

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH, WILDLIFE AND PARKS

Call to Order: Chair Ted Washburn, on February 8, 2011 at 3:40 PM, in Room 152
Capitol

ROLL CALL

Members Present:

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

Members Excused: Rep. Austin Knudsen (R)
Rep. Pat Connell (R)

Members Absent: Rep. Franke Wilmer (D)

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:

Hearing & Date Posted: HB 337, 2/3/2011; HB 361, 2/3/2011; HB 372, 2/3/2011
Executive Action: HB 339; HB 335; HB 336; HB 282; HB 289; HB 214

00:00:05 Vice Chair Welborn welcomed everyone and reviewed the committee rules.

HEARING ON HB 372

Opening Statement by Sponsor:

00:01:52 Rep. Ted Washburn (R), HD 69, opened the hearing on HB 372, Clarify preference system laws for nonresident permits and licenses.

[EXHIBIT\(fih31a01\)](#)

Proponents' Testimony:

00:05:21 Jean Johnson, Montana Outfitters and Guides Association (MOGA)

[EXHIBIT\(fih31a02\)](#)

00:09:37 Rob Arnaud, MOGA

Opponents' Testimony:

00:13:06 Dave Risley, Montana Fish, Wildlife and Parks (FWP)

[EXHIBIT\(fih31a03\)](#)

00:17:35 Ben Lamb, Montana Wildlife Federation (MWF)

Informational Testimony: None

Questions from Committee Members and Responses:

00:19:35 Rep. Kennedy

00:20:19 Rep. Washburn

00:21:39 Rep. Kennedy

00:22:00 Dave Risley

00:22:42 Rep. Kennedy

00:22:51 Dave Risley

00:23:31 Rep. Flynn

00:24:06 Jean Johnson

00:24:44 Rep. Flynn

00:25:09 Jean Johnson

00:26:15 Rep. Flynn

00:26:47 Rob Arnaud

00:27:14 Rep. Flynn

00:27:34 Rob Arnaud

00:28:12 Rep. Wilmer entered the hearing.

00:28:18 Rep. Loney

00:28:36 Dave Risley

00:30:03 Rep. Loney

00:30:10 Dave Risley

00:30:42 Rep. Court

00:31:09 Dave Risley

00:31:40 Rep. Welborn

00:32:09 Dave Risley
00:32:35 Ben Lamb
00:32:52 Jean Johnson

Closing by Sponsor:

00:33:38 Rep. Washburn

HEARING ON HB 337

Opening Statement by Sponsor:

00:37:00 Rep. Mike Menahan (D), HD 82, opened the hearing on HB 337, Revising definitions related to fish and game violations.

Proponents' Testimony:

00:42:54 Jim Kropp, FWP
[EXHIBIT\(fih31a04\)](#)
00:44:35 Ben Lamb, MWF

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:45:08 Rep. Kennedy
00:45:34 Rep. Menahan
00:45:58 Hope Stockwell, Legislative Services Division (LSD)
00:47:28 Rep. Peterson

00:47:46 Rep. Harris left the hearing.

00:48:12 Rep. Menahan
00:49:20 Rep. Peterson
00:49:30 Rep. Menahan

Closing by Sponsor:

00:49:44 Rep. Menahan

00:50:41 Rep. Welborn
00:52:02 Hope Stockwell, LSD
00:52:37 Rep. Phillips
00:53:08 Hope Stockwell

EXECUTIVE ACTION ON HB 339

00:53:16 Hope Stockwell

00:53:26 **Motion:** Rep. Phillips moved that **HB 339 DO PASS.**

Discussion:

00:53:35 Rep. Miller

EXHIBIT(fih31a05)

00:54:30 Rep. Phillips

00:54:45 Hope Stockwell

00:55:03 Rep. Court

00:55:35 Rep. Flynn

00:56:16 Rep. Peterson

00:56:52 Rep. Kennedy

00:57:25 **Vote:** Motion carried 19-1 by voice vote with Rep. Kennedy voting no. Rep. Connell, Rep. Harris and Rep. Knudsen voted aye by proxy.

EXECUTIVE ACTION ON HB 335

00:58:12 **Motion:** Rep. Phillips moved that **HB 335 DO PASS.**

Discussion:

00:58:27 Hope Stockwell

00:58:52 Rep. Phillips

00:59:12 Rep. Peterson

00:59:31 Rep. Welborn

00:59:36 Rep. Phillips

00:59:57 Rep. Peterson

01:00:20 Rep. Wilmer

01:00:36 Hope Stockwell

01:01:13 Rep. Peterson

01:01:15 Hope Stockwell

01:02:14 Rep. Peterson

01:02:26 Hope Stockwell

01:02:47 Rep. Peterson

01:02:56 Rep. Kennedy

01:03:36 Rep. Skattum

01:03:57 **Vote:** Motion carried 16-4 by roll call vote with Rep. Kennedy, Rep. Peterson, Rep. Skattum and Rep. Yates voting no. Rep. Connell, Rep. Harris and Rep. Knudsen voted aye by proxy.

