

**MINUTES**

**MONTANA SENATE  
61st LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON FISH AND GAME**

**Call to Order:** Chairman Gregory D. Barkus, on March 24, 2009 at  
3:00 P.M., in Room 422 Capitol

**ROLL CALL**

**Members Present:**

Sen. Gregory D. Barkus, Chairman (R)  
Sen. John Brenden, Vice Chairman (R)  
Sen. Debby Barrett (R)  
Sen. Joe Balyeat (R)  
Sen. Steven Gallus (D)  
Sen. Joseph (Joe) Tropila (D)

**Members Excused:**

Sen. Larry Jent (D)  
Sen. Trudi Schmidt (D)  
Sen. Jim Shockley (R)

**Members Absent:** None

**Staff Present:** Lindsey Hern, Committee Secretary  
Hope Stockwell, 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 218, 3/11/2009; HB 443,  
3/11/2009; HB 480, 3/17/2009

Executive Action: HB 218; HB 382; HB 443

**HEARING ON HB 480****Opening Statement by Sponsor:**

00:00:51 Rep. JP Pomnichowski (D), HD 63, opened the hearing on HB 480, Authorizing nonresident youth bird hunting at discounted price.

00:01:41 Sen. Jent and Sen. Shockley came to the committee.

00:03:04 Sen. Schmidt came to the committee.

**Proponents' Testimony:**

00:04:19 Joe Maurier, Acting Director, Fish, Wildlife and Parks (FWP)

[EXHIBIT \(fis65a01\)](#)

[EXHIBIT \(fis65a02\)](#)

00:06:06 George Golie, Montana Wildlife Federation (MWF)

00:07:08 Jean Johnson, Montana Outfitters and Guides Association (MOGA)

00:07:46 Garret Bacon, East Helena

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

00:08:42 Sen. Brenden  
00:09:08 Rep. Pomnichowski  
00:09:22 Sen. Brenden  
00:09:40 Sen. Balyeat  
00:10:24 Mr. Maurier, FWP  
00:10:54 Chairman Barkus  
00:11:34 Mr. Maurier, FWP  
00:12:00 Chairman Barkus  
00:12:15 Mr. Maurier, FWP  
00:12:48 Sen. Balyeat  
00:13:29 Mr. Maurier, FWP  
00:14:49 Sen. Balyeat  
00:15:30 Mr. Maurier, FWP  
00:16:06 Sen. Balyeat  
00:16:30 Chairman Barkus

**Closing by Sponsor:**

00:16:52 Rep. Pomnichowski  
00:18:14 Sen. Gallus left the committee.

**HEARING ON HB 443**

**Opening Statement by Sponsor:**

00:19:08 Rep. Mike Menahan (D), HD 82, opened the hearing on HB 443, Clarify FWP authority to manage species.

**Proponents' Testimony:**

00:24:11 Janet Ellis, Montana Audubon  
[EXHIBIT\(fis65a03\)](#)

00:27:27 Chris Smith, Deputy Director, FWP  
[EXHIBIT\(fis65a04\)](#)

00:34:00 Chairman Barkus

**Opponents' Testimony:**

00:34:13 Mr. Bacon, East Helena

**Informational Testimony:**

00:35:41 Dan Sullivan, Department of Agriculture

**Questions from Committee Members and Responses:**

00:36:17 Sen. Barrett  
00:36:34 Chairman Barkus  
00:36:35 Sen. Barrett  
00:36:40 Chairman Barkus  
00:36:43 Sen. Barrett  
00:36:58 Mr. Smith, FWP  
00:37:07 Sen. Barrett  
00:37:09 Mr. Smith, FWP  
00:37:39 Sen. Gallus returned to the committee.  
00:37:47 Sen. Barrett  
00:38:08 Mr. Smith, FWP  
00:38:38 Sen. Balyeat  
00:39:51 Mr. Smith, FWP  
00:41:46 Sen. Balyeat  
00:42:12 Mr. Smith, FWP  
00:42:45 Sen. Balyeat  
00:43:23 Mr. Smith, FWP

