

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH, WILDLIFE AND PARKS

Call to Order: Chairman Kendall Van Dyk, on February 5, 2009 at 3:00 P.M., in Room 152 Capitol.

ROLL CALL

Members Present:

Rep. Kendall Van Dyk, Chairman (D)
Rep. Gordon R. Hendrick, Vice Chairman (R)
Rep. Dick Barrett (D)
Rep. Paul Beck (D)
Rep. Carlie Boland (D)
Rep. Joel Boniek (R)
Rep. Frosty Boss Ribs (D)
Rep. Jill Cohenour (D)
Rep. Mike Milburn (R)
Rep. Mike Miller (R)
Rep. Jesse O'Hara (R)
Rep. Ken Peterson (R)
Rep. Mike Phillips (D)
Rep. JP Pomnichowski (D)
Rep. Cary Smith (R)
Rep. Ted Washburn (R)
Rep. Jeffery Welborn (R)

Members Excused: Rep. Dave McAlpin, Vice Chairman (D)

Members Absent: None.

Staff Present: Bryce Bennett, Committee Secretary
Doug Sternberg, 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 74; HB 317; HB 366; HJ 10

Executive Action: HB 166; HB 172; HB 253; HB 346;
HB 337

EXECUTIVE ACTION ON HB 253

00:01:14 **Motion:** Rep. Phillips moved that **HB 253 DO PASS.**

Discussion:

00:01:17 Rep. Phillips
00:03:54 Rep. Milburn
00:05:30 Chairman Van Dyk

00:05:47 **Motion:** Rep. Van Dyk moved that **HB 253 BE AMENDED.**
EXHIBIT (fih27a01)

Discussion:

00:06:13 Chairman Van Dyk
00:09:13 Rep. Phillips
00:10:46 Rep. Peterson
00:11:01 Chairman Van Dyk
00:11:26 Rep. Milburn
00:12:22 Rep. Miller
00:12:49 Rep. Phillips
00:13:35 Rep. Beck
00:14:52 Chairman Van Dyk
00:15:03 Rep. Phillips
00:15:35 Rep. O'Hara
00:16:06 Doug Sternberg, Legislative Services Division (LSD)
00:16:25 Rep. Peterson
00:16:41 Chairman Van Dyk
00:17:06 Rep. Phillips
00:18:07 Rep. Cohenour
00:18:27 Chairman Van Dyk
00:19:03 Rep. Cohenour called the question on the amendment.

00:19:05 **Vote:** Motion failed 8-10 by roll call vote with Rep. Barrett, Rep. Boland, Rep. Boss Ribs, Rep. Cohenour, Rep. Phillips, Rep. Pomnichowski, and Rep. Van Dyk voting aye. Rep. McAlpin voted by proxy.

Discussion:

00:20:39 Rep. Cohenour called the question.

00:21:54 **Vote:** Motion failed 8-10 by roll call vote with Rep. Barrett, Rep. Boland, Rep. Boss Ribs, Rep. Cohenour, Rep. Phillips, Rep. Pomnichowski, and Rep. Van Dyk voting aye. Rep. McAlpin voted by proxy.

00:22:10 **Motion:** Rep. Peterson moved that **HB 253 BE TABLED.**

00:22:16 **Vote:** Motion carried 17-1 by voice vote with Rep. Phillips voting no . Rep. McAlpin voted by proxy.

EXECUTIVE ACTION ON HB 346

00:22:50 **Motion:** Rep. Hendrick moved that **HB 346 DO PASS.**

Discussion:

00:23:01 Rep. Cohenour

00:23:34 Rep. Washburn

00:23:40 **Motion:** Rep. Washburn moved that **HB 346 BE AMENDED.**
EXHIBIT (fih27a02)

Discussion:

00:24:09 Rep. Washburn

00:25:20 Rep. Cohenour

00:26:08 Rep. Washburn

00:26:25 **Vote:** Motion carried 11-7 by roll call vote with Rep. Boland, Rep. Boss Ribs, Rep. Cohenour, Rep. Phillips, Rep. Pomnichowski, and Rep. Van Dyk voting no. Rep. McAlpin voted by proxy.

