

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH, WILDLIFE AND PARKS

Call to Order: Chairman Kendall Van Dyk, on March 26, 2009 at
2:00 P.M., in Room 152 Capitol

ROLL CALL

Members Present:

Rep. Kendall Van Dyk, Chairman (D)
Rep. Gordon R. Hendrick, Vice Chairman (R)
Rep. Dave McAlpin, Vice Chairman (D)
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. Jesse O'Hara (R)
Rep. Ken Peterson (R)
Rep. Mike Phillips (D)
Rep. JP Pomnichowski (D)
Rep. Scott Sales (R)
Rep. Cary Smith (R)
Rep. Ted Washburn (R)

Members Excused: None

Members Absent: Rep. Mike Miller (R)
Rep. Jeffery Welborn (R)

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: SB 164; SB 228; SB 436; SB 470

Executive Action: SJ 19; SB 31; SB 164; SB 213
SB 228; SB 436; SB 437; SB 470

EXECUTIVE ACTION ON SJ 19

00:02:12 **Motion:** Rep. Hendrick moved that **SJ 19 BE CONCURRED IN.**

00:02:25 Rep. Welborn arrived.

Discussion:

00:02:31 Rep. Peterson

00:03:13 **Vote:** Motion tied 9-9 with Rep. Boniek, Rep. Hendrick, Rep. O'Hara, Rep. Peterson, Rep. Sales, Rep. Smith, Rep. Washburn, and Rep. Welborn voting aye. Rep. Miller voted by proxy.

00:04:24 **Motion:** Rep. McAlpin moved that **SJ 19 BE TABLED.**

00:04:33 **Vote:** Motion tied 9-9 by roll call vote with Rep. Barrett, Rep. Beck, Rep. Boland, Rep. Boss Ribs, Rep. Cohenour, Rep. O'Hara, Rep. Phillips, Rep. Pomnichowski, and Rep. Van Dyk voting aye. Rep. Miller voted by proxy.

EXECUTIVE ACTION ON SB 31

00:05:23 **Motion:** Rep. Hendrick moved that **SB 31 BE CONCURRED IN.**

00:05:35 **Motion:** Rep. Hendrick moved that **SB 31 BE AMENDED.**
[EXHIBIT\(fih67a01\)](#)

00:07:01 **Vote:** Motion carried unanimously by voice vote. Rep. Miller voted by proxy.

00:07:21 **Motion:** Rep. Hendrick moved that **SB 31 BE CONCURRED IN AS AMENDED.**

00:08:14 **Motion:** Rep. Van Dyk moved that **SB 31 BE AMENDED.**
EXHIBIT (fih67a02)

Discussion:

00:10:44 Rep. Miller
00:11:01 Rep. Welborn
00:11:27 Chairman Van Dyk
00:12:43 Rep. Cohenour
00:13:46 Rep. Hendrick
00:13:58 Chairman Van Dyk
00:14:43 Rep. Peterson

00:15:27 **Vote:** Motion tied 9-9 by roll call vote with
Rep. Barrett, Rep. Beck, Rep. Boland, Rep. Boss Ribs,
Rep. Cohenour, Rep. O'Hara, Rep. Phillips,
Rep. Pