

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH AND GAME

Call to Order: Chair John Brenden, on April 5, 2011 at 3:00 PM, in Room 422 Capitol

ROLL CALL

Members Present:

Sen. John Brenden, Chairman (R)
Sen. Debby Barrett (R)
Sen. Tom Facey (D)
Sen. Steven Gallus (D)
Sen. Bradley Hamlett (D)
Sen. Greg Hinkle (R)
Sen. Jim Shockley (R)
Sen. Art Wittich (R)

Members Excused: Sen. Joe Balyeat, Vice Chairman (R)
Sen. Larry Jent (D)

Members Absent: None

Staff Present: Joe Kolman, Legislative Branch
Kevin McCue, Committee Secretary

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 159, 4/1/2011; HB 209, 4/1/2011; HB 363, 4/1/2011; HB 475, 4/1/2011

Executive Action: HB 363 - Be concurred in
HB 475 - Be concurred in
HB 159 - Be concurred in as amended

HEARING ON HB 363

Opening Statement by Sponsor:

00:01:12 Rep. Mike Cuffe (R), HD 2, opened the hearing on HB 363, Provide for use of wolf license money.

[EXHIBIT\(fis76a01\)](#)

Proponents' Testimony:

00:03:59 Jim Brown, lobbyist, Montana Wool Growers Association (MWGA)

[EXHIBIT\(fis76a02\)](#)

00:06:25 Jay Bodner, lobbyist, Montana Stockgrowers Association (MSA) and on behalf of John Youngberg, lobbyist, Montana Farm Bureau Federation (MFBF)

Opponents' Testimony:

00:07:35 George Golie, lobbyist, Montana Wildlife Federation (MWF)

[EXHIBIT\(fis76a03\)](#)

00:08:39 Janet Ellis, lobbyist, Montana Audubon

Informational Testimony:

None

Questions from Committee Members and Responses:

00:10:39 Sen. Wittich

00:11:08 Without objection, Dave Risley, Fish and Wildlife Administrator, Fish, Wildlife and Parks (FWP)

00:12:40 Sen. Barrett

00:15:00 Sen. Gallus

00:15:14 Mr. Risley, FWP

00:15:41 Sen. Shockley

00:16:04 Mr. Golie, MWF

00:17:41 Sen. Wittich

00:18:06 Mr. Brown, MWGA

Closing by Sponsor:

00:21:09 Rep. Cuffe

HEARING ON HB 475

Opening Statement by Sponsor:

00:24:53 Rep. Pat Connell (R), HD 87, opened the hearing on HB 475, Requiring trapper safety course to receive Class C resident trappers license.

Proponents' Testimony:

00:27:52 Ken Cordoza, self
00:29:20 Don Bothwell, Director, Montana Fur Bearer Conservation Alliance (MFCA)
00:31:47 Fran Buell, Trapper Education Program Coordinator, Montana Trappers
Association (MTA)

EXHIBIT(fis76a04)

00:35:49 Dave Risley, Fish and Wildlife Administrator, Fish, Wildlife and Parks (FWP)

EXHIBIT(fis76a05)

00:37:02 Jay Bodner, lobbyist, Montana Stockgrowers Association (MSA) and Montana
Public Lands Council (MPLC)
00:38:04 George Golie, lobbyist, Montana Wildlife Federation (MWF)

Opponents' Testimony:

00:38:40 Greg Ticknor, self

Informational Testimony:

None

Questions from Committee Members and Responses:

00:39:43 Sen. Wittich
00:40:42 Rep. Connell
00:42:47 Sen. Wittich
00:43:02 Mr. Risley, FWP
00:46:00 Without objection, Jeff Herbert, Assistant Chief of Wildlife, Fish, Wildlife and
Parks (FWP)
00:46:35 Sen. Barrett
00:46:44 Ms. Buell, MTA
00:49:50 Mr. Bothwell, MFCA
00:50:16 Sen. Hinkle
00:50:35 Mr. Risley
00:50:49 Sen. Wittich
00:51:33 Rep. Connell

Closing by Sponsor:

00:52:22 Rep. Connell

HEARING ON HB 159

Opening Statement by Sponsor:

00:54:09 Rep. Cary Smith (R), HD 55, opened the hearing on HB 159, Restrict authority of
FWP to regulate ammo or firearms for hunting.

Proponents' Testimony:

None

Opponents' Testimony:

00:57:33 George Golie, lobbyist, Montana Wildlife Federation (MWF) and Montana Game Wardens Association (MGWA)

01:01:33 Annie Glover, lobbyist, Confederated Salish & Kootenai Tribes (CSKT)

EXHIBIT(fis76a06)

01:03:29 Janet Ellis, lobbyist, Montana Audubon

01:05:10 Dave Risley, Fish and Wildlife Administrator, Fish, Wildlife and Parks (FWP)

EXHIBIT(fis76a07)

Informational Testimony:

None

Questions from Committee Members and Responses:

01:07:08 Sen. Hinkle

01:07:32 Mr. Golie, MWF and MGWA

01:09:11 Sen. Shockley

01:09:20 Mr. Risley, FWP

01:09:52 Sen. Shockley

01:10:06 Rep. Smith

01:10:44 Sen. Balyeat and Sen. Jent joined the hearing; Sen Gallus left the hearing.

01:11:33 Sen. Barrett

01:11:45 Rep. Smith

01:11:51 Sen. Wittich

01:12:19 Rep. Smith

01:14:39 Sen. Facey

01:15:26 Mr. Risley

01:15:37 Sen. Balyeat

01:15:57 Sen. Wittich

01:16:11 Ms. Glover, CSKT

Closing by Sponsor:

01:18:02 Rep. Smith

HEARING ON HB 209

Opening Statement by Sponsor:

01:22:15 Rep. Ted Washburn (R), HD 69, opened the hearing on HB 209, Revise maintenance laws for FWP land to prioritize funds for WMAs.

EXHIBIT(fis76a08)

Proponents' Testimony:

01:26:46 Janet Ellis, lobbyist, Montana Audubon

Opponents' Testimony:

01:28:34 Dave Risley, Fish and Wildlife Administrator, Fish, Wildlife and Parks (FWP)
01:30:00 George Golie, lobbyist, Montana Wildlife Federation (MWF)

Informational Testimony:

None

Questions from Committee Members and Responses:

01:31:19 Sen. Shockley
01:31:50 Mr. Golie, MWF
01:33:07 Sen. Balyeat
01:33:35 Mr. Golie
01:34:09 Without objection, Jeff Herbert, Assistant Chief of Wildlife, Fish, Wildlife and
Parks (FWP)
01:35:06 Sen. Balyeat
01:36:39 Mr. Golie
01:37:10 Sen. Facey
01:37:27 Mr. Risley, FWP
01:37:45 Sen. Facey
01:38:20 Rep. Washburn
01:38:57 Sen. Brenden
01:39:46 Sen. Wittich
01:40:06 Mr. Golie
01:43:28 Sen. Brenden
01:43:40 Mr. Golie
01:45:29 Sen. Barrett
01:46:06 Sen. Shockley
01:46:13 Mr. Risley

Closing by Sponsor:

01:46:30 Rep. Washburn

EXECUTIVE ACTION ON HB 363

01:48:16 **Motion:** Sen. Barrett moved that **HB 363 BE CONCURRED IN.**

Discussion:

01:48:32 Sen. Balyeat
01:48:45 Sen. Brenden
01:49:45 Sen. Jent
01:50:01 Joe Kolman, Legislative Services Division (LSD)

01:51:09 **Motion:** Sen. Jent moved that **HB 363 BE AMENDED.**

EXHIBIT(fis76a09)

01:51:14 Sen. Brenden
 01:51:19 Sen. Jent
 01:51:49 Sen. Hinkle
 01:52:00 Sen. Jent
 01:52:34 Sen. Balyeat
 01:52:45 Mr. Kolman
 01:53:01 Sen. Brenden
 01:53:37 Sen. Barrett
 01:54:43 Sen. Hamlett
 01:54:59 Sen. Shockley

01:55:14 **Vote:** Motion failed 1-9 by voice vote with Sen. Jent voting aye. Sen. Gallus voted by proxy.

Discussion:

01:55:49 Sen. Facey
 01:56:32 Sen. Brenden
 01:56:41 Sen. Shockley

01:56:54 **Motion/Vote:** Sen. Shockley moved that **HB 363 BE CONCURRED IN**. Motion carried 6-4 by voice vote with Sen. Facey, Sen. Gallus, Sen. Hamlett and Sen. Jent voting no. Sen. Gallus voted by proxy. Sen. Hinkle will carry the bill.

EXECUTIVE ACTION ON HB 475

01:58:23 **Motion:** Sen. Facey moved that **HB 475 BE CONCURRED IN**.

Discussion:

01:58:29 Sen. Balyeat
 01:59:47 Sen. Brenden
 02:01:29 Sen. Shockley
 02:01:49 Sen. Barrett
 02:03:20 Sen. Hinkle
 02:04:43 Sen. Balyeat

02:07:27 **Vote:** Motion carried 8-2 by roll call vote with Sen. Balyeat and Sen. Wittich voting no. Sen. Gallus voted by proxy. Sen. Facey will carry the bill.

EXECUTIVE ACTION ON HB 159

02:08:42 **Motion:** Sen. Shockley moved that **HB 159 BE CONCURRED IN**.

Discussion:

02:08:59 Sen. Shockley
 02:09:46 Sen. Jent

02:10:42 **Motion:** Sen. Jent moved that **HB 159 BE AMENDED** with a conceptual amendment.