00:44:54 Sen. Balyeat  
00:45:05 Mr. Smith, FWP  
00:45:24 Sen. Balyeat  
00:45:40 Mr. Smith, FWP  
00:46:48 Sen. Balyeat  
00:46:54 Mr. Smith, FWP  
00:48:06 Sen. Brenden  
00:49:01 Mr. Smith, FWP  
00:50:05 Sen. Brenden  
00:50:53 Mr. Smith, FWP  
00:52:07 Sen. Shockley  
00:52:24 Mr. Smith, FWP  
00:53:11 Sen. Shockley  
00:53:22 Mr. Smith, FWP  
00:53:50 Sen. Shockley  
00:54:09 Mr. Smith, FWP  
00:54:51 Sen. Shockley  
00:55:02 Chairman Barkus  
00:55:20 Mr. Smith, FWP  
00:55:29 Chairman Barkus  
00:55:32 Mr. Smith, FWP  
00:55:34 Chairman Barkus

**Closing by Sponsor:**

00:56:05 Rep. Menahan

**HEARING ON HB 218**

**Opening Statement by Sponsor:**

00:57:55 Rep. Mike Menahan (D), HD 82, opened the hearing on HB 218, Generally revise fish and game laws.

**Proponents' Testimony:**

01:05:11 Jim Kropp, Chief of Law Enforcement, FWP  
[EXHIBIT \(fis65a05\)](#)

01:07:49 Ms. Johnson, MOGA, Montana Game Wardens Association

**Opponents' Testimony:**

None

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

01:08:55 Sen. Brenden  
01:09:37 Chairman Barkus  
01:09:38 Sen. Brenden  
01:09:45 Mr. Kropp, FWP  
01:10:09 Sen. Brenden  
01:10:35 Mr. Kropp, FWP  
01:11:04 Sen. Tropila  
01:11:17 Rep. Menahan  
01:11:19 Sen. Tropila  
01:11:26 Rep. Menahan  
01:12:12 Sen. Jent  
01:12:36 Rep. Menahan

**EXHIBIT (fis65a06)**

01:12:51 Chairman Barkus  
01:12:57 Rep. Menahan  
01:13:14 Sen. Jent  
01:13:27 Rep. Menahan  
01:13:51 Sen. Balyeat  
01:14:50 Mr. Kropp, FWP  
01:15:07 Sen. Balyeat  
01:15:32 Mr. Kropp, FWP  
01:16:04 Sen. Balyeat  
01:16:15 Mr. Kropp, FWP  
01:16:47 Sen. Balyeat  
01:17:24 Mr. Kropp, FWP  
01:17:38 Sen. Barrett  
01:18:06 Mr. Kropp, FWP  
01:18:31 Sen. Tropila  
01:18:46 Mr. Kropp, FWP

**Closing by Sponsor:**

01:19:15 Rep. Menahan  
01:20:10 Chairman Barkus

**EXECUTIVE ACTION ON HB 382**

01:21:28 **Motion:** Sen. Gallus moved that **HB 382 BE CONCURRED IN.**

**Discussion:**

01:21:42 Sen. Balyeat  
01:21:47 Chairman Barkus  
01:21:51 Sen. Gallus

01:22:06 **Motion:** Sen. Balyeat moved that **HB 382 BE AMENDED.**  
EXHIBIT (fis65a07)

**Discussion:**

01:22:53 Sen. Jent  
 01:23:16 Sen. Brenden  
 01:24:13 Chairman Barkus  
 01:24:41 Sen. Balyeat  
 01:26:19 Chairman Barkus  
 01:27:07 Sen. Shockley  
 01:27:43 Sen. Gallus  
 01:28:09 Sen. Brenden  
 01:28:39 Sen. Barrett  
 01:29:47 Sen. Balyeat

01:31:11 **Vote:** Motion that **HB 382 BE AMENDED** failed 2-7 by roll call vote with Sen. Balyeat and Sen. Shockley voting aye. Sen. Schmidt voted by proxy.