EXECUTIVE ACTION ON HB 336

01:05:28 **Motion:** Rep. O'Hara moved that **HB 336 DO PASS.**

Discussion:

01:05:37 Hope Stockwell

01:05:54 Rep. Wilmer

01:06:13 Rep. Welborn

01:06:24 **Vote:** Motion carried 12-8 by voice vote with Rep. Connell, Rep. Harris, Rep. Kennedy, Rep. Knudsen, Rep. Peterson, Rep. Skattum, Rep. Welborn and Rep. Yates voting no. Rep. Connell, Rep. Harris and Rep. Knudsen voted by proxy.

EXECUTIVE ACTION ON HB 282

01:07:53 **Motion:** Rep. Kary moved that **HB 282 DO PASS.**

Discussion:

01:08:04 Hope Stockwell

01:09:52 **Motion:** Rep. Flynn moved that **HB 282 BE AMENDED.**
EXHIBIT(fih31a06)

Discussion:

01:10:29 Rep. Kennedy

01:10:56 **Vote:** Motion carried unanimously by voice vote. Rep. Connell, Rep. Harris and Rep. Knudsen voted aye by proxy.

01:11:21 **Motion:** Rep. Flynn moved that **HB 282 DO PASS AS AMENDED.**

Discussion:

01:11:38 Rep. Peterson

01:12:13 Rep. Miller

01:12:22 Rep. Flynn

01:13:02 Rep. Washburn

01:13:43 Rep. Welborn

01:13:48 Hope Stockwell

01:14:38 **Substitute Motion:** Rep. Flynn made a substitute motion to **DRAFT A COMMITTEE BILL.**

Discussion:

01:15:33 Rep. Phillips
01:15:52 Hope Stockwell
01:16:04 Rep. Peterson
01:16:14 Rep. Driscoll
01:16:25 Rep. Phillips
01:17:05 Rep. Phillips

01:17:42 Rep. Flynn withdrew the substitute motion to draft a committee bill.

Substitute Motion/Vote: Rep. Flynn made a substitute motion that **HB 282 BE TABLED**. Substitute Motion carried unanimously by voice vote. Rep. Connell, Rep. Harris and Rep. Knudsen voted by proxy.

01:18:52 Hope Stockwell
01:19:09 Rep. Welborn

01:19:18 **Motion:** Rep. Wilmer made a substitute motion to draft a committee bill.

01:19:55 **Vote:** Motion carried 19-1 by voice vote with Rep. Skattum voting no. Rep. Connell, Rep. Harris and Rep. Knudsen voted aye by proxy.

EXECUTIVE ACTION ON HB 289

01:21:01 **Motion:** Rep. O'Hara moved that **HB 289 DO PASS**.

Discussion:

01:21:22 Rep. Flynn
01:21:49 Rep. Welborn
01:21:52 Hope Stockwell

01:22:43 **Motion:** Rep. O'Hara moved that **HB 289 BE AMENDED**.
[EXHIBIT\(fih31a07\)](#)

Discussion:

01:23:06 Rep. Miller

01:23:18 Rep. Wilmer left the hearing.

01:23:39 Rep. Washburn

01:24:18 **Vote:** Motion carried 16-4 by voice vote with Rep. Flynn, Rep. Miller, Rep. Skattum and Rep. Yates voting no. Rep. Connell, Rep. Harris, Rep. Knudsen and Rep. Wilmer voted aye by proxy.

01:25:07 **Motion:** Rep. O'Hara moved that **HB 289 DO PASS AS AMENDED**.

Discussion:

01:25:18 Rep. Peterson
01:25:31 Hope Stockwell
01:26:07 Rep. Peterson
01:26:10 Hope stockwell
01:26:41 Rep. Skattum
01:27:01 Rep. Flynn

01:27:39 **Vote:** Motion failed 8-12 by roll call vote with Rep. Boland, Rep. Court, Rep. Driscoll, Rep. Kennedy, Rep. Knudsen, Rep. Phillips, Rep. Price and Rep. Wilmer voting aye. Rep. Connell, Rep. Harris, Rep. Knudsen and Rep. Wilmer voted by proxy.

01:29:03 **Motion:** Rep. O'Hara moved that **HB 289 BE TABLED AND THE VOTE REVERSED**. The motion was carried without objection from the committee.

EXECUTIVE ACTION ON HB 214

01:29:41 **Motion:** Rep. O'Hara moved that **HB 214 DO PASS**.

Discussion:

01:29:49 Hope Stockwell

01:31:29 **Motion:** Rep. O'Hara moved that **HB 214 BE AMENDED**.
[EXHIBIT\(fih31a08\)](#)

Discussion:

01:31:44 Rep. Phillips

01:33:44 **Vote:** Motion failed 7-13 by roll call vote with Rep. Connell, Rep. Harris, Rep. Kary, Rep. Knudsen, Rep. Loney, Rep. O'Hara and Rep. Peterson voting aye. Rep. Connell, Rep. Harris, Rep. Knudsen and Rep. Wilmer voted by proxy.

01:35:15 **Motion:** Rep. Welborn moved that **HB 214 DO PASS**.

Discussion:

01:35:18 Rep. Harris returned to the hearing.

