

## MINUTES

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

#### COMMITTEE ON FISH, WILDLIFE AND PARKS

**Call to Order:** Chair Ted Washburn, on April 5, 2011 at 2:50 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. Austin Knudsen (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. 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: SB 157, 4/1/2011; SB 390, 4/1/2011

Executive Action: SB 348; SB 134; SB 157

00:00:05 The Vice Chair welcomed the committee and reviewed the committee agenda.

**EXECUTIVE ACTION ON SB 134**

Executive Action was previously taken on SB 134 on 3/15/200 and 3/31/2011

00:01:19 Hope Stockwell, Legislative Services Division (LSD)

00:01:50 **Motion:** Rep. O'Hara moved that **SB 134 BE CONCURRED IN.**

**Discussion:**

00:02:13 Rep. Peterson

00:02:31 Rep. Welborn

00:02:44 Hope Stockwell, LSD

00:02:59 Rep. O'Hara

00:03:16 Rep. Yates

00:03:43 Hope Stockwell

00:04:48 Rep. Phillips

00:05:57 Rep. Harris

00:07:02 Rep. O'Hara

00:07:14 Hope Stockwell

00:07:39 Rep. Kennedy

00:08:20 Rep. Peterson

00:08:47 Rep. Flynn

00:09:51 Rep. Phillips

00:11:03 Rep. Harris

00:12:06 Rep. Kennedy

00:12:16 **Vote:** Motion failed 10-10 by roll call vote with Rep. Connell, Rep. Flynn, Rep. Harris, Rep. Kary, Rep. Kennedy, Rep. Knudsen, Rep. Skattum, Rep. Washburn, Rep. Welborn and Rep. Yates voting aye. Rep. Connell and Rep. Wilmer voted by proxy.

00:13:19 **Motion/Vote:** Rep. O'Hara moved that **SB 134 BE TABLED.** Motion carried unanimously by voice vote. Rep. Connell and Rep. Wilmer voted by proxy.

**HEARING ON SB 157**

**Opening Statement by Sponsor:**

00:15:13 Sen. Kendall Van Dyk (D), SD 25, opened the hearing on SB 157, Establish hunters against hunger donation program.

00:15:53 Rep. Wilmer entered the hearing.

00:19:31 Rep. Knudsen left the hearing.

**Proponents' Testimony:**

00:21:24 Joe Maurier, Montana Department of Fish, Wildlife and Parks (FWP)

00:23:15 Ben Lamb, Montana Wildlife Federation (MWF)

**EXHIBIT(fih76a01)**

00:26:28 Hank Hudson, Department of Public Health and Human Services (DPHHS)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:27:26 Rep. Flynn

00:28:06 Sen. Van Dyk

00:28:37 Rep. Flynn

00:28:55 Sen. Van Dyk

00:29:38 Rep. Flynn

00:30:05 Sen. Van Dyk

00:30:15 Rep. Knudsen returned to the hearing.

00:30:51 Rep. Flynn

00:31:16 Sen. Van Dyk

00:31:54 Rep. Yates

00:32:05 Sen. Van Dyk

00:32:25 Rep. Yates

00:33:15 Sen. Van Dyk

00:33:50 Rep. Yates

00:34:14 Sen. Van Dyk

00:35:13 Rep. Kennedy

00:35:32 Joe Maurier

00:35:42 Rep. Washburn

00:36:19 Joe Maurier

00:36:44 Rep. Washburn

00:37:07 Sen. Van Dyk

00:37:12 Rep. Washburn

00:37:17 Sen. Van Dyk

00:37:53 Rep. Welborn

00:38:44 Sen. Van Dyk

00:38:49 Rep. Welborn

00:39:14 Sen. Van Dyk

00:40:07 Rep. Peterson

00:40:58 Joe Maurier

00:41:29 Rep. Peterson

00:41:52 Joe Maurier

00:42:33 Rep. Peterson

00:43:03 Rep. Kennedy

00:43:16 Sen. Van Dyk

**Closing by Sponsor:**

00:44:03 Sen. Van Dyk

00:47:50 Rep. Welborn

**HEARING ON SB 390**

**Opening Statement by Sponsor:**

00:49:12 Sen. Llew Jones (R), SD 14, opened the hearing on SB 390, Revise laws related to wildlife population management funding.

