

## MINUTES

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

#### COMMITTEE ON FISH, WILDLIFE AND PARKS

**Call to Order:** Chair Ted Washburn, on January 25, 2011 at 3:00 PM, in Room 152  
Capitol

#### ROLL CALL

**Members Present:**

Rep. Ted Washburn, Chair (R)  
Rep. Jeffery W. Welborn, Vice Chair (R)  
Rep. Mike Phillips, Vice Chair (D)  
Rep. Carlie Boland (D)  
Rep. Pat Connell (R)  
Rep. Virginia Court (D)  
Rep. Kelly Flynn (R)  
Rep. Bill Harris (R)  
Rep. Douglas (Doug) Kary (R)  
Rep. Dan Kennedy (R)  
Rep. Austin Knudsen (R)  
Rep. Cleve J. Loney (R)  
Rep. Mike Miller (R)  
Rep. Jesse O'Hara (R)  
Rep. Jean Price (D)  
Rep. Dan Skattum (R)  
Rep. Franke Wilmer (D)  
Rep. Max Yates (R)

**Members Excused:** Rep. Robyn Driscoll (D)  
Rep. Ken Peterson (R)

**Members Absent:** None

**Staff Present:** Cara Gold, 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:**

Executive Action: HB 144; HB 151; HB 172; HB 159; HB 176; HB 173; HB 148; HB 177;  
HB 228; HB 225

00:00:03 The Chair welcomed the committee and reviewed the committee agenda.  
00:00:09 Hope Stockwell, Legislative Services Division (LSD)  
00:01:40 Rep. Washburn  
00:03:19 Rep. Wilmer  
00:03:39 Rep. Washburn

### **EXECUTIVE ACTION ON HB 144**

00:04:39 **Motion:** Rep. O'Hara moved that **HB 144 DO PASS.**

#### **Discussion:**

00:04:55 Rep. Connell

00:06:35 **Motion:** Rep. Connell moved that **HB 144 BE AMENDED.**  
**EXHIBIT(fih19a01)**

#### **Discussion:**

00:07:06 Rep. Connell

00:08:55 Rep. Flynn

00:10:08 Rep. Peterson entered the hearing.

00:10:11 **Vote:** Motion carried unanimously by roll call vote. Rep. Driscoll and Rep. Peterson voted by proxy.

00:11:31 Rep. Wilmer

00:12:27 Hope Stockwell, LSD

00:15:23 Rep. Washburn

00:15:47 Rep. Phillips

00:16:03 **Motion:** Rep. Connell moved that **HB 144 DO PASS AS AMENDED.**

#### **Discussion:**

00:16:18 Rep. Loney

00:16:37 **Vote:** Motion carried 15-5 by roll call vote with Rep. Boland, Rep. Court, Rep. Driscoll, Rep. Phillips and Rep. Price voting no. Rep. Driscoll voted by proxy.

00:18:22 Rep. Phillips

00:18:26 Rep. Washburn

00:18:36 Rep. Phillips

00:19:03 Rep. Peterson

**EXECUTIVE ACTION ON HB 151**

00:20:27 **Motion:** Rep. Welborn moved that **HB 151 DO PASS.**

00:20:48 **Motion:** Rep. K. Peterson moved that **HB 151 BE AMENDED.**  
**EXHIBIT(fih19a02)**

**Discussion:**

00:21:25 Rep. Washburn

00:21:59 Rep. Peterson

00:22:07 **Vote:** Motion carried unanimously by roll call vote. Rep. Driscoll voted by proxy.

00:23:10 **Motion:** Rep. K. Peterson moved that **HB 151 DO PASS AS AMENDED.**

**Discussion:**

00:23:24 Rep. Phillips

00:24:34 Rep. Flynn

00:25:45 Rep. Loney

00:26:03 Rep. Harris

00:26:45 **Vote:** Motion failed 2-18 by roll call vote with Rep. Kennedy and Rep. Washburn voting aye. Rep. Driscoll voted by proxy.

**EXECUTIVE ACTION ON HB 172**

00:28:04 **Motion:** Rep. K. Peterson moved that **HB 172 DO PASS.**

**Discussion:**

00:28:25 Rep. Phillips

00:30:21 Rep. Harris

00:31:28 Rep. Washburn

00:32:44 Rep. Loney

00:33:14 Rep. Kennedy

00:33:32 Rep. Wilmer

00:33:41 Rep. Loney

00:34:19 Rep. Court

00:34:55 Rep. Washburn

00:35:21 Rep. Connell

00:36:09 **Vote:** Motion carried 14-6 by roll call vote with Rep. Boland, Rep. Court, Rep. Driscoll, Rep. Phillips, Rep. Price and Rep. Wilmer voting no. Rep. Driscoll voted by proxy.

