

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH, WILDLIFE AND PARKS

Call to Order: By **CHAIRMAN GEORGE GOLIE**, on January 27, 2005 at 3:00 P.M., in Room 152 Capitol.

ROLL CALL

Members Present:

Rep. George Golie, Chairman (D)
Rep. Paul Clark, Vice Chairman (D)
Rep. Scott Sales, Vice Chairman (R)
Rep. John Balyeat (R)
Rep. Arlene Becker (D)
Rep. Dee L. Brown (R)
Rep. Jill Cohenour (D)
Rep. Robyn Driscoll (D)
Rep. George Everett (R)
Rep. Tom Facey (D)
Rep. George G. Groesbeck (D)
Rep. Robin Hamilton (D)
Rep. Larry Jent (D)
Rep. Harry Klock (R)
Rep. Roger Koopman (R)
Rep. Mike Milburn (R)
Rep. Art Noonan (D)
Rep. Don Roberts (R)
Rep. John Ward (R)
Rep. Bill Warden (R)

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: HB 277, 1/20/2005; HB 298,
1/20/2005; HB 308, 1/20/2005; HB
312, 1/20/2005

Executive Action: HB 14; HB 120; HB 242

00:02:29 CHAIRMAN GOLIE hands over Chairman
responsibilities to VICE CHAIR CLARK.

HEARING ON HB 312

Opening Statement by Sponsor:

00:02:59 REP. GEORGE GOLIE (D), HD 20, opened the hearing
on HB 312, Expenditure of Smith River user fees
for specific purposes.

EXHIBIT(fih21a01)

Proponents' Testimony:

00:05:26 John Wilson, Conservation Director, Trout
Unlimited
00:08:49 Robert Throssell, Montana Wildlife Federation
00:09:15 Mike Geary, Smith River Outfitter
00:09:43 John Kowalski, Smith River Guide
00:10:25 Brandon Boedecker, Pro Outfitters
00:11:12 Patrick Straub, Fishing Outfitters Association of
Montana
00:12:05 Jeff Hagener, Director, Montana Fish, Wildlife &
Parks

EXHIBIT(fih21a02)

00:12:48 Derek Goldman, Montana Audubon & American
Fisheries Society
00:13:32 Faye Bergan, Citizen floater

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

00:15:00 REP. BROWN
00:16:09 REP. MILBURN
00:18:24 REP. WARDEN
00:20:33 REP. COHENOUR
00:23:03 REP. CLARK

Closing by Sponsor:

00:25:50 REP. GEORGE GOLIE (D), HD 20, closed the hearing
on HB 312.

00:28:21 CHAIRMAN GOLIE assumed Chairman responsibilities
from VICE CHAIR CLARK.

HEARING ON HB 277

Opening Statement by Sponsor:

00:28:40 REP. RICK MAEDJE (R), HD 2, opened the hearing on
HB 277, Fund water loss mitigation for bull trout
recovery in Glen Lake irrigation dist.

[EXHIBIT\(fih21a03\)](#)

[EXHIBIT\(fih21a04\)](#)

[EXHIBIT\(fih21a05\)](#)

Proponents' Testimony:

00:32:54 Leonard Peterson, Glen Lake Irrigation District
00:34:50 Stan Bradshaw, Trout Unlimited Water Project
00:37:20 Mike Murphy, Montana Water Resources Association

Opponents' Testimony: None.

Informational Testimony:

00:38:09 Jeff Hagener, Director, Montana Fish, Wildlife &
Parks

Questions from Committee Members and Responses:

00:39:01 REP. MILBURN
00:42:20 REP. EVERETT
00:44:21 CHAIRMAN GOLIE
00:48:25 REP. BROWN
00:50:39 REP. WARDEN
00:52:25 REP. CLARK

Closing by Sponsor:

00:54:09 REP. RICK MAEDJE (R), HD 2, closed the hearing on
HB 277.

HEARING ON HB 298

Opening Statement by Sponsor:

00:55:03 REP. PAUL CLARK (D), HD 13, opened the hearing on
HB 298, Provide emergency stream flow for
fisheries.

[EXHIBIT\(fih21a06\)](#)

Proponents' Testimony:

01:01:24 Derek Goldman, American Fisheries Society and
Montana Audubon
01:01:54 Patrick Straub, Fishing Outfitters Association of
Montana

EXHIBIT(fih21a07)

01:02:31 Mark Aagenes, Montana Trout Unlimited

Opponents' Testimony: None.

Informational Testimony:

01:03:37 Jeff Hagener, Director, Fish, Wildlife & Park

EXHIBIT(fih21a08)

Questions from Committee Members and Responses:

01:04:50 REP. WARD

Closing by Sponsor:

01:07:12 REP. PAUL CLARK (D), HD 13 closed the hearing on
HB 298.

01:08:55 Break

01:19:01 Resume

HEARING ON HB 308

Opening Statement by Sponsor:

01:19:27 REP. BRUCE MALCOLM (R), HD 61, opened the hearing
on HB 308, Make permanent law on temporary changes
in appropriation right.

