

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH, WILDLIFE AND PARKS

Call to Order:

CHAIRMAN KENDALL VAN DYK, on January 15, 2009 at 3:00 P.M.,
in Room 152 Capitol.

ROLL CALL

Members Present:

Rep. Kendall Van Dyk, Chairman (D)
Rep. Gordon R. Hendrick, Vice Chairman (R)
Rep. Dick Barrett (D)
Rep. Paul Beck (D)
Rep. Carlie Boland (D)
Rep. Joel Boniek (R)
Rep. Jill Cohenour (D)
Rep. Mike Miller (R)
Rep. Jesse O'Hara (R)
Rep. Ken Peterson (R)
Rep. Mike Phillips (D)
Rep. JP Pomnichowski (D)
Rep. Cary Smith (R)
Rep. Ted Washburn (R)
Rep. Jeffery Welborn (R)

Members Excused: None.

Members Absent: Rep. Dave McAlpin, Vice Chairman (D)
Rep. Frosty Boss Ribs (D)
Rep. Mike Milburn (R)

Staff Present: Bryce Bennett, 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 26, 1/8/2009; HB 42, 1/8/2009;
HB 137, 1/8/2009; HB 203, 1/8/2009

Executive Action: HB 62, HB 63

00:01:16 Rep. McAlpin arrived at the meeting

HEARING ON HB 42

Opening Statement by Sponsor:

00:01:34 **REP. CHAS VINCENT (R), HD 2**, opened the hearing on **HB 42**, Forest management program for FWP land.

[**EXHIBIT\(fih09a01\)**](#)

00:03:06 Rep. Calf Boss Ribs arrived at the meeting

00:03:43 Rep. Milburn arrived at the meeting

Proponents' Testimony:

00:06:27 Steve Flynn, Resource Manager, Sun Mountain Lumber

[**EXHIBIT\(fih09a02\)**](#)

00:12:21 Jason Todhunter, Montana Logging Association

00:13:31 Doug Mote, Mote Lumber

00:15:39 Kevin Smith, self

00:17:37 Ellen Simpson, Montana Wood Products Association

00:18:08 Pat McKelvey, Board Member, Fire Safe Montana

Opponents' Testimony: none.

Informational Testimony:

00:21:10 Chris Smith, Deputy Director, Fish, Wildlife, & Parks

[**EXHIBIT\(fih09a03\)**](#)

00:24:42 Bob Harrington, Administrator, Department of Natural Resources and Conservation (DNRC)

Questions from Committee Members and Responses:

00:26:15 Rep. Washburn

00:26:42 Mr. Smith

00:27:45 Rep. Washburn

00:28:09 Mr. Smith

00:28:42 Rep. Washburn

00:28:51 Rep. Phillips

00:29:24 Mr. Smith

00:29:39 Rep. Phillips

00:30:37 Mr. Harrington

00:31:50 Rep. Cohenour

00:32:21 Mr. Smith

00:33:22 Rep. Cohenour

00:33:34 Rep. Smith
00:33:48 Rep. Vincent
00:34:02 Rep. Smith
00:34:13 Rep. Vincent
00:35:15 Rep. Smith
00:35:27 Rep. Vincent
00:35:58 Chairman Van Dyk
00:36:34 Rep. Boniek
00:37:08 Mr. Smith
00:37:36 Rep. Peterson
00:38:05 Mr. Smith
00:39:20 Rep. Boniek
00:39:45 Mr. Flynn

Closing by Sponsor:

00:41:11 Rep. Vincent

HEARING ON HB 137

Opening Statement by Sponsor:

00:43:15 **REP. WALTER MCNUTT (R), HD 37**, opened the hearing on **HB 137**, Revise license benefits for hunter access program.

Proponents' Testimony:

00:46:49 Nancy Schlepp, Montana Farm Bureau Association
00:47:25 Land Tawney, Chairman, Private Land Public Wildlife Council
00:49:48 Mr. Smith

[**EXHIBIT \(fih09a04\)**](#)

Opponents' Testimony:

00:50:46 Marvin Drake, Montana Bow Hunter Association

Informational Testimony: none.

Questions from Committee Members and Responses:

00:52:11 Rep. Welborn
00:52:45 Mr. Smith
00:53:09 Rep. Welborn
00:53:26 Mr. Smith
00:53:53 Rep. Barrett
00:54:25 Mr. Tawney

Closing by Sponsor:

00:55:16 Rep. McNutt

HEARING ON HB 203

Opening Statement by Sponsor:

00:57:45 **REP. MIKE MILLER (R)**, HD 84, opened the hearing on **HB 203**, Require landowner notification of animal relocation and release.

Proponents' Testimony:

00:59:43 Ms. Schlepp
01:00:33 Aeric Reilly, Montana Wool Growers Association
01:01:41 Jill Webb, self

Opponents' Testimony: none.

Informational Testimony:

01:07:02 Mr. Smith
[EXHIBIT\(fih09a05\)](#)

Questions from Committee Members and Responses: none.

Closing by Sponsor: none.

01:11:03 Chairman Van Dyk

HEARING ON HB 26

Opening Statement by Sponsor:

01:11:52 **REP. KEN PETERSON (R)**, HD 46, opened the hearing on **HB 26**, Revise stream access at bridges.

Proponents' Testimony: none.