Discussion:

02:11:15 Sen. Wittich

02:11:41 **Vote:** Motion failed 5-5 by roll call vote with Sen. Facey, Sen. Gallus, Sen. Hamlett, Sen. Jent and Sen. Shockley voting aye. Sen. Gallus voted by proxy.

Discussion:

02:12:53 Sen. Wittich

02:14:09 **Motion/Vote:** Sen. Wittich moved that **HB 159 BE AMENDED** with a conceptual amendment. Motion carried unanimously by voice vote. Sen. Gallus voted by proxy.

02:14:27 **Motion:** Sen. Shockley moved that **HB 159 BE AMENDED** with a conceptual amendment.

Discussion:

02:15:03 Sen. Wittich

02:15:19 Sen. Shockley

02:15:40 Joe Kolman, Legislative Services Division (LSD)

02:17:50 Sen. Wittich

02:18:25 Sen. Shockley

02:18:40 Sen. Brenden

02:18:55 Sen. Jent

02:19:14 Sen. Hinkle

02:19:30 Mr. Kolman

02:21:31 Sen. Balyeat

02:21:51 Sen. Wittich

02:21:56 Mr. Kolman

02:22:49 Sen. Balyeat

02:22:54 **Vote:** Motion failed 3-7 by roll call vote with Sen. Balyeat, Sen. Hinkle and Sen. Shockley voting aye. Sen. Gallus voted by proxy.

02:24:25 **Motion:** Sen. Facey moved that **HB 159 BE AMENDED**.
[EXHIBIT\(fis76a10\)](#)

Discussion:

02:26:23 Mr. Kolman

02:27:26 Sen. Wittich

02:27:42 **Vote:** Motion carried 9-1 by roll call vote with Sen. Jent voting no. Sen. Gallus voted by proxy.

02:27:49 **Motion:** Sen. Facey moved that **HB 159 BE CONCURRED IN AS AMENDED.**

Discussion:

02:28:26 Sen. Hinkle

02:29:42 Sen. Jent

02:30:13 Mr. Kolman

02:31:57 Sen. Jent

02:34:55 **Vote:** Motion failed 5-5 by roll call vote with Sen. Balyeat, Sen. Barrett, Sen. Brenden, Sen. Hinkle and Sen. Wittich voting aye. Sen. Gallus voted by proxy.

02:35:18 **Motion/Vote:** Sen. Balyeat moved that **HB 159 BE AMENDED** with a conceptual amended. Motion failed 5-5 by roll call vote with Sen. Balyeat, Sen. Barrett, Sen. Brenden, Sen. Hinkle and Sen. Shockley voting aye. Sen. Gallus voted by proxy.

02:35:59 **Motion/Vote:** Sen. Balyeat moved that **HB 159 BE CONCURRED IN AS AMENDED.** Motion failed 5-5 by roll call vote with Sen. Facey, Sen. Gallus, Sen. Hamlett, Sen. Jent and Sen. Shockley voting aye. Sen. Gallus voted by proxy.

02:37:05 **Motion/Vote:** Sen. Facey moved that **HB 159 BE TABLED.** Motion carried 6-4 by roll call vote with Sen. Facey, Sen. Gallus, Sen. Hamlett and Sen. Jent voting no. Sen. Gallus voted by proxy.

Discussion:

02:38:54 Mr. Kolman

02:39:13 Sen. Jent

02:40:05 Sen. Balyeat

02:42:05 Sen. Shockley

02:42:20 Mr. Kolman

02:42:30 **Motion:** Sen. Wittich moved to **RECONSIDER THE MOTION** on **HB 159.** Motion carried by voice vote of those present and voting.

02:42:41 **Motion/Vote:** Sen. Wittich moved that **HB 159 BE AMENDED** with a conceptual amendment. Motion carried 6-4 by roll call vote with Sen. Facey, Sen. Gallus, Sen. Hamlett and Sen. Jent voting no. Sen. Gallus voted by proxy.

EXHIBIT(fis76a11)

Discussion:

02:43:31 Mr. Kolman

02:44:22 **Motion/Vote:** Sen. Balyeat moved that **HB 159 BE CONCURRED IN AS AMENDED**. Motion carried 6-4 by roll call vote with Sen. Facey, Sen. Gallus, Sen. Hamlett and Sen. Jent voting no. Sen. Gallus voted by proxy. Sen. Shockley will carry the bill.

ADDITIONAL TESTIMONY

EXHIBIT(fis76a12)

Correspondence related to HB 159 submitted via e-mail by Joe Perry, Conrad Sportsmen's Alliance, distributed on April 5, 2011.

ADJOURNMENT

Adjournment:

02:45:24

Kevin McCue, Secretary

km

Additional Documents:

EXHIBIT([fis76aad.pdf](#))