00:50:04 Rep. Kennedy left the hearing.

00:51:33 Rep. Kennedy returned to the hearing.

**Proponents' Testimony:**

00:53:33 Jim Brown, Montana Wool Growers Association

**Opponents' Testimony:**

00:57:43 Joe Maurier, FWP  
[EXHIBIT\(fih76a02\)](#)

01:01:11 Rep. Loney and Rep. O'Hara left the hearing.

01:01:23 Ben Lamb, MWF

01:03:40 Rep. Miller left the hearing.

01:07:34 Casey Perkins, Montana Audubon

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:09:21 Rep. Flynn

01:09:54 Sen. Jones

01:10:40 Rep. Flynn

01:11:04 Sen. Jones

01:11:23 Rep. Flynn

01:11:55 Joe Maurier

01:12:47 Rep. Phillips

01:13:15 Joe Maurier

01:13:21 Rep. Wilmer left the hearing.

01:13:22 Rep. Phillips  
01:13:40 Joe Maurier  
01:14:03 Rep. Phillips  
01:14:13 Joe Maurier  
01:14:18 Rep. Phillips  
01:14:39 Joe Maurier

01:15:00 Rep. Washburn left the hearing.

01:15:17 Rep. Phillips  
01:16:28 Sen. Jones

01:16:45 Rep. Wilmer returned to the hearing.

01:17:07 Jim Brown  
01:18:16 Rep. Phillips

01:18:24 Rep. Miller returned to the hearing.

01:19:08 Sen. Jones  
01:19:57 Rep. Phillips  
01:20:09 Sen. Jones  
01:20:42 Rep. Phillips

01:21:17 Rep. Harris left the hearing.

01:21:26 Sen. Jones  
01:21:48 Rep. Phillips  
01:22:00 Bob Lane, FWP  
01:23:35 Rep. Kennedy  
01:24:11 Joe Maurier  
01:25:07 Rep. Kennedy  
01:25:20 Joe Maurier

01:25:23 Rep. Harris returned to the hearing.

01:25:49 Rep. Kennedy  
01:25:54 Joe Maurier  
01:26:03 Rep. Wilmer  
01:26:27 Bob Lane  
01:26:55 Rep. Wilmer  
01:27:03 Bob Lane

01:27:48 Rep. Wilmer  
01:27:59 Bob Lane

01:29:03 Rep. Knudsen and Rep. Flynn left the hearing.

01:29:16 Rep. Wilmer  
01:30:29 Bob Lane

01:32:10 Rep. Wilmer  
01:32:35 Bob Lane  
01:33:37 Rep. Wilmer  
01:34:00 Bob Lane  
01:34:46 Rep. Yates  
01:36:03 Joe Maurier  
  
01:36:39 Rep. Peterson left the hearing.  
Rep. Knudsen returned to the hearing.  
  
01:39:15 Rep. Welborn

**Closing by Sponsor:**

01:39:27 Sen. Jones  
01:40:28 Rep. Peterson and Rep. Flynn returned to the hearing.  
01:41:58 Rep. Welborn

**EXECUTIVE ACTION ON SB 157**

01:43:04 **Motion:** Rep. Flynn moved that **SB 157 BE CONCURRED IN.**

**Discussion:**

01:43:24 Rep. Peterson  
01:44:35 Rep. Skattum  
01:45:06 Rep. Knudsen  
01:45:35 Rep. Kennedy  
01:46:20 Rep. Harris  
01:47:43 Rep. Flynn  
  
01:48:50 **Vote:** Motion failed 9-11 by roll call vote with Rep. Boland, Rep. Court, Rep. Driscoll, Rep. Loney, Rep. O'Hara, Rep. Phillips, Rep. Price, Rep. Welborn and Rep. Wilmer voting aye. Rep. Connell, Rep. Loney, Rep. O'Hara and Rep. Washburn voted by proxy.  
  
01:50:08 **Motion/Vote:** Rep. K. Peterson moved that **SB 157 BE TABLED AND THE VOTE REVERSED.** Motion carried 16-4 by voice vote with Rep. Boland, Rep. Court, Rep. Phillips and Rep. Wilmer voting no. Rep. Connell, Rep. Loney, Rep. O'Hara and Rep. Washburn voted by proxy.

