:** Rep. Van Dyk made a substitute motion that **SB 78 BE TABLED. SUBSTITUTE MOTION CARRIED** 13-6 by roll call vote with Reps. Barrett, Dutton, Koopman, Milburn, Peterson, and Vincent voting no.

Additional Exhibits:

All additional exhibits are pertaining to SB 78 which was heard on April 3, 2007

[EXHIBIT\(fih71a18\)](#)

[EXHIBIT\(fih71a19\)](#)

[EXHIBIT\(fih71a20\)](#)

[EXHIBIT\(fih71a21\)](#)

[EXHIBIT\(fih71a22\)](#)

[EXHIBIT\(fih71a23\)](#)

[EXHIBIT\(fih71a24\)](#)

[EXHIBIT\(fih71a25\)](#)

[EXHIBIT\(fih71a26\)](#)

[EXHIBIT\(fih71a27\)](#)

ADJOURNMENT

Adjournment: 8:00 P.M.

REP. MIKE MILBURN, Chairman

DEBRA POLHEMUS, Secretary

MM/dp

Additional Exhibits:

EXHIBIT ([fih71aad.pdf](#))