EXHIBIT(fih21a09)

Proponents' Testimony:

01:29:49 Stan Bradshaw, Trout Unlimited Montana Water
Project

EXHIBIT(fih21a10)

01:33:08 Sean Murphy, Rancher (HD 61)
01:37:04 Delbert Hawkius, 4th generation Montanan (Northern
Lake County)
01:39:32 John Ferguson, Executive Director, Montana Water
Trust
01:40:35 Mick Seeburg, Director, Association of Gallatin
Irrigators
01:41:57 Loran Frazier, Chief Engineer, Department of
Transportation
01:43:07 Mary Sexton, Director, Department of Natural
Resources and Conservation
01:44:33 Jeff Hagener, Director, Montana Fish, Wildlife &
Parks

EXHIBIT(fih21a11)

01:45:21 Gerald Mueller, Upper Clark Fork River Basin
Steering Committee

EXHIBIT(fih21a12)

01:48:02 Holly Franz, PPL Montana, and Member Upper Clark
Fork Steering Committee
01:48:35 Derek Goldman, Montana Audubon
01:48:49 Mike Volesky, Office of the Governor

Opponents' Testimony:

01:49:29 John Bloomquist, Helena Attorney, Montana Stock
Growers Association
01:56:45 Mike Murphy, Montana Water Resources Association
02:00:14 Nancy Schlepp, Montana Farm Bureau Federation

Informational Testimony: None.

Questions from Committee Members and Responses:

02:01:27 **REP. MILBURN**
02:02:17 **REP. CLARK**
02:09:40 **REP. WARD**

Closing by Sponsor:

02:11:45 **REP. PAUL CLARK (D)**, HD 13 closed the hearing on
HB 308.

EXECUTIVE ACTION ON HB 14

02:18:14 **Motion:** **REP. GOLIE** moved that HB 14 DO PASS.

EXHIBIT(fih21a13)

02:18:44 **Motion:** **REP. GOLIE** moved that HB 14 BE AMENDED.

Discussion:

02:20:22 **REP. FACEY**
02:20:53 **REP. CLARK**

02:21:06 **Vote:** Motion carried unanimously by voice vote.

02:21:19 **Motion/Vote:** **REP. FACEY** moved that HB 14 DO PASS
AS AMENDED. Motion carried unanimously by voice
vote.

02:21:45 **Motion/Vote:** **REP. FACEY** moved that HB 14 be placed
on Consent Calendar. The Motion did not pass as
REP. BROWN objected.

EXECUTIVE ACTION ON HB 242

02:22:21 Motion: REP. BROWN moved that HB 242 DO PASS.

02:22:37 Motion/Vote: REP. BROWN moved that HB 242 DO PASS
AS AMENDED. Motion carried unanimously by voice
vote.

EXECUTIVE ACTION ON HB 120

02:24:24 Motion: REP. FACEY moved that HB 120 DO PASS.

Discussion:

02:24:34 REP. CLARK

[EXHIBIT](#)(fih21a14)

02:27:11 REP. FACEY

[EXHIBIT](#)(fih21a15)

02:30:52 Motion: REP. FACEY moved that HB 120 BE AMENDED.

Discussion:

02:31:08 REP. FACEY

02:31:25 REP. MILBURN

02:32:48 CHAIRMAN GOLIE

02:33:22 Vote: Motion failed 7-13 by roll call vote with
REPS. BECKER, DRISCOLL, FACEY, GROESBECK,
HAMILTON, JENT, and NOONAN voting aye with REP.
DRISCOLL voting by proxy.

02:34:39 Motion: REP. CLARK moved that HB 120 BE AMENDED.

Discussion:

02:35:58 REP. JENT

02:39:31 REP. FACEY

02:41:20 REP. KOOPMAN

02:42:14 REP. SALES

02:42:57 REP. MILBURN

02:43:33 Vote: Motion carried 15-5 by roll call vote with
REPS. COHENOUR, DRISCOLL, FACEY, HAMILTON, and
JENT voting no with REP. DRISCOLL voting by proxy.

02:44:44 Motion: REP. FACEY moved that HB 120 DO PASS AS
AMENDED.

Discussion:

02:45:18

REP. JENT

02:46:23

REP. WARD

02:46:36

REP. SALES

02:47:01

CHAIRMAN GOLIE

02:47:29

**Vote: Motion carried 11-9 by roll call vote with
REPS. BALYEAT, BROWN, EVERETT, KLOCK, KOOPMAN,
ROBERTS, SALES, WARD, and WARDEN voting no.**

ADJOURNMENT

02:49:04

Adjournment: 6:15 P.M.

REP. GEORGE GOLIE, Chairman

DEBRA POLHEMUS, Secretary

GG/dp

Additional Exhibits:

EXHIBIT ([fih21aad0.PDF](#))