00:27:47 **Motion:** Rep. Hendrick moved that **HB 346 DO PASS AS AMENDED.**

Discussion:

00:27:57 Rep. Milburn

00:28:34 Rep. Cohenour

00:29:22 Rep. Washburn

00:30:19 Rep. Barrett

00:30:47 Chairman Van Dyk

00:31:37 Rep. Cohenour
00:32:25 Rep. Peterson
00:32:40 Rep. Cohenour called the question on HB 346.

00:32:56 **Vote:** Motion failed 2-16 by roll call vote with Rep. Hendrick and Rep. Peterson voting aye. Rep. Beck and Rep. McAlpin voted by proxy.

00:34:21 **Motion:** Rep. Peterson moved that **HB 346 BE TABLED.**

00:34:26 **Vote:** Motion carried unanimously by voice vote. Rep. Beck and Rep. McAlpin voted by proxy.

EXECUTIVE ACTION ON HB 337

00:35:04 **Motion:** Rep. Hendrick moved that **HB 337 DO PASS.**

Discussion:

00:35:24 Rep. Cohenour
00:35:25 Rep. Washburn

00:35:44 **Motion:** Rep. Washburn moved that **HB 337 BE AMENDED.**
EXHIBIT (fih27a03)

Discussion:

00:36:17 Rep. Washburn
00:36:44 Rep. Miller
00:37:02 Rep. Barrett
00:37:28 Rep. Hendrick
00:37:53 Rep. Peterson
00:38:32 Rep. Washburn
00:38:49 Rep. Cohenour called the question on the amendment.

00:38:54 **Vote:** Motion carried 15-3 by voice vote with Rep. Barrett, Rep. Boniek, and Rep. Phillips voting no. Rep. Beck and Rep. McAlpin voted by proxy.

00:39:24 **Motion:** Rep. Cohenour moved that **HB 337 DO PASS AS AMENDED.**

00:39:32 **Vote:** Motion carried 17-1 by voice vote with Rep. Boniek voting no. Rep. Beck and Rep. McAlpin voted by proxy.

EXECUTIVE ACTION ON HB 42

00:40:30 **Motion:** Rep. Cohenour moved that **HB 42 DO PASS.**

00:40:39 **Motion:** Rep. Cohenour moved that **HB 42 BE AMENDED.**
EXHIBIT(fih27a04)

Discussion:

00:41:08 Rep. Cohenour

00:41:11 Mr. Sternberg

00:43:44 Rep. Hendrick called the question on the amendment.

00:43:48 **Vote:** Motion carried unanimously by voice vote.
Rep. Beck, Rep. McAlpin and Rep. Phillips voted by proxy.

00:44:08 Chairman Van Dyk suspended debate on HB 42 awaiting a revised fiscal note.

HEARING ON HB 317

Opening Statement by Sponsor:

00:45:00 Rep. Timothy Furey (D), HD 91, opened the hearing on HB 317, Guarantee special hunting license forfeited because of military deployment.

Proponents' Testimony:

00:49:52 Dan Antonietti, Veterans of Foreign Wars (VFW)

00:50:24 George Golie, Montana Wildlife Federation

00:51:03 Hank Worschech, Department of Fish, Wildlife, and Parks

EXHIBIT(fih27a05)

00:52:22 Don Klepper, self

00:53:38 Mike Kruger, self

00:54:00 Jean Johnson, Montana Outfitters and Guides Association

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:54:27 Rep. Furey

HEARING ON HB 366

Opening Statement by Sponsor:

00:55:41 Rep. Tom McGillvray (R), HD 50, opened the hearing on HB 366, Authorize reciprocal fishing with adjoining states on contiguous river & stream.

EXHIBIT (fih27a06)

Proponents' Testimony:

00:59:47 Mark Aagenes, Trout Unlimited
01:00:39 Todd O'Hair, Reo Tinto Energy America
01:02:57 Rep. Beck

Opponents' Testimony: None

Informational Testimony:

01:05:32 Chris Smith, Department of Fish, Wildlife and Park
EXHIBIT (fih27a07)

Questions from Committee Members and Responses:

01:06:30 Rep. Hendrick
01:06:59 Rep. McGillvray
01:07:17 Rep. Calf Boss Ribs
01:07:39 Rep. McGillvray
01:07:49 Mr. Smith
01:08:15 Rep. Peterson
01:09:09 Mr. Smith
01:09:45 Rep. Peterson

Closing by Sponsor:

01:10:15 Rep. McGillvray

HEARING ON HB 74

01:12:23 Chairman Van Dyk asked Vice Chairman Gordon Hendrick to take over as temporary Chair.

Opening Statement by Sponsor:

01:12:59 Rep. Kendall Van Dyk (D), HD 49, opened the hearing on HB 74, Authorize archery seasons for mountain lion, wolf, bear.

Proponents' Testimony:

01:15:51 Mr. Smith

[EXHIBIT \(fih27a08\)](#)

01:17:15 Steve Kamps, Montana Bow Hunters Association

[EXHIBIT \(fih27a09\)](#)

01:18:12 Mr. Golie

01:18:38 Ms. Johnson

01:18:51 Aeric Reilly, self

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:19:33 Rep. Welborn

01:20:01 Rep. Van Dyk

01:20:32 Rep. Phillips

01:21:29 Rep. Van Dyk

01:22:10 Rep. Phillips

01:22:44 Mr. Smith

01:24:55 Rep. Washburn

01:25:40 Mr. Smith

01:27:02 Rep. Washburn

01:27:13 Mr. Smith

Closing by Sponsor:

01:27:57 Rep. Van Dyk

01:29:02 Chairman Van Dyk returned as chair.

HEARING ON HJ 10

Opening Statement by Sponsor:

01:29:37 Rep. Mike Phillips (D), HD 66, opened the hearing on HJ 10, Urge support for revenue to support wildlife adaptation to climate change.

Proponents' Testimony:

01:35:54 John Wilson, National Parks Conservation Association

01:39:50 Derek Goldman, Endangered Species Coalition

[EXHIBIT \(fih27a10\)](#)

01:44:02 Brianna Randall, Clark Fork Coalition

[EXHIBIT \(fih27a11\)](#)

01:46:43 Mike Leahy, Defenders of Wildlife
01:48:18 Ken McDonald, Department of Fish, Wildlife, and Parks
[EXHIBIT \(fih27a12\)](#)
01:51:11 Mr. Aagenes
01:52:08 Sarah Cobler, Montana Conservation Voters (MCV)
01:53:13 Mr. Golie
01:53:59 Casey Perkins, Montana Audubon

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:55:46 Rep. Boniek
01:56:53 Rep. Phillips

Closing by Sponsor:

01:58:06 Rep. Phillips

EXECUTIVE ACTION ON HB 166

02:00:03 **Motion:** Rep. Cohenour moved that **HB 166 DO PASS.**

Discussion:

02:00:17 Rep. Peterson
02:01:58 Chairman Van Dyk
02:03:05 Rep. Cohenour called the question on HB 166.

02:04:33 **Vote:** Motion carried 12-6 by roll call vote with Rep. Boniek, Rep. Milburn, Rep. Miller, Rep. Peterson, Rep. Smith, and Rep. Welborn voting no. Rep. Barrett and Rep. McAlpin voted by proxy.

EXECUTIVE ACTION ON HB 172

02:04:53 **Motion:** Rep. Peterson moved that **HB 172 DO PASS.**

Discussion: none.

02:05:44 **Motion:** Rep. Peterson moved that **HB 172 BE AMENDED.**
[EXHIBIT \(fih27a13\)](#)

Discussion:

02:05:51 Rep. Peterson

02:07:40 Rep. Phillips

02:07:56 Rep. Peterson

02:08:24 **Vote:** Motion carried unanimously by voice vote.
Rep. Barrett and Rep. McAlpin voted by proxy.

02:08:54 **Motion:** Rep. Peterson moved that **HB 172 DO PASS AS
AMENDED.**

Discussion:

02:09:00 Rep. Peterson

02:09:36 Rep. Cohenour called the question on HB 172

02:09:41 **Vote:** Motion carried 17-1 by voice vote with Rep.
Pomnichowski voting no. Rep. Barrett and Rep.
McAlpin voted by proxy.

ADJOURNMENT

Adjournment: 5:13 P.M.

Bryce Bennett, Secretary

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Additional Documents:

EXHIBIT ([fih27aad.pdf](#))