01:31:52 **Substitute Motion:** Sen. Gallus made a substitute motion that **HB 382 BE TABLED.**

01:32:26 Sen. Balyeat  
 01:32:31 Sen. Gallus withdrew the substitute motion.  
 01:32:35 Sen. Balyeat

01:33:21 **Vote:** Motion that **HB 382 BE CONCURRED IN** failed 3-6 by roll call vote with Sen. Balyeat, Sen. Barkus, and Sen. Shockley voting aye. The vote was reversed and **HB 382 TABLED.**

**EXECUTIVE ACTION ON HB 218**

01:34:33 **Motion:** Sen. Gallus moved that **HB 218 BE CONCURRED IN.**

**Discussion:**

01:34:51 Sen. Balyeat  
 01:35:09 Sen. Gallus  
 01:35:21 Chairman Barkus

01:35:26 Sen. Balyeat proposed a Conceptual Amendment to HB 218 that the references to artificial light be clarified to specify that they don't include artificial light aids in seeing your pins on an open sight or seeing your cross hairs on a scope.

**Discussion:**

01:36:00 Hope Stockwell, Legislative Service Division (LSD)  
01:36:38 Sen. Jent  
01:36:40 Sen. Balyeat  
01:36:43 Sen. Gallus  
01:37:12 Sen. Barrett  
01:37:27 Sen. Balyeat  
01:37:46 Chairman Barkus  
01:37:54 Sen. Jent  
01:38:40 Sen. Balyeat  
01:39:02 Chairman Barkus

01:39:17 **Motion:** Sen. Shockley moved that **HB 218 BE CONCEPTUALLY AMENDED**. To add the word projected in front of the phrase artificial light on Page 2, Line 24; Page 3, Line 18; Page 4, Line 4.

**Discussion:**

01:39:26 Chairman Barkus left the committee. Vice Chair Brenden took up the position as Chair.  
01:39:34 Chairman. Brenden  
01:39:48 Ms. Stockwell, LSD  
01:40:29 Chairman Brenden

01:40:42 **Vote:** Motion that **HB 218 BE AMENDED** carried 8-1 by voice vote with Sen. Barrett voting no. Sen. Barkus voted by proxy.

01:41:08 **Motion/Vote:** Sen. Balyeat moved that **HB 218 BE CONCURRED IN AS AMENDED**. Motion carried 8-1 by voice vote with Sen. Barrett voting no. Sen. Barkus voted by proxy. Sen. Jent will carry the bill in the Senate.

01:41:46 Sen. Shockley  
01:42:04 Ms. Shockley  
01:42:13 Chairman Brenden  
01:42:18 Ms. Shockley  
01:42:29 Chairman Brenden  
01:43:23 Ms. Stockwell, LSD

**EXECUTIVE ACTION ON HB 443**

01:43:50 **Motion:** Sen. Shockley moved that **HB 443 BE CONCURRED IN**.

**Discussion:**

01:44:07 Sen. Shockley

01:44:49 Sen. Balyeat  
01:45:50 Sen. Jent  
01:46:30 Sen. Shockley  
01:46:38 Chairman Brenden  
01:46:42 Sen. Shockley  
01:47:22 Chairman Brenden  
01:48:21 Sen. Balyeat  
01:48:51 Sen. Shockley  
01:48:58 Sen. Gallus

01:49:04 **Vote:** Motion that **HB 443 BE CONCURRED IN** failed 4-5 by roll call vote with Sen. Gallus, Sen. Jent, Sen. Schmidt, and Sen. Tropila voting aye. Sen. Barkus voted by proxy. The vote was reversed and **HB 443 TABLED.**

**ADJOURNMENT**

Adjournment: 5:00 P.M.

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Lindsey Hern, Secretary

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Additional Documents:

**EXHIBIT ([fis65aad.pdf](#))**