

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

JOINT APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES AND TRANSPORTATION

Call to Order: Chairman Galen Hollenbaugh, on February 13, 2009
at 9:00 A.M., in Room 317-C Capitol.

ROLL CALL

Members Present:

Rep. Galen Hollenbaugh, Chairman (D)
Sen. Rick Ripley, Vice Chairman (R)
Rep. Duane Ankney (R)
Sen. John Brenden (R)
Rep. Llew Jones (R)
Rep. Robert Mehlhoff (D)
Sen. Mitch Tropila (D)

Members Excused: None.

Members Absent: None.

Staff Present: James Chamberlain, OBPP
Greg DeWitt, Legislative Branch
Shawn Graham, OBPP
Tyrrell Hibbard, 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:

Executive Action: Department of Environmental
Quality, Department of Natural
Resources and Conservation,
Department of Livestock, Fish
Wildlife & Parks, Department of
Agriculture: deferred and requested
decision packages.

00:00:11 Chairman Hollenbaugh
00:00:21 Ms. Smith, Legislative Fiscal Division
EXHIBIT(jnh34a01)
00:01:14 Chairman Hollenbaugh
00:01:40 Sen. Tropila
00:01:58 Ms. Smith
00:02:53 Chairman Hollenbaugh

EXECUTIVE ACTION ON DEPARTMENT OF ENVIRONMENTAL QUALITY

00:03:11 Ms. Smith
00:03:25 **Motion:** Rep. Jones moved that **DP 2005 BE ADOPTED.**

Discussion:

00:04:57 Sen. Ripley
00:05:16 Ms. Smith
00:05:46 Sen. Tropila

00:06:40 **Vote:** Motion carried 5-2 by voice vote with Sen.
Brenden and Sen. Ripley voting no.

00:07:00 Ms. Smith
00:07:31 Rep. Mehlhoff
00:07:55 Ms. Smith
00:08:16 Rep. Mehlhoff
00:08:34 Ms. Smith
00:08:37 Rep. Mehlhoff left hearing.
00:08:41 Rep. Jones

00:09:30 **Motion/Vote:** Sen. Tropila moved that **DP 2004 BE
ADOPTED.** Motion carried unanimously by voice vote with
Rep. Mehlhoff voting by proxy.

00:09:52 Ms. Smith
00:10:19 Rep. Mehlhoff returned.
00:10:30 Chairman Hollenbaugh
00:10:34 Ms. Smith

00:10:50 **Motion:** Sen. Tropila moved that **DP 2051 BE ADOPTED.**

Discussion:

00:10:59 Sen. Ripley
00:11:10 Ms. Smith
00:11:15 Sen. Ripley
00:11:29 Ms. Smith
00:11:53 Rep. Jones

00:12:37 Ms. Smith
00:12:53 Chairman Hollenbaugh
00:13:00 **Substitute Motion:** Mr. Jones moved **TO ADOPT DP 2051
WITH THE REQUIREMENT OF A FINANCE FOLLOW-UP.**
00:13:15 Sen. Tropila
00:13:31 Ms. Smith
00:13:52 Chairman Hollenbaugh

00:13:56 **Vote:** Motion carried 4-3 by roll call vote, with Sen.
Brenden, Rep. Ankney, and Sen. Ripley voting no.

00:14:39 Ms. Smith
00:14:53 Chairman Hollenbaugh
00:14:58 Tom Livers, Deputy Director, Department of
Environmental Quality (DEQ)
00:16:19 Chairman Hollenbaugh
00:16:27 Ms. Smith
00:16:39 Chairman Hollenbaugh

00:16:43 **Motion:** Rep. Mehlhoff moved that **DP 4005 BE ADOPTED
AND SPLIT EVENLY.**
00:16:59 **Substitute Motion/Vote:** Sen. Tropila moved that **DP
4005 BE ADOPTED AS ONE TIME ONLY, BIENNIAL, RESTRICTED,
AND REPORTED ON TO THE COMMITTEE.** Motion carried
unanimously by voice vote.

00:17:51 Ms. Smith
00:17:53 **Motion/Vote:** Rep. Mehlhoff moved **TO ADOPT DP 4006.**
Motion carried unanimously by voice vote.

00:18:14 Ms. Smith
00:18:39 **Motion:** Rep. Jones moved **TO ADOPT DP 4016.**

Discussion:

00:18:57 Sen. Ripley
00:19:28 Rep. Jones
00:19:31 Mr. Livers

00:20:27 **Vote:** Motion carried 5-2 by voice vote, with Sen.
Brenden and Sen. Ripley voting no.

00:20:43 Ms. Smith
00:21:18 **Motion/Vote:** Rep. Jones moved that **DP 5004 DO NOT
PASS.** Motion carried unanimously by voice vote.

00:22:04 Ms. Smith
00:23:09 Chairman Hollenbaugh

00:23:22 Ms. Smith
00:23:52 Sen. Tropila
00:23:59 Sen. Brenden
00:24:19 Ms. Smith
00:24:33 Chairman Hollenbaugh
00:24:43 **Motion/Vote:** Rep. Jones moved **TO ADOPT DEQ DECISION
PACKAGES 5050 AND 5055, AND DNRC DECISION PACKAGE 2308.**
Motion carried unanimously by voice vote.

00:24:55 Chairman Hollenbaugh

00:25:02 **Motion:** Rep. Jones moved **TO ADOPT A COMMITTEE BILL TO
TRANSFER \$2,064,139 FROM THE WATER ADJUDICATION FUND TO
THE NATURAL RESOURCES OPERATIONS FUND.**

Discussion:

00:25:26 Sen. Tropila
00:25:54 Rep. Ankney
00:26:07 Ms. Smith
00:26:18 **Substitute Motion:** Sen. Brenden moved **TO ADOPT SAID
COMMITTEE BILL AND REQUIRE FINANCE COMMITTEE TO FOLLOW
IT ALONG IN THE PROCESS.**
00:27:16 Rep. Ankney
00:27:43 Chairman Hollenbaugh

00:28:11 **Vote:** Motion carried by the required super majority,
7-0, by voice vote.

00:28:28 Rep. Jones
00:29:00 Ms. Smith
00:29:16 Rep. Jones
00:29:34 Ms. Smith
00:29:37 Rep. Jones
00:30:34 Chairman Hollenbaugh
00:30:40 **Motion/Vote:** Rep. Jones moved **TO RECONSIDER DP 3002.**
Motion carried 4-3 by roll call vote, with Sen.
Brenden, Rep. Ankney, and Sen. Ripley voting no.

00:31:50 **Motion:** Rep. Jones moved **TO ADOPT DP 3002.**

Discussion:

00:32:09 Rep. Mehlhoff
00:32:23 Richard Opper, Director, DEQ
00:34:51 Rep. Jones
00:36:52 Sen. Ripley
00:38:00 Sen. Brenden

00:39:01 **Substitute Motion:** Rep. Mehlhoff moved **TO ADOPT DP 3002 as ONE TIME ONLY.**

00:41:22 Chairman Hollenbaugh

00:41:28 Rep. Jones

00:44:26 **Substitute Motion:** Sen. Tropila moved **TO ADOPT DP 3002 as ONE TIME ONLY and RESTRICTED.**

00:44:56 Sen. Ripley

00:45:11 Sen. Tropila

00:46:49 Chairman Hollenbaugh

00:46:56 **Vote:** Motion passed 5-2 by voice vote with Sen. Ripley and Sen. Brenden voting no.

**EXECUTIVE ACTION ON DEPARTMENT OF NATURAL RESOURCES AND
CONSERVATION**

00:47:22 Ms. Smith

00:48:21 Chairman Hollenbaugh

00:49:08 Sen. Brenden

00:49:18 Ms. Smith

00:49:38 Sen. Brenden

00:49:47 Ms. Smith

00:50:04 Sen. Brenden

00:50:26 Ms. Smith

00:50:37 Sen. Brenden

00:51:02 Rep. Jones

00:51:44 Ms. Smith

00:52:05 Sen. Brenden

00:52:18 Chairman Hollenbaugh

00:52:28 Rep. Mehlhoff

00:53:00 Chairman Hollenbaugh

00:53:14 Rep. Jones

00:53:50 Chairman Hollenbaugh

00:53:55 Sen. Tropila

00:54:13 Ms. Smith

00:55:21 Chairman Hollenbaugh

00:55:27 Ms. Smith

00:55:43 Sen. Brenden

00:55:47 Rep. Mehlhoff

00:55:58 Sen. Brenden

00:56:03 Chairman Hollenbaugh

00:56:07 Rep. Mehlhoff

00:56:15 Chairman Hollenbaugh

00:56:18 **Motion:** Rep. Mehlhoff moved that **DP 3550 BE ADOPTED, RESTRICTED TO ITS PURPOSE OF CREATING A RURAL FIRE COORDINATOR.**

