

MINUTES

MONTANA SENATE 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH AND GAME

Call to Order: Chair John Brenden, on February 21, 2013 at 3:00 PM, in Room 422
Capitol

ROLL CALL

Members Present:

Sen. John Brenden, Chair (R)
Sen. Rick Ripley, Vice Chair (R)
Sen. Debby Barrett (R)
Sen. Tom Facey (D)
Sen. Jennifer Fielder (R)
Sen. Jim Peterson (R)
Sen. Fred Thomas (R)
Sen. Kendall Van Dyk (D)

Members Excused:

Sen. Bradley Hamlett (D)
Sen. Larry Jent (D)

Members Absent: None

Staff Present: Mary Kulawik, Committee Secretary
Jason Mohr, 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 328, 2/18/2013; SB 360, 2/19/13

Executive Action: SB 305 - DP; SB 328 - DP; SB 256 - DP; SB 341 - DPAA
SB 204 - Tabled; SB 285 - Tabled; SB 80 - Tabled
SB 360 - Partial Action

HEARING ON SB 328

Opening Statement by Sponsor:

00:31:52 Sen. Shannon Augare (D), SD 8, opened the hearing on SB 328, Exempt law enforcement and military personnel from hunter safety training.

Proponents' Testimony:

00:33:58 Wayne Dusterhoff, self

Opponents' Testimony:

00:36:33 Ron Aasheim, Administrator, Montana Department of Fish, Wildlife and Parks (FWP)

Informational Testimony: None

Questions from Committee Members and Responses:

00:40:05 Sen. Ripley
00:40:27 Ron Aasheim, FWP
00:40:33 Sen. Peterson
00:40:47 Ron Aasheim
00:41:05 Sen. Van Dyk
00:41:47 Ron Aasheim

Closing by Sponsor:

00:42:09 Sen. Augare

HEARING ON SB 360

Opening Statement by Sponsor:

00:44:17 Sen. Jennifer Fielder (R), SD 7, opened the hearing on SB 360, Revising laws regarding access to property during emergencies.

Proponents' Testimony: None

Opponents' Testimony:

00:50:04 Everett Stiger, Rural Fire Council (RFC)
[EXHIBIT\(fis39a01\)](#)

00:52:27 Rick Seidlitz, Fire Chief, Montana Fire Wardens (MFW)
00:56:53 Leo Dutton, Lewis and Clark County Sheriff, Montana Sheriffs and Peace Officers Association (MSPOA)
00:59:45 Pat McKelvey, Jefferson County Fire Warden

01:02:02 Dave Sammons, East Valley Volunteer Fire Chief, and President of Lewis and Clark County Rural Fire Council (LCCRFC)
 01:04:12 Leonard Lundby, Montana Fire Alliance (MFA)
 01:05:48 Joseph Sands, Montana State Council of Professional Fire Fighters (MSCOPFF)
 01:06:30 Harold Blattie, Executive Director, Montana Association of Counties (MACo)
 01:07:50 Robert Drake, Fire Chief, Tri-Lakes Fire Department (TLFD)
 01:09:51 Rocky Infanger, Wolf Creek and Craig Fire Station Association (FSA)
 01:11:29 Brian Gootkin, Gallatin County Sheriff
 01:12:38 Joe Lamson, Deputy Director, Montana Department of Natural Resources and Conservation (DNRC)
 01:13:54 Pat Keim, Baxendale Volunteer Fire Department (BVFD)

Informational Testimony: None

Questions from Committee Members and Responses:

01:15:15 Sen. Van Dyk
 01:16:04 Sen. Fielder
 01:16:40 Sen. Van Dyk
 01:17:34 Joseph Sands, MSCOPFF
 01:18:06 Sen. Thomas
 01:23:19 Leo Dutton, MSPOA
 01:24:55 Sen. Barrett

 01:25:00 Sen. Thomas left the hearing.

 01:25:40 Joseph Sands
 01:25:56 Joe Lamson, DNRC

Closing by Sponsor:

01:26:28 Sen. Fielder

EXECUTIVE ACTION ON SB 204

01:31:42 Chairman Brenden

01:32:05 **Motion/Vote:** Sen. Peterson moved that **SB 204 BE TABLED**. Motion carried 9-0 by voice vote. Sen. Hamlett and Sen. Jent voted by proxy. Sen. Thomas was excused.

EXECUTIVE ACTION ON SB 80

01:33:45 Sen. Thomas entered the hearing.

Discussion:

01:32:33 Sen. Fielder
 01:32:45 Chairman Brenden
 01:33:36 Sen. Van Dyk

01:33:45 **Motion:** Sen. De. Barrett moved that **SB 80 DO PASS.**

Discussion:

01:33:48 Sen. Barrett

01:34:47 **Motion/Vote:** Sen. Van Dyk moved that **SB 80 BE TABLED.** Motion carried 10-0 by voice vote. Sen. Hamlett and Sen. Jent voted by proxy.

EXECUTIVE ACTION ON SB 285

01:35:25 **Motion:** Sen. Ripley moved that **SB 285 DO PASS.**

Discussion:

01:35:31 Chairman Brenden

01:35:37 Jason Mohr, Legislative Services Division (LSD)

01:35:47 Chairman Brenden

01:35:54 Sen. Ripley

01:36:19 Sen. Barrett

01:36:56 Jason Mohr, LSD

01:37:08 Sen. Van Dyk

01:37:19 Sen. Fielder

01:37:31 Sen. Peterson

01:38:50 Sen. Van Dyk

01:40:05 Sen. Facey

01:41:14 Sen. Ripley

01:41:48 **Vote:** Motion failed 4-6 by roll call vote with Sen. Brenden, Sen. Fielder, Sen. Ripley and Sen. Thomas voting aye. Sen. Hamlett and Sen. Jent voted by proxy.

01:42:40 **Motion/Vote:** Sen. Ripley moved that **SB 285 BE TABLED AND THE VOTE REVERSED.** Motion carried 10-0 by voice vote. Sen. Hamlett and Sen. Jent voted by proxy.

EXECUTIVE ACTION ON SB 305

01:43:17 **Motion:** Sen. Peterson moved that **SB 305 DO PASS.**

Discussion:

01:43:30 Sen. Peterson

01:45:50 Chairman Brenden

01:46:01 Sen. Facey

01:46:45 Sen. Peterson

01:48:26 Sen. Ripley

01:49:02 Sen. Peterson

01:49:10 Sen. Van Dyk

01:50:24 Jeff Hagener, Director, Montana Department of Fish, Wildlife and Parks (FWP)

01:50:37 Sen. Peterson

01:51:32 Jeff Hagener, FWP
01:51:55 Sen. Thomas
01:52:42 Chairman Brenden
01:52:45 Sen. Thomas
01:52:53 Sen. Ripley
01:54:01 Sen. Peterson
01:54:15 Sen. Ripley
01:54:41 Sen. Fielder
01:55:20 Sen. Thomas
01:55:41 Sen. Peterson
01:56:29 Sen. Van Dyk

01:57:04 Sen. Hamlett entered the hearing.

01:57:11 Sen. Facey
01:57:44 Chairman Brenden
01:59:06 Sen. Barrett
01:59:44 Sen. Hamlett
02:01:32 Chairman Brenden
02:01:59 Sen. Peterson
02:03:02 Jeff Hagener
02:05:23 Chairman Brenden
02:05:56 Sen. Thomas
02:06:54 Sen. Peterson
02:07:14 Sen. Fielder
02:07:29 Sen. Barrett
02:08:10 Sen. Hamlett
02:08:49 Sen. Peterson
02:09:22 Chairman Brenden
02:09:38 Sen. Van Dyk
02:09:58 Sen. Peterson
02:10:04 Sen. Barrett
02:10:19 Sen. Peterson
02:10:23 Sen. Ripley
02:10:44 Chairman Brenden
02:11:06 Sen. Peterson
02:11:14 Sen. Thomas
02:11:22 Sen. Peterson
02:11:25 Sen. Barrett
02:11:44 Jason Mohr, Legislative Services Division (LSD)

02:12:14 **Vote:** Motion carried 7-3 by roll call vote with Sen. Facey, Sen. Jent and Sen. Van Dyk voting no. Sen. Jent voted by proxy.