**EXECUTIVE ACTION ON HB 159**

00:37:29 **Motion:** Rep. K. Peterson moved that **HB 159 DO PASS.**

00:38:49 **Motion:** Rep. K. Peterson moved that **HB 159 BE AMENDED.**  
**EXHIBIT(fih19a03)**

**Discussion:**

00:40:35 Rep. Flynn  
00:41:11 Rep. Peterson

00:41:49 **Vote:** Motion carried unanimously by roll call vote. Rep. Driscoll voted by proxy.

00:42:45 **Motion:** Rep. Welborn moved that **HB 159 DO PASS AS AMENDED.**

**Discussion:**

00:43:18 Hope Stockwell  
00:44:00 Rep. Peterson

00:44:12 **Substitute Motion:** Rep. Flynn moved that **HB 159 BE FURTHER AMENDED.**  
**EXHIBIT(fih19a04)**

**Discussion:**

00:44:28 Rep. Wilmer  
00:44:46 Rep. Washburn  
00:45:15 Rep. Wilmer  
00:45:26 Hope Stockwell  
00:45:49 Rep. Peterson

00:46:22 **Vote:** Motion carried unanimously by voice vote. Rep. Driscoll voted by proxy.

00:46:56 **Motion:** Rep. Welborn moved that **HB 159 DO PASS AS AMENDED.**

**Discussion:**

00:47:08 Rep. Phillips  
00:47:55 Rep. Harris  
00:48:23 Rep. Flynn

00:49:10 **Vote:** Motion carried 12-8 by roll call vote with Rep. Boland, Rep. Court, Rep. Driscoll, Rep. O'Hara, Rep. Phillips, Rep. Price, Rep. Wilmer and Rep. Yates voting no. Rep. Driscoll voted by proxy.

**EXECUTIVE ACTION ON HB 176**

- 00:51:26 **Motion:** Rep. Kary moved that **HB 176 DO PASS.**
- 00:51:50 **Motion:** Rep. Flynn moved that **HB 176 BE AMENDED.**  
**EXHIBIT(fih19a05)**
- 00:52:06 Rep. Peterson left the hearing.
- 00:53:14 **Vote:** Motion carried unanimously by roll call vote. Rep. Driscoll and Rep. Peterson voted by proxy.
- 00:54:07 **Motion/Vote:** Rep. Flynn moved that **HB 176 DO PASS AS AMENDED.** Motion carried unanimously by voice vote. Rep. Driscoll and Rep. Peterson voted by proxy.

**EXECUTIVE ACTION ON HB 148**

- 00:55:45 **Motion:** Rep. Kary moved that **HB 148 DO PASS.**
- 00:56:30 Rep. Driscoll entered the hearing.
- 00:56:39 Rep. Peterson returned to the hearing.
- 00:57:14 **Motion/Vote:** Rep. Kary moved that **HB 148 BE AMENDED.** Motion carried 18-2 by voice vote with Rep. Connell and Rep. Miller voting no. Rep. Driscoll voted by proxy.  
**EXHIBIT(fih19a06)**
- 00:58:26 **Motion/Substitute Motion/Vote:** Rep. K. Peterson moved that **HB 148 DO PASS AS AMENDED** and made a substitute motion that **HB 148 BE TABLED.** Substitute Motion carried 19-1 by roll call vote with Rep. Kary voting no.

**EXECUTIVE ACTION ON HB 173**

- 01:00:57 **Motion:** Rep. Connell moved that **HB 173 DO PASS.**

**Discussion:**

- 01:01:13 Rep. Flynn  
01:03:21 Rep. Kennedy  
01:04:19 Rep. Harris  
01:05:48 Rep. Loney  
01:06:20 Rep. Peterson  
01:07:28 Rep. Knudsen  
01:08:14 Rep. Phillips  
01:08:54 Rep. Welborn

01:09:37 **Vote:** Motion failed 8-12 by roll call vote with Rep. Connell, Rep. Flynn, Rep. Kary, Rep. Knudsen, Rep. Loney, Rep. Washburn, Rep. Welborn and Rep. Wilmer voting aye.

01:10:54 **Motion/Vote:** Rep. Phillips moved that **HB 173 BE TABLED**. Motion carried unanimously by voice vote.

#### **EXECUTIVE ACTION ON HB 177**

01:12:08 Hope Stockwell

01:14:07 **Motion:** Rep. O'Hara moved that **HB 177 DO PASS**.