Discussion:

00:58:16 Rep. Jones
00:59:34 Sen. Tropila
00:59:54 Rep. Mehlhoff
00:59:57 Ms. Smith
01:00:13 Rep. Mehlhoff
01:00:21 Ms. Smith
01:00:37 Chairman Hollenbaugh
01:00:38 Ms. Smith
01:00:44 Sen. Tropila
01:00:53 Sen. Ripley

01:01:07 **Vote:** Motion carried 6-1 by voice vote with Sen.
Brenden voting no.

01:01:28 Ms. Smith

EXECUTIVE ACTION ON MONTANA DEPARTMENT OF LIVESTOCK

01:01:55 Ms. Smith
01:03:08 Rep. Jones
01:03:26 Ms. Smith
01:04:04 Rep. Jones
01:04:10 Ms. Smith
01:04:20 **Motion:** Rep. Jones moved that **DP 409A BE ADOPTED.**

Discussion:

01:04:31 Sen. Tropila
01:04:34 Ms. Smith
01:05:18 Sen. Tropila
01:05:35 Joe Maurier, Acting Director, Department of Fish,
Wildlife, & Parks (FWP)
01:05:46 Mr. Chamberlain, OBPP
01:06:10 Mr. Maurier
01:06:15 Rep. Jones
01:08:06 Mr. Graham, OBPP
01:09:14 Chairman Hollenbaugh
01:09:18 Sen. Ripley
01:10:33 Sen. Tropila
01:11:23 Sen. Brenden
01:13:57 Rep. Mehlhoff
01:14:48 Chairman Hollenbaugh
01:15:01 Ms. Smith

01:15:08 **Substitute Motion/Vote:** Rep. Jones moved that **ENTIRE DP 409A BE ADOPTED AS ONE TIME ONLY.** Motion carried 5-2 by voice vote with Sen. Tropila and Chairman Hollenbaugh opposed.

01:15:50 Ms. Smith

01:17:12 **Motion:** Sen. Tropila moved that **DP 315 BE ADOPTED.**

Discussion:

01:17:19 Sen. Ripley

01:17:20 Rep. Jones left hearing.

01:17:54 **Vote:** Motion carried 6-1 by voice vote with Sen. Brenden voting no and Rep. Jones voting by proxy.

01:18:20 Ms. Smith

01:18:23 Sen. Brenden

01:18:45 Chairman Hollenbaugh

01:19:12 Sen. Brenden

01:19:18 Chairman Hollenbaugh

01:19:31 Sen. Brenden

01:19:43 Ms. Smith

01:20:21 **Motion/Vote:** Chairman Hollenbaugh moved **TO DEFER DP 601** with no objection.

01:20:42 Ms. Smith

01:20:56 **Motion:** Rep. Mehlhoff moved **TO ADOPT DP 104.**

Discussion:

01:21:05 Sen. Tropila

01:21:16 Rep. Mehlhoff

01:21:35 Ms. Smith

01:21:42 Rep. Mehlhoff

01:22:14 Christian MacKay, Executive Director, Montana Department of Livestock (DOL)

01:22:34 Rep. Mehlhoff

01:22:54 Mr. MacKay

01:23:40 Sen. Ripley

01:23:54 Ms. Smith

01:24:05 Sen. Ripley

01:24:31 Mr. Graham

01:25:16 Sen. Brenden

01:26:46 Rep. Mehlhoff

01:27:07 Chairman Hollenbaugh

01:27:25 George Harris, Administrator, Centralized Services, DOL

01:28:03 Rep. Mehlhoff

01:28:35 Mr. Harris

01:29:14 **Vote:** Motion carried 4-3 by voice vote with Sen. Brenden and Sen. Ripley voting no, and Rep. Jones voting by proxy.