**EXECUTIVE ACTION ON SB 348**

01:51:03 **Motion:** Rep. Kary moved that **SB 348 BE CONCURRED IN.**

**Discussion:**

01:51:11 Rep. Phillips  
01:51:26 Hope Stockwell, LSD  
01:51:37 Rep. Phillips

01:51:41 Rep. Skattum left the hearing.

01:51:47 Hope Stockwell

01:52:47 **Substitute Motion:** Rep. Phillips made a substitute motion that **SB 348 BE AMENDED.**

**EXHIBIT(fih76a03)**

**EXHIBIT(fih76a04)**

**Discussion:**

01:54:00 Hope Stockwell  
01:54:34 Rep. Phillips  
01:54:52 Hope Stockwell  
01:55:42 Rep. Welborn  
01:55:48 Hope Stockwell

01:57:45 Rep. Boland left the hearing.

01:57:50 Rep. Phillips  
01:59:01 Rep. Miller  
01:59:40 Rep. Phillips  
02:00:34 Rep. Harris  
02:01:20 Rep. Phillips  
02:02:02 Rep. Knudsen  
02:02:46 Rep. Phillips

02:03:49 Rep. Washburn returned to the hearing.

02:04:03 Rep. Kennedy  
02:04:16 Rep. Wilmer  
02:05:03 Rep. Phillips  
02:05:34 Rep. Welborn  
02:06:00 Rep. Peterson  
02:08:00 Rep. Phillips  
02:08:57 Rep. Yates  
02:09:44 Rep. Phillips  
02:09:57 Joe Maurier, FWP  
02:11:58 Rep. Yates  
02:12:25 Joe Maurier

- 02:12:54 Rep. Flynn  
02:13:58 Bob Lane, FWP  
02:14:55 Rep. Welborn  
02:15:23 Rep. Peterson  
02:15:42 Rep. Welborn
- 02:15:46 **Vote:** Motion carried 16-4 by roll call vote with Rep. Flynn, Rep. Harris, Rep. Kary and Rep. Kennedy voting no. Rep. Boland, Rep. Connell, Rep. Loney, Rep. O'Hara and Rep. Skattum voted by proxy.
- 02:17:02 **Motion:** Rep. K. Peterson moved that **SB 348 BE CONCURRED IN AS AMENDED.**
- 02:17:13 **Substitute Motion:** Rep. K. Peterson made a substitute motion that **SB 348 BE AMENDED.** Rep Peterson requested that only section 9 of the amendment be considered. (See Exhibit 4)

**Discussion:**

- 02:17:38 Hope Stockwell
- 02:17:59 Rep. Harris left the hearing.
- 02:18:04 Rep. Peterson  
02:18:07 Rep. Wilmer  
02:18:18 Rep. Peterson  
02:18:24 Rep. Welborn declared that without objection only section 9 of the amendment would be considered.
- 02:18:33 **Vote:** Motion on section 9 carried unanimously by voice vote. Rep. Boland, Rep. Connell, Rep. Loney, Rep. O'Hara and Rep. Skattum voted by proxy.
- 02:19:13 Rep. Miller raised a point of order that the previous motion included all sections of the amendment.
- 02:19:38 Rep. Welborn
- 02:19:44 Rep. Peterson **WITHDREW SECTIONS 1- 8 OF THE AMENDMENT.** Without objection the committee concurred. (See Exhibit 4)
- 02:20:03 **Motion:** Rep. K. Peterson moved that **SB 348 BE CONCURRED IN AS AMENDED.**

**Discussion:**

- 02:20:12 Hope Stockwell  
02:20:53 Rep. Kennedy  
02:21:24 Rep. Peterson

02:21:27 **Vote:** Motion carried 14-6 by roll call vote with Rep. Court, Rep. Driscoll, Rep. Harris, Rep. Kary, Rep. Kennedy and Rep. Yates voting no. Rep. Boland, Rep. Connell, Rep. Loney, Rep. O'Hara and Rep. Skattum voted by proxy. Rep. Welborn will carry the bill.

02:22:45 Rep. Welborn

**ADJOURNMENT**

02:23:18      Adjournment

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Cara Gold, Secretary

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**Additional Exhibits:**

**[EXHIBIT\(fih76a05\)](#)**

Additional Documents:

**[EXHIBIT\(fih76aad.pdf\)](#)**