01:14:18 **Motion:** Rep. Flynn moved that **HB 177 BE AMENDED**.  
[EXHIBIT\(fih19a07\)](#)

#### **Discussion:**

01:14:56 Rep. Peterson  
01:15:08 Hope Stockwell  
01:17:27 Rep. Miller  
01:17:39 Hope Stockwell  
01:18:04 Rep. Miller  
01:18:11 Hope Stockwell  
01:18:29 Rep. Phillips  
01:19:12 Rep. Peterson

01:19:55 **Vote:** Motion carried 19-1 by voice vote with Rep. Driscoll voting no.

01:20:34 Rep. Peterson

01:20:54 **Substitute Motion/Vote:** Rep. Phillips made a substitute motion that **HB 177 BE TABLED**. Substitute Motion carried 12-8 by roll call vote with Rep. Connell, Rep. Harris, Rep. Kary, Rep. Kennedy, Rep. Loney, Rep. Peterson, Rep. Skattum and Rep. Welborn voting no.

#### **EXECUTIVE ACTION ON HB 228**

01:23:58 **Motion:** Rep. Welborn moved that **HB 228 DO PASS**.

#### **Discussion:**

01:24:17 Hope Stockwell

01:25:19 **Motion/Vote:** Rep. O'Hara moved that **HB 228 BE AMENDED**. Motion carried unanimously by voice vote.

[EXHIBIT\(fih19a08\)](#)

01:26:16 Rep. Washburn

01:27:03 Rep. Knudsen

01:27:18 **Motion:** Rep. Knudsen moved that **HB 228 DO PASS AS AMENDED.**

01:27:34 **Substitute Motion:** Rep. Washburn moved that **HB 228 BE AMENDED.**  
**EXHIBIT(fih19a09)**

**Discussion:**

01:28:23 Rep. Peterson

01:28:48 **Vote:** Motion carried 16-4 by voice vote with Rep. Boland, Rep. Knudsen, Rep. Miller and Rep. Wilmer voting no.

01:29:36 Rep. Miller

01:29:41 **Motion:** Rep. Welborn moved that **HB 228 DO PASS AS AMENDED.**

**Discussion:**

01:29:53 Rep. Peterson

01:30:14 Rep. Flynn

01:32:53 Rep. Loney

01:33:48 Rep. Kennedy

01:34:08 Rep. Skattum

01:34:34 Rep. Connell

01:35:50 Rep. Harris

01:36:34 **Vote:** Motion failed 10-10 by roll call vote with Rep. Connell, Rep. Harris, Rep. Kary, Rep. Kennedy, Rep. Knudsen, Rep. O'Hara, Rep. Skattum, Rep. Washburn, Rep. Wilmer and Rep. Yates voting aye.

01:38:09 **Substitute Motion/Vote:** Rep. Kennedy made a substitute motion that **HB 228 BE TABLED.** Substitute Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 225**

01:38:30 **Motion:** Rep. Welborn moved that **HB 225 DO PASS.**

01:39:44 **Motion:** Rep. K. Peterson moved that **HB 225 BE AMENDED.**  
**EXHIBIT(fih19a10)**

**Discussion:**

01:40:51 Rep. Connell

01:41:35 Rep. Peterson

01:41:40 Rep. Welborn

01:42:13 Rep. Peterson

01:42:19 Rep. Welborn  
01:42:38 Rep. Flynn  
01:42:57 Hope Stockwell

01:43:32 **Vote:** Motion carried 19-1 by voice vote with Rep. Kary voting no.

01:44:05 **Motion:** Rep. K. Peterson moved that **HB 225 DO PASS AS AMENDED.**

01:44:17 **Substitute Motion:** Rep. Welborn moved that **HB 225 BE AMENDED.**  
**EXHIBIT(fih19a11)**

**Discussion:**

01:44:50 Rep. Welborn  
01:45:19 Rep. Kennedy  
01:45:42 Hope Stockwell  
01:45:49 Rep. Kennedy  
01:46:02 Hope Stockwell  
01:46:25 Rep. Peterson

01:47:00 **Vote:** Motion carried unanimously by voice vote.

01:47:12 **Motion:** Rep. Welborn moved that **HB 225 DO PASS AS AMENDED.**

**Discussion:**

01:47:23 Rep. Skattum

01:47:51 **Vote:** Motion carried unanimously by roll call vote.

**ADJOURNMENT**

01:49:00      Adjournment

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Cara Gold, Secretary

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**Additional Documents:**

**[EXHIBIT\(fih19a12\)](#)**

Additional Documents:

**[EXHIBIT\(fih19aad.pdf\)](#)**