02:13:10 Sen. Hamlett

EXECUTIVE ACTION ON SB 328

02:14:55 **Motion:** Sen. Thomas moved that **SB 328 DO PASS.**

Discussion:

02:15:01 Chairman Brenden
 02:15:27 Sen. Ripley
 02:15:42 Sen. Barrett

02:15:59 **Vote:** Motion carried 6-4 by voice vote with Sen. Facey, Sen. Fielder, Sen. Jent and Sen. Van Dyk voting no. Sen. Jent voted by proxy.

EXECUTIVE ACTION ON SB 341

02:16:46 **Motion:** Sen. Fielder moved that **SB 341 DO PASS.**

02:16:56 **Motion:** Sen. Fielder moved that **SB 341 BE AMENDED.**

[EXHIBIT\(fis39a02\)](#)

[EXHIBIT\(fis39a03\)](#)

Discussion:

02:17:31 Sen. Fielder
 02:21:36 Chairman Brenden
 02:21:54 Sen. Barrett
 02:22:10 Sen. Van Dyk
 02:22:31 Chairman Brenden
 02:22:36 Sen. Facey
 02:23:01 Chairman Brenden
 02:23:18 Jason Mohr, LSD
 02:23:30 Sen. Van Dyk
 02:24:47 Sen. Ripley
 02:25:17 Sen. Fielder

02:26:00 Sen. Ripley left the hearing.

02:26:32 **Vote:** Motion carried 10-0 by voice vote. Sen. Jent and Sen. Ripley voted by proxy.

02:26:46 **Motion/Vote:** Sen. Facey moved that **SB 341 DO PASS AS AMENDED.** Motion carried 7-3 by roll call vote with Sen. Facey, Sen. Jent and Sen. Van Dyk voting no. Sen. Jent and Sen. Ripley voted by proxy.

EXECUTIVE ACTION ON SB 256

02:27:52 **Motion:** Sen. De. Barrett moved that **SB 256 DO PASS.**

Discussion:

02:28:46 Sen. Van Dyk

02:29:30 **Vote:** Motion carried 6-4 by roll call vote with Sen. Facey, Sen. Hamlett, Sen. Jent and Sen. Van Dyk voting no. Sen. Hamlett, Sen. Jent and Sen. Ripley voted by proxy.

EXECUTIVE ACTION ON SB 360

02:30:34 **Motion/Vote:** Sen. Fielder moved that **SB 360 DO PASS.**

Discussion:

02:30:53 Sen. Facey
 02:31:18 Sen. Fielder
 02:32:47 Sen. Thomas
 02:33:05 Sen. Van Dyk

02:34:00 **Vote:** Motion failed 5-5 by roll call vote with Sen. Barrett, Sen. Brenden, Sen. Fielder, Sen. Ripley and Sen. Thomas voting aye. Sen. Hamlett, Sen. Jent and Sen. Ripley voted by proxy.

Discussion:

02:35:10 Sen. Thomas
 02:35:15 Chairman Brenden

02:35:21 **Motion/Vote:** Sen. Van Dyk moved that **SB 360 BE TABLED.** Motion failed 5-5 by roll call vote with Sen. Facey, Sen. Hamlett, Sen. Jent, Sen. Peterson and Sen. Van Dyk voting aye. Sen. Hamlett, Sen. Jent and Sen. Ripley voted by proxy.

02:36:40 Chairman Brenden
 02:37:24 Sen. Peterson

ADJOURNMENT

Adjournment: 5:12 P.M.

Mary Kulawik, Secretary

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Additional Documents:

EXHIBIT([fis39aad.pdf](#))