

**MINUTES**

**MONTANA HOUSE OF REPRESENTATIVES  
59th LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON FISH, WILDLIFE AND PARKS**

**Call to Order:** By **CHAIRMAN GEORGE GOLIE**, on February 10, 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 378, 2/2/2005; HB 515, 2/2/2005;  
HB 516, 2/2/2005; HB 477, 2/7/2005;  
HJ 13, 2/2/2005

Executive Action:

**HEARING ON HB 378**

**Opening Statement by Sponsor:**

00:02:45 REP. JONATHAN WINDY BOY (D), HD 32, opened the hearing on HB 378, Equitable distribution of fish and game funds between state, tribal governments.

[EXHIBIT \(fih33a01\)](#)

[EXHIBIT \(fih33a02\)](#)

**Proponents' Testimony:**

00:05:09 Harold "Jiggs" Main, Gros Ventre Councilman, Fish & Game Oversight Chairman, Fort Belknap Indian Community Council

[EXHIBIT \(fih33a03\)](#)

00:09:26 Mike Penfold, Our Montana, Billings

00:11:15 Tom McDonald, Director, Fish, Wildlife & Parks, The Confederated Salish and Kootenai Tribes of the Flathead Nation

[EXHIBIT \(fih33a04\)](#)

00:14:42 Tim Vosburgh, Wildlife Biologist on Rocky Boy Reservation, Chippewa Cree Tribe

00:16:58 Leland Top Sky, Fish & Game Director

00:18:00 Robert Magnan, Director, Fort Peck Fish and Game Department, Fort Peck Tribes

[EXHIBIT \(fih33a05\)](#)

00:23:01 Gayle Skunk Cap, Jr., Chairman, Montana/Wyoming Tribal Fish and Wildlife Commission

[EXHIBIT \(fih33a06\)](#)

**Opponents' Testimony:** None.

**Informational Testimony:**

00:24:31 Chris Smith, Chief of Staff, Montana Fish, Wildlife & Parks

[EXHIBIT \(fih33a07\)](#)

00:33:07 Jane Roybal, Biologist, Montana/Wyoming Tribal Fish and Wildlife Commission

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**Questions from Committee Members and Responses:**

00:42:57 REP. NOONAN  
00:47:07 REP. CLARK  
00:55:09 REP. EVERETT  
00:56:34 REP. COHENOUR  
01:05:24 REP. GROESBECK  
01:09:24 REP. KOOPMAN

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**Closing by Sponsor:**

01:19:46 REP. JONATHAN WINDY BOY (D), HD 32, closed the hearing on HB 378.

**HEARING ON HB 515**

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**Opening Statement by Sponsor:**

01:26:39 REP. GAIL GUTSCHE (D), HD 99, opened the hearing on HB 515, Revise beneficial use of instream water.

[EXHIBIT \(fih33a08\)](#)

[EXHIBIT \(fih33a09\)](#)

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**Proponents' Testimony:**

01:34:36 Joe Gutkoski, President, Montana River Action  
[EXHIBIT \(fih33a10\)](#)  
01:37:41 John Gibson, Billings Rod and Gun Club  
01:39:06 Robert A. Throssell, Montana Wildlife Federation  
01:39:39 Robin Cunningham, Fishing Outfitters Association of Montana  
01:40:07 Mike Penfold, Billings, Yellowstone River Conservation  
01:40:57 Derek Goldman, Montana Audubon, and Montana Chapter of American Fisheries  
01:42:02 Tony Schoonen, Public Lands  
01:42:32 Leroy Mehring, Skyline Sportsman, Butte  
01:43:16 Stan Bradshaw, Montana Trout Unlimited  
01:46:04 Chris Smith, Chief of Staff, Montana Fish, Wildlife & Parks

[EXHIBIT \(fih33a11\)](#)

01:48:43 Bob Stevens, Helena Resident, Montana River Action  
01:49:30 David Jones, Fishing Guide on Big Hole River  
01:50:19 Lorry Thomas, Anaconda Sportsman Club

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**Opponents' Testimony:**

01:50:52 John Bloomquist, Montana Stock Growers Association  
01:56:01 Mike Murphy, Montana Water Resources Association  
01:58:52 John Youngberg, Montana Farm Bureau Federation  
02:00:42 Mike Seeburg, representing Association of Gallatin County Irrigators

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**Informational Testimony:** None.

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**Questions from Committee Members and Responses:**

02:02:02 REP. MILBURN  
02:04:22 REP. WARD  
02:09:39 REP. FACEY  
02:11:48 REP. NOONAN  
02:14:53 REP. WARDEN  
02:16:10 REP. CLARK  
02:23:00 REP. KOOPMAN  
02:27:36 REP. JENT

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**Closing by Sponsor:**

02:29:05 REP. GAIL GUTSCHE (D), HD 99, closed the hearing on HB 515.

**HEARING ON HJ 13**

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**Opening Statement by Sponsor:**

02:33:25 REP. PAUL CLARK (D), HD 13, opened the hearing on HJ 13, Urge repeal of federal lands enhancement act.