01:29:52 Ms. Smith

01:30:05 **Motion:** Rep. Mehlhoff moved that **DP 160 BE ADOPTED.**

Discussion:

01:31:30 Sen. Ripley

01:31:42 Mr. MacKay

01:32:27 Sen. Ripley

01:32:42 Mr. Graham

01:34:34 Sen. Ripley

01:34:52 Mr. MacKay

01:35:20 Sen. Tropila

01:36:20 Rep. Mehlhoff

01:36:36 Sen. Brenden

01:36:52 Rep. Mehlhoff

01:36:59 Chairman Hollenbaugh

01:37:03 **Substitute Motion:** Rep. Mehlhoff moved **TO ADOPT DP 160 AS RESTRICTED AND ONE TIME ONLY.**

01:37:18 Ms. Smith

01:38:00 Rep. Mehlhoff

01:38:18 Ms. Smith

01:38:49 Mr. Graham

01:39:29 Sen. Tropila

01:39:54 Ms. Smith

01:40:16 Sen. Tropila

01:40:23 Ms. Smith

01:40:34 **Substitute Motion:** Sen. Tropila moved **TO RESTORE FUNDING FOR THE FULL FTE.**

01:40:59 Chairman Hollenbaugh

01:41:09 **Vote:** Motion passed 6-1 by roll call vote, with Sen. Brenden voting no.

01:41:43 Rep. Ankney

01:41:50 Ms. Smith

01:42:03 Chairman Hollenbaugh

01:42:12 Ms. Smith

**EXECUTIVE ACTION ON MONTANA DEPARTMENT OF
FISH, WILDLIFE AND PARKS**

01:43:07 Chairman Hollenbaugh

JOINT APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES AND
TRANSPORTATION

February 13, 2009

PAGE 9 of 11

01:43:41 Sen. Ripley
01:45:13 Chairman Hollenbaugh
01:45:56 Sen. Brenden
01:46:48 Sen. Ripley
01:47:01 Sen. Brenden
01:47:11 Chairman Hollenbaugh
01:47:19 Mr. Maurier
01:47:37 Sen. Brenden
01:47:44 Mr. Maurier
01:47:47 Sen. Brenden left hearing.
01:48:23 Sen. Brenden returned.
01:48:31 Sen. Ripley
01:49:01 Mr. Maurier
01:49:18 Chairman Hollenbaugh
01:49:22 Sue Daly, Chief of Finance, FWP
01:49:43 Sen. Ripley
01:49:47 Ms. Daly
01:49:50 Sen. Brenden
01:50:15 Chairman Hollenbaugh
01:50:29 Sen. Brenden
01:50:55 Mr. Maurier

01:51:25 **Motion/Vote:** Sen. Ripley moved that **DP 801 BE ADOPTED
AT THE REDUCED RATE OF \$3,559.** Motion carried
unanimously by voice vote.

01:52:02 Rep. Mehlhoff
01:52:59 Sen. Ripley

EXECUTIVE ACTION ON MONTANA DEPARTMENT OF AGRICULTURE

01:53:23 Chairman Hollenbaugh
01:53:27 Sen. Ripley
01:53:48 Ron de Yong, Director, Montana Department of
Agriculture
01:55:33 Ms. Smith
01:56:06 Chairman Hollenbaugh

01:56:10 **Motion:** Sen. Brenden moved that **DP 3005 BE ADOPTED.**

Discussion:

01:56:23 Rep. Mehlhoff
01:57:16 Sen. Ripley
01:57:40 Rep. Mehlhoff
01:58:09 Chairman Hollenbaugh
01:58:44 Ms. Smith
01:59:28 Sen. Tropila

JOINT APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES AND
TRANSPORTATION

February 13, 2009

PAGE 10 of 11

01:59:32 Chairman Hollenbaugh

01:59:40 **Vote:** Motion carried unanimously by voice vote with
Rep. Jones voting by proxy.

02:00:00 Chairman Hollenbaugh

02:00:17 Ms. Smith

02:01:03 Sen. Brenden

02:01:07 Chairman Hollenbaugh

ADJOURNMENT

02:01:25 Adjournment: 11:02 A.M.

Tyrrell Hibbard, Secretary

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Additional Documents:

EXHIBIT ([jnh34aad.pdf](#))