

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

#### JOINT APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES AND TRANSPORTATION

**Call to Order:** Chair Duane Ankney, on January 14, 2011 at 8:30 A.M., in Room 317C  
Capitol

#### ROLL CALL

**Members Present:**

Rep. Duane Ankney, Chair (R)  
Sen. Rick Ripley, Vice Chair (R)  
Sen. John Brenden (R)  
Rep. Mike Cuffe (R)  
Sen. Jim Keane (D)

**Members Excused:** Rep. Galen Hollenbaugh (D)

**Members Absent:** None

**Staff Present:** Rinay Bender, Committee Secretary  
James Chamberlain, Office of Budget and Program Planning  
Barbara Smith, Legislative Fiscal Division

**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 on decision packages: 101, 301, 302, 401, 402, 503, 504, 505, 506, 507, 501, 601, 604, 607, 604, 605, 606, 802, 803, 801, 901, 902, 1201, 553, 508, C-34 proprietary table, 602, 657, 903, C-51, 53, 54 rates, and C-29.

JOINT APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES AND  
TRANSPORTATION

January 14, 2011

PAGE 2 of 11

00:00:07 Barbara Smith, Legislative Fiscal Division (LFD)

[EXHIBIT\(jnh11a01\)](#)

[EXHIBIT\(jnh11a02\)](#)

00:01:56 **Motion:** Sen. Keane **DP 101 BE ADOPTED** for Fish, Wildlife, and Parks.

**Discussion:**

00:02:18 Sen. Ripley

00:02:28 Ms. Smith, LFD

00:02:51 Chairman Ankney

00:03:05 James Chamberlain, Office of Budget and Program Planning (OBPP)

00:03:26 Sen. Ripley

00:04:41 **Vote:** Motion carried 5-1 by roll call vote with Sen. Brenden voting no. Rep. Hollenbaugh voted by proxy.

00:04:50 Ms. Smith, LFD

00:05:22 **Motion:** Sen. Ripley moved that **DP 301 BE ADOPTED, ENTIRE APPROPRIATION RESTRICTED.**

00:06:17 Ms. Smith, LFD

00:06:10 Sen. Keane

00:06:15 Ms. Smith, LFD

00:06:25 Sen. Ripley

00:07:18 **Vote:** Motion carried unanimously by roll call vote. Rep. Hollenbaugh voted by proxy.

00:06:37 Chairman Ankney

00:07:28 Ms. Smith, LFD

00:08:06 Mr. Chamberlain, OBPP

00:08:26 **Motion:** Sen. Brenden moved that **DP 302 BE ADOPTED ONE TIME ONLY WITH MEASURABLE OBJECTIVES ADDED IN TO COORDINATING LEGISLATION.**

**Discussion:**

00:08:46 Chairman Ankney

00:08:56 Sen. Ripley

00:09:20 Ms. Smith, LFD

00:09:53 Sen. Brenden

00:09:59 Ms. Smith, LFD

00:10:16 Sen. Ripley

00:10:40 Ms. Smith, LFD

00:11:01 **Substitute Motion:** Sen. Ripley made a substitute motion that **DP 302 BE ADOPTED AS ONE TIME ONLY WITH MEASURABLE OBJECTIVES ADDED IN TO COORDINATING LEGISLATION AND THAT THE DOLLAR AMOUNT BE ADJUSTED FROM \$25,000 TO \$10,000 PER YEAR.**

**Discussion:**

00:11:28 Ms. Smith, LFD

00:11:45 Rep. Cuffe

00:12:09 Ms. Smith, LFD

00:12:23 Rep. Cuffe

00:12:28 Ms. Smith, LFD

00:12:39 Chairman Ankney

00:13:10 Sen. Brenden

00:13:20 **Vote:** Motion carried 4-2 by roll call vote with Rep. Hollenbaugh and Sen. Keane voting no. Rep. Hollenbaugh voted by proxy.

00:13:58 Ms. Smith, LFD

00:14:10 **Motion/Vote:** Sen. Brenden moved that **DP 401 BE ADOPTED.** Motion carried unanimously by roll call vote. Rep. Hollenbaugh voted by proxy.

00:14:52 Ms. Smith, LFD

00:15:25 **Motion/Vote:** Sen. Ripley moved that **DP 402 BE ADOPTED.** Motion carried unanimously by roll call vote. Rep. Hollenbaugh voted by proxy.

00:16:15 Ms. Smith, LFD

00:16:51 Sen. Ripley

00:16:57 Ms. Smith, LFD

00:17:15 **Motion:** Sen. Ripley moved that **DP 503 BE ADOPTED WITH \$350,000 OF HUNTING ACCESS ACCOUNT AND \$500,000 OUT OF GENERAL LICENSE ACCOUNT FUNDS.**

**Discussion:**

00:17:31 Chairman Ankney

00:17:40 Ms. Smith, LFD

00:17:46 Ms. Smith, LFD explained DP 503 was written as DP 553 to reflect the one time only additions in Sen. Ripley's motion on DP 503.

00:18:37 Sen. Ripley

00:19:20 Sen. Brenden

00:20:02 Sen. Keane

00:20:07 Ms. Smith, LFD

00:20:20 Sen. Ripley

00:20:22 Rep. Hollenbaugh arrived.

JOINT APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES AND  
TRANSPORTATION

January 14, 2011

PAGE 4 of 11

- 00:20:25 **Motion/Vote:** Sen. Ripley moved that **DP 553 BE ADOPTED**. Motion carried unanimously by roll call vote.
- 00:21:36 Rep Hollenbaugh arrived  
00:21:52 Ms. Smith
- 00:21:59 **Motion:** Sen. Brenden moved that **DP 504 BE ADOPTED AS AMENDED AS ONE TIME ONLY AND CUT IN HALF**.
- 00:22:26 Chairman Ankney
- 00:22:39 **Substitute Motion/Vote:** Sen. Keane made a substitute motion that **DP 504 BE ADOPTED AS IS**. Substitute Motion failed 2-4 by roll call vote with Rep. Hollenbaugh and Sen. Keane voting aye.
- 00:22:50 Sen. Brenden
- 00:23:10 **Vote:** Original motion on DP 504 carried 4-2 by roll call vote with Rep. Hollenbaugh and Sen. Keane voting no.
- 00:24:49 Ms. Smith, LFD
- 00:25:05 **Motion/Vote:** Sen. Ripley moved that **DP 505 BE ADOPTED ONE TIME ONLY**. Motion carried unanimously by roll call vote.
- 00:25:44 Ms. Smith, LFD
- 00:25:51 **Motion/Vote:** Sen. Brenden moved that **DP 506 BE ADOPTED**. Motion carried unanimously by roll call vote.
- 00:25:59 Chairman Ankney  
00:26:34 Ms. Smith, LFD
- 00:26:48 **Motion:** Sen. Keane moved that **DP 507 BE ADOPTED**.
- 00:27:08 **Substitute Motion/Vote:** Sen. Brenden made a substitute motion that **DP 507 BE ADOPTED AS ONE TIME ONLY WITH MEASURABLE OBJECTIVES**. Substitute Motion carried unanimously by roll call vote.
- 00:28:25 Ms. Smith, LFD  
00:29:01 Sen. Ripley  
00:29:11 Ms. Smith, LFD
- 00:29:18 **Motion:** Sen. Keane moved that **DP 501 BE ADOPTED**.
- 00:29:25 Chairman Ankney

JOINT APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES AND  
TRANSPORTATION

January 14, 2011

PAGE 5 of 11

00:29:30 **Substitute Motion/Vote:** Sen. Brenden made a substitute motion that **DP 501 BE ADOPTED AS AMENDED AS ONE TIME ONLY WITH MEASURABLE OBJECTIVES**. Substitute Motion failed 3-3 by roll call vote with Sen. Brenden, Rep. Cuffe and Sen. Ripley voting aye.

00:29:52 Sen. Ripley  
00:30:44 Chairman Ankney

00:30:52 **Motion/Vote:** Sen. Ripley moved that **DP 501 BE ADOPTED AS AMENDED WITH MEASURABLE OBJECTIVES AND OVERSIGHT REPORTING DURING INTERIM COMMITTEE TO ENVIRONMENTAL QUALITY COUNCL AND THIS COMMITTEE NEXT SESSION**. Motion carried unanimously by roll call vote.

**Discussion:**

00:31:31 Ms. Smith, LFD  
00:31:51 Rep. Hollenbaugh  
00:33:09 Ms. Smith, LFD  
00:33:29 Sen. Brenden  
00:33:50 Ms. Smith, LFD  
00:34:02 Sen. Brenden  
00:34:11 Ms. Smith, LFD  
00:34:15 Chairman Ankney  
00:34:18 Joe Maurier, Fish, Wildlife and Parks (FWP)  
00:34:31 Sen. Brenden  
00:34:46 Ms. Smith, LFD  
00:34:50 Sen. Brenden  
00:35:15 Ms. Smith, LFD

00:35:25 **Motion:** Sen. Brenden moved that **DP 508 BE ADOPTED AS AMENDED WITH MEASURABLE OBJECTIVES AND REPORTING BACK TO THE COMMITTEE AND THE ENVIRONMENTAL QUALITY COUNCIL WITH STIPULATION THAT THERE WILL BE NO USE OF FUNDS TO BUY EASEMENTS**.

**Discussion:**

00:36:08 Sen. Keane  
00:36:13 Ms. Smith, LFD  
00:36:29 Chairman Ankney  
00:36:32 Sen. Brenden  
  
00:37:17 **Vote:** Motion carried unanimously by roll call vote.

00:38:01 Ms. Smith, LFD  
00:38:19 Sen. Brenden  
00:39:00 Joe Maurier, FWP  
00:39:18 Ms. Smith, LFD

00:39:37 **Motion/Vote:** Rep. Hollenbaugh moved that **THE PROPRIETARY RATE TABLE ON PAGE C-34 BE ADOPTED**. Motion carried unanimously by roll call vote.

00:40:31 Ms. Smith, LFD

00:40:39 **Motion:** Rep. Hollenbaugh moved that **DP 601 BE ADOPTED**.

00:40:48 **Substitute Motion:** Sen. Brenden made a substitute motion that **DP 601 BE ADOPTED AS AMENDED TO REMOVE THE FTE AUTHORITY**.

**Discussion:**

00:41:06 Ms. Smith, LFD  
00:41:30 Chairman Ankney  
00:41:36 Rep. Hollenbaugh  
00:41:47 Ms. Smith, LFD  
00:41:56 Sen. Keane  
00:42:25 Ms. Smith, LFD  
00:42:41 Rep. Hollenbaugh  
00:42:55 Sen. Keane  
00:43:10 Rep. Hollenbaugh

00:43:37 **Vote:** Motion carried unanimously by roll call vote.

00:43:50 **Motion/Vote:** Sen. Brenden moved that **DP 602 BE ADOPTED AS AMENDED TO REMOVE THE AUTHORITY FOR THE FTE**. Motion carried 4-2 by roll call vote with Rep. Cuffe and Sen. Ripley voting no.

00:44:10 Ms. Smith, LFD  
00:46:07 Sen. Keane  
00:46:15 Ms. Smith, LFD

00:46:24 **Motion:** Sen. Keane moved that **DP 657 BE ADOPTED**.

**Discussion:**

00:47:20 Sen. Brenden  
00:47:33 Sen. Keane  
00:47:43 Sen. Brenden  
00:47:48 Ms. Smith, LFD  
00:48:09 Sen. Brenden  
00:48:16 Ms. Smith, LFD  
00:48:33 Rep. Hollenbaugh  
00:48:42 Ms. Smith, LFD  
00:48:59 Sen. Ripley  
00:49:26 Sen. Keane

00:50:01 **Vote:** Motion carried unanimously by roll call vote.

JOINT APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES AND  
TRANSPORTATION

January 14, 2011

PAGE 7 of 11

00:50:35 Ms. Smith, LFD

00:50:56 **Motion/Vote:** Sen. Brenden moved that **DP 604 BE ADOPTED AS AMENDED AS ONE TIME ONLY**. Motion carried unanimously by roll call vote.

00:51:33 Ms. Smith, LFD

00:52:20 **Motion/Vote:** Sen. Ripley moved that **DP 605 BE ADOPTED**. Motion carried unanimously by roll call vote.

00:52:50 Ms. Smith, LFD

00:53:01 **Motion/Vote:** Sen. Keane moved that **DP 606 BE ADOPTED**. Motion carried unanimously by roll call vote.

**Discussion:**

00:53:53 Ms. Smith, LFD

00:54:05 Sen. Brenden

00:54:26 Ms. Smith, LFD

00:55:06 Sen. Brenden

00:55:41 Ms. Smith, LFD

00:55:53 **Motion/Vote:** Sen. Brenden moved that **DP 803 BE ADOPTED**. Motion carried unanimously by roll call vote.

00:56:28 Sen. Brenden

00:56:31 Ms. Smith, LFD

00:56:35 **Motion/Vote:** Sen. Brenden moved that **DP 801 BE ADOPTED**. Motion carried unanimously by roll call vote.

01:06:17 Sen. Keane

01:06:42 Chas Van Genderen, Montana State Parks (MSP)

01:08:00 Rep. Cuffe

01:08:19 Ms. Smith, LFD

01:08:47 **Motion:** Sen. Keane moved that **DP 901 BE ADOPTED**.

**Discussion:**

01:08:55 Sen. Brenden

01:10:02 Rep. Hollenbaugh

01:10:27 Mr. Maurier, FWP

01:11:07 Rep. Hollenbaugh

01:11:39 Mr. Maurier, FWP

01:11:51 **Substitute Motion:** Rep. Hollenbaugh made a substitute motion that **DP 901 BE ADOPTED AS AMENDED NO FTE, LEAVE THE CASH WHICH WOULD BE RESTRICTED TO DEVELOPMENT OF AN MOU AND COORDINATE LEGAL WITH THE DEPARTMENT OF JUSTICE.**

**Discussion:**

01:12:59 Sen..Ripley  
01:13:09 Mr. Maurier, FWP  
01:13:34 Sen. Keane  
01:14:10 Sen. Brenden  
01:14:17 Ms. Smith, LFD  
01:14:37 Chairman Ankney  
01:14:53 Sen. Ripley  
01:15:17 Ms. Smith, LFD  
01:15:24 Rep. Hollenbaugh  
01:15:28 Ms. Smith  
01:15:56 Sen. Brenden  
01:16:03 Ms. Smith, LFD

01:16:09 **Vote:** Motion carried 4-2 by roll call vote with Sen. Brenden and Sen. Ripley voting no.

01:16:52 Ms. Smith, LFD

01:17:05 **Motion/Vote:** Sen. Ripley moved that **DP 903 BE ADOPTED.** Motion carried unanimously by roll call vote.

01:17:24 Ms. Smith, LFD

01:18:30 **Motion/Vote:** Rep. Hollenbaugh moved that **THE RATE TABLES ON C-51, C-53 and C-54 BE ADOPTED.** Motion carried unanimously by roll call vote.

01:19:16 Ms. Smith, LFD

01:19:24 **Motion:** Rep. Hollenbaugh moved that **DP 1201 BE ADOPTED.**

**Discussion:**

01:19:32 Sen. Brenden  
01:19:45 Rep. Hollenbaugh  
01:21:11 Sen. Brenden  
01:21:35 Sen. Ripley  
01:21:52 Rep. Hollenbaugh  
01:22:50 Sen. Ripley  
01:23:11 Rep. Hollenbaugh  
01:24:20 Rep. Cuffe

01:24:58 **Vote:** Motion failed 2-4 by roll call vote with Rep. Hollenbaugh and Sen. Keane voting aye.

01:25:31 **Motion:** Sen. Brenden moved that **C-29 BE ADOPTED AS AMENDED AS A GRANT PROGRAM WITH \$50,000 BIENNIUM TO BE USED TO BRING SCHOOLCHILDREN TO VISIT THE WILDLIFE CENTER. GRANTS TO BE GIVEN TO APPROXIMATELY 10 SCHOOLS PER YEAR WITH A MAXIMUM EXPENSE REIMBURSEMENT OF \$2,500 PER SCHOOL.**

**Discussion:**

01:27:17 Ms. Smith, LFD  
01:27:49 Sen. Brenden  
01:28:18 Ms. Smith, LFD  
01:28:34 Sen. Brenden  
01:28:54 Sen. Keane  
01:29:30 Ms. Smith, LFD  
01:30:04 Sen. Brenden  
01:30:15 Ms. Smith, LFD  
01:30:44 Rep. Hollenbaugh

01:30:56 **Vote:** Motion carried 5-1 by roll call vote with Sen. Ripley voting no.

01:31:26 **Motion/Vote:** Sen. Ripley moved to **RECONSIDER THE MOTION ON DP 506.** Motion carried unanimously by roll call vote.

**Discussion on DP 506:**

01:34:10 Sue Daly, FWP  
01:34:43 Sen. Ripley  
01:35:16 Sen. Brenden  
01:35:42 Ms. Smith, LFD  
01:35:46 Sen. Brenden  
01:35:51 Ms. Smith, LFD  
01:36:05 Sen. Brenden, without objection, requested a deferral of action on DP 506.

01:36:20 **Motion/Vote:** Sen. Brenden moved that **C-29 BE ADOPTED AS AMENDED TO EXPEND \$100,000 PER YEAR, UNALLOCATED, IN GENERAL LICENSE IN OPERATING EXPENSES FOR INVASIVE SPECIES.** Motion carried unanimously by roll call vote.

**Discussion:**

01:36:36 Ms. Smith, LFD  
01:37:19 Sen. Brenden  
01:37:30 Ms. Smith, LFD  
01:38:20 Sen. Brenden  
01:39:28 Sen. Brenden  
01:40:58 Ms. Smith, LFD

JOINT APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES AND  
TRANSPORTATION

January 14, 2011

PAGE 10 of 11

01:41:26 Sen. Keane  
01:41:46 Sen. Brenden  
01:41:53 Sen. Ripley  
01:42:21 Ms. Smith, LFD  
01:43:07 Sen. Keane  
01:43:59 Sen. Ripley  
01:44:24 Sen. Keane  
01:44:31 Ms. Smith, LFD  
01:45:23 Sen. Brenden  
01:45:43 Ms. Smith, LFD  
01:45:56 Sen. Keane  
01:46:47 Ms. Smith, LFD  
01:46:52 Sen. Keane  
01:47:01 Ms. Smith, LFD  
01:47:08 Sen. Keane  
01:47:18 Ms. Smith, LFD  
01:47:24 Sen. Keane  
01:48:31 Sen. Ripley  
01:48:55 Sen. Brenden  
01:49:19 Sen. Keane  
01:49:38 Chairman Ankney  
01:50:13 Ms. Smith, LFD  
01:50:30 Sen. Keane  
01:50:44 Sen. Brenden  
01:50:55 Ms. Smith, LFD

**ADJOURNMENT**

01:51:44      Chairman Ankney adjourned the meeting.

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Rinay Bender, Secretary

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Additional Documents:

**EXHIBIT([jnh11aad.pdf](#))**