01:35:30 Rep. Phillips
01:36:35 Rep. Harris
01:38:46 Rep. Loney
01:39:43 Rep. Peterson
01:40:02 Rep. Harris
01:40:29 Rep. Phillips
01:41:50 Rep. Washburn

01:42:44 Rep. Flynn
01:43:09 Rep. Harris
01:45:15 Rep. Welborn
01:45:27 Rep. Washburn

01:45:42 Rep. Boland left the hearing.

01:46:06 Rep. Harris

01:46:59 **Vote:** Motion failed 10-10 by roll call vote with Rep. Connell, Rep. Flynn, Rep. Harris, Rep. Knudsen, Rep. Loney, Rep. Miller, Rep. O'Hara, Rep. Peterson, Rep. Welborn and Rep. Yates voting aye. Rep. Boland, Rep. Connell, Rep. Knudsen and Rep. Wilmer voted by proxy.

01:48:18 **Motion/Vote:** Rep. O'Hara moved that **HB 214 BE TABLED**. Motion carried 19-1 by voice vote with Rep. Skattum voting no. Rep. Boland, Rep. Connell, Rep. Knudsen and Rep. Wilmer voted by proxy.

HEARING ON HB 361

Opening Statement by Sponsor:

01:50:46 Rep. Ted Washburn (R), HD 69, opened the hearing on HB 361, Requiring the issuance of archery-only elk permits at 2007 levels.

[EXHIBIT\(fih31a09\)](#)

01:53:44 Rep. Phillips left the hearing.

Proponents' Testimony:

01:54:28 Charlene Rich, Self

01:56:44 Rep. Phillips returned to the hearing.

01:56:54 Chuck Denowh, United Property Owners of America

[EXHIBIT\(fih31a10\)](#)

01:59:01 Rep. O'Hara left the hearing

02:00:28 Paul Ellis, Self

[EXHIBIT\(fih31a11\)](#)

[EXHIBIT\(fih31a12\)](#)

[EXHIBIT\(fih31a13\)](#)

[EXHIBIT\(fih31a14\)](#)

02:06:57 Rob Arnaud, MOGA

02:08:47 Jack Billingsley, Self

02:10:26 Chuck Rein, Self

02:11:43 Phillip Bowers, Self

02:12:46 Rachel Kinkie, Coalition for Responsible Management of Fish and Wildlife

[EXHIBIT\(fih31a15\)](#)

[EXHIBIT\(fih31a16\)](#)

[EXHIBIT\(fih31a17\)](#)

02:14:51 Rep. O'Hara returned to the hearing.

Opponents' Testimony:

02:16:27 Dave Risley, FWP

[EXHIBIT\(fih31a18\)](#)

02:21:35 Ben Lamb, MWF

02:23:52 Rep. Court left the hearing.

Informational Testimony: None

Questions from Committee Members and Responses:

02:25:13 Rep. Harris

02:25:55 Rep. Court returned to the hearing.

02:26:11 Ben Lamb

02:26:36 Rep. Harris

02:27:00 Ben Lamb

02:27:50 Rep. Peterson

02:28:20 Dave Risley

02:29:11 Rep. Peterson

02:29:38 Dave Risley

02:30:27 Rep. Kennedy

02:31:12 Paul Ellis

02:31:33 Rep. Kennedy

02:31:37 Paul Ellis

02:31:46 Rep. Flynn

02:32:12 Dave Risley

02:32:20 Rep. Flynn

02:32:33 Dave Risley

02:32:45 Rep. Flynn

02:33:07 Dave Risley

02:33:28 Rep. Flynn

02:34:01 Dave Risley

02:34:10 Rep. Flynn

02:34:44 Rachel Kinkie

02:35:07 Rep. Flynn

02:35:35 Rachel Kinkie

02:36:17 Rep. Flynn

02:36:44 Dave Risley

02:36:58 Rep. Kennedy

02:37:11 Dave Risley

02:37:19 Rep. Yates
02:37:48 Chuck Rein
02:37:49 Rep. Yates
02:38:02 Chuck Rein

02:38:04 Rep. Kennedy left the hearing.

02:38:36 Rep. Yates
02:39:14 Phillip Bowers
02:39:17 Rep. Yates
02:39:20 Phillip Bowers
02:39:24 Rep. Yates
02:39:40 Phillip Bowers
02:40:13 Rep. Yates
02:40:30 Phillip Bowers
02:40:56 Rep. Skattum
02:41:25 Paul Ellis
02:42:59 Rep. Skattum
02:43:23 Dave Risley
02:43:36 Rep. Skattum
02:43:52 Dave Risley
02:44:06 Rep. Skattum
02:44:30 Dave Risley
02:44:49 Rep. Harris
02:45:32 Paul Ellis
02:46:05 Rep. Harris
02:46:14 Paul Ellis
02:46:42 Rep. Welborn
02:47:40 Dave Risley
02:48:52 Rep. Welborn

Closing by Sponsor:

02:49:07 Rep. Washburn

ADJOURNMENT

02:51:13 Adjournment

Cara Gold, Secretary

cg

Additional Documents:

EXHIBIT([fih31aad.pdf](#))