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**Proponents' Testimony:**

02:36:25 Hal Harper, Chief Policy Advisor, Governor Schweitzer  
02:37:27 Bob Raney, Livingston, Montana State Parks Foundation

**EXHIBIT (fih33a12)**

02:42:55 George Ochenski, Montana State Parks Foundation Action Fund

**EXHIBIT (fih33a13)**

**EXHIBIT (fih33a14)**

**EXHIBIT (fih33a15)**

02:45:45 Paul Edwards, private citizen  
02:47:16 Don Judge, Montana Chapter of Sierra Club  
02:47:46 Tony Schoonen, State Lands Coalition

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**Opponents' Testimony:**

02:48:31 Mike Penfold, Forest Service and Bureau of Land Management (retired)

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**Informational Testimony:**

02:51:57 Terry Chute, United States Forest Service  
**EXHIBIT (fih33a16)**  
02:56:17 Marilyn Krause, Bureau of Land Management  
**EXHIBIT (fih33a17)**

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**Questions from Committee Members and Responses:**

02:56:51 REP. KOOPMAN

**Closing by Sponsor:**

03:00:01 REP. PAUL CLARK (D), HD 13 closed the hearing on HJ 13.

03:02:42 Break

03:12:15 Resume

**HEARING ON HB 516**

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**Opening Statement by Sponsor:**

03:12:58 REP. RALPH LENHART (D), HD 38, opened the hearing on HB 516, Revise game damage laws.

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**Proponents' Testimony:**

03:16:21 Robert A. Throssel, Montana Wildlife Federation

[EXHIBIT \(fih33a18\)](#)

[EXHIBIT \(fih33a19\)](#)

[EXHIBIT \(fih33a20\)](#)

03:23:39 Clint McRae, rancher, Forsyth

[EXHIBIT \(fih33a21\)](#)

03:26:26 Hugo Turick, farmer and rancher

03:33:05 Chris Marchion, Vice President, Anaconda Sportsmen's Club

[EXHIBIT \(fih33a22\)](#)

03:34:33 Bill Orsello, Helena

03:36:19 Carol Gibson, Billings, Montana Wildlife Federation

03:37:14 John Gibson, Billings Rod and Gun Club

03:38:53 Land Tawney, National Wildlife Federation

03:39:19 Toby Day, self

**Opponents' Testimony:**

03:40:53 John Bloomquist, Montana Stock Growers Association

03:44:54 Jean Johnson, Montana Outfitters and Guides Association

[EXHIBIT \(fih33a23\)](#)

03:51:12 John Youngberg, Montana Farm Bureau Federation

03:53:55 Mike Murphy, self as hunter and landowner

**Informational Testimony:**

03:55:18 Chris Smith, Chief of Staff, Montana Fish,  
Wildlife and Parks

[EXHIBIT \(fih33a24\)](#)

**Questions from Committee Members and Responses:**

03:58:14 REP. WARD

03:59:52 REP. KOOPMAN

04:04:49 CHAIRMAN GOLIE

**Closing by Sponsor:**

04:10:50 REP. RALPH HEINERT, HD 1, LIBBY closed the hearing  
on HB 516.

**HEARING ON HB 477**

**Opening Statement by Sponsor:**

04:14:03 REP. JOAN ANDERSEN (R), HD 59, opened the hearing  
on HB 477, Guarantee big game permit for service  
member forfeiting permit for active duty.

[EXHIBIT \(fih33a25\)](#)

**Proponents' Testimony:** None.

**Opponents' Testimony:** None.

**Informational Testimony:**

04:18:36 Chris Smith, Chief of Staff, Montana Fish,  
Wildlife and Parks

[EXHIBIT \(fih33a26\)](#)

[EXHIBIT \(fih33a27\)](#)

**Questions from Committee Members and Responses:**

04:21:09 REP. CLARK

04:22:13 REP. FACEY

04:25:50 REP. WARD

04:26:09 REP. KOOPMAN

04:27:27 CHAIRMAN GOLIE

**Closing by Sponsor:**

04:28:57 REP. JOAN ANDERSEN, HD 59, FROMBERG closed the  
hearing on HB 477.

[EXHIBIT \(fih33a28\)](#)

[EXHIBIT \(fih33a29\)](#)

**COMMITTEE BILL ON AGENT COMMISSIONS**

04:30:26           **Motion:** REP. FACEY moved that A COMMITTEE BILL ON AGENTS COMMISSIONS BE DRAFTED.

**Discussion**

04:33:26           REP. WARDEN

**EXHIBIT** (fih33a30)

04:34:30           REP. COHENOUR

04:39:16           REP. FACEY

04:41:36           **Vote:** Motion carried 16-4 by roll call vote with REPS. BALLYEAT, CLARK, MILBURN, and ROBERTS voting no and REPS. BECKER, BROWN, GROESBECK, BALLYEAT and ROBERTS voting by proxy.

04:42:18

**ADJOURNMENT**

Adjournment: 8:30 P.M.

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REP. GEORGE GOLIE, Chairman

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DEBRA POLHEMUS, Secretary

GG/dp

Additional Exhibits:

**EXHIBIT ([fih33aad0.PDF](#))**