Opponents' Testimony:

01:25:53 George Golie, Montana Wildlife Federation
01:30:29 John Bloomquist, Montana Stock Growers Association
01:35:38 Mark Aagenes, Montana Trout Unlimited
01:38:07 Cory Swanson, Citizens for Balanced Use
01:43:43 Bob Lane, Chief Legal Council, Fish, Wildlife, & Parks
[EXHIBIT\(fih09a06\)](#)
01:50:06 Casey Perkins, Montana Audubon
01:51:12 Murdo Wilson, self

Informational Testimony: none.

Questions from Committee Members and Responses: none.

Closing by Sponsor:

02:00:56 Rep. Peterson

02:08:58 Break

02:16:26 The committee reconvened.

EXECUTIVE ACTION ON HB 62

02:17:17 **Motion:** REP. PETERSON moved that **HB 62 DO PASS.**

Discussion:

02:17:26 Rep. Cohenour

02:18:40 Rep. Phillips

02:19:23 Rep. Peterson

02:20:38 Rep. Welborn

02:21:37 Rep. Washburn

02:21:57 Rep. Miller

02:22:22 Rep. Cohenour

02:22:54 Vice Chair McAlpin

02:23:09 Vice Chair Hendrick

02:24:03 Rep. Peterson

02:24:15 Chairman Van Dyk

02:24:25 Rep. Boniek

02:26:24 **Motion:** REP. COHENOUR CALLED THE QUESTION ON **HB 62.**

Vote: Motion carried 12-6 by roll call vote with REP. BONIEK, REP. HENDRICK, REP. MILBURN, REP. MILLER, REP. PETERSON, and REP. SMITH voting no.

EXECUTIVE ACTION ON HB 63

02:28:43 Mr. Sternberg

02:30:05 **Motion:** REP. POMNICHOWSKI moved that **HB 63 DO PASS.**

02:30:14 **Motion:** REP. POMNICHOWSKI moved that **HB 63 BE AMENDED.**
EXHIBIT(fih09a07)

Discussion: none.

02:31:08 REP. COHENOUR CALLED THE QUESTION ON THE MOTION TO AMEND.

02:31:13 **Vote:** Motion carried unanimously by voice vote.

02:31:33 Mr. Sternberg

02:31:43 **Motion:** REP. POMNICHOWSKI moved that **HB 63 BE AMENDED. EXHIBIT(fih09a08)**

Discussion: none.

02:32:20 **Vote:** Motion carried unanimously by voice vote.

02:32:35 Mr. Sternberg

02:33:08 **Motion:** REP. BARRETT moved that **HB 63 BE AMENDED. EXHIBIT(fih09a09)**

Discussion: none.

02:34:47 REP. MILBURN CALLED THE QUESTION ON THE MOTION TO AMEND.

02:34:55 **Vote:** Motion carried unanimously by voice vote.

02:35:03 Mr. Sternberg

02:35:34 **Motion:** REP. POMNICHOWSKI moved that **HB 63 BE AMENDED. EXHIBIT(fih09a10)**

Discussion:

02:36:40 Rep. McAlpin

02:36:50 Rep. Pomnichowski

02:37:19 Rep. Washburn

02:37:26 Rep. Pomnichowski

02:37:35 Rep. Washburn

02:37:50 Rep. Phillips

02:38:15 Jim Kropp, Fish, Wildlife, & Parks

02:38:33 Rep. Cohenour

02:39:29 Mr. Sternberg

02:42:08 Rep. Cohenour

02:42:44 Mr. Sternberg

02:43:25 **Motion:** REP. COHENOUR moved that **THE QUESTION BE DIVIDED ON THE AMENDMENT.**

Discussion:

02:43:37 Rep. Cohenour
02:44:45 Rep. Washburn
02:45:12 Mr. Kropp
02:45:23 Rep. Boniek
02:46:27 Rep. Barrett
02:47:47 Rep. Cohenour
02:48:41 Mr. Kropp
02:50:07 Rep. Cohenour

02:50:12 REP. COHENOUR withdrew the motion.

Discussion:

02:50:31 Rep. Phillips
02:51:36 Rep. Pomnichowski
02:52:01 Rep. Phillips
02:52:11 Rep. Pomnichowski
02:52:21 Vice Chair McAlpin
02:52:54 Mr. Smith

02:53:41 **Motion:** REP. MCALPIN CALLED THE QUESTION ON **THE MOTION TO AMEND.**

02:53:48 **Vote:** Motion carried unanimously by voice vote with REP. O'HARA voting aye by proxy.

02:54:19 Mr. Sternberg

02:54:26 **Motion:** REP. POMNICHOWSKI moved that **HB 63 DO PASS AS AMENDED.**

Discussion:

02:54:42 Rep. Peterson
02:56:05 Rep. Cohenour
02:56:17 Rep. Peterson
02:56:46 Rep. Cohenour
02:57:01 Rep. Miller
02:57:16 Rep. Cohenour
02:58:06 Rep. Pomnichowski

03:00:26 **Vote:** Motion carried 12-6 by roll call vote with REP. BONIEK, REP. HENDRICK, REP. MILBURN, REP. MILLER, REP. PETERSON, and REP. SMITH voting no and REP. O'HARA voting aye by proxy.

Additional Exhibits:

Communication from David Ewer, Budget Director, Office of the Governor Budget and Program Planning (OBPP)

EXHIBIT(fih09a11)

ADJOURNMENT

Adjournment: 6:04 P.M.

BRYCE BENNETT, Secretary

bb

Additional Documents:

EXHIBIT ([fih09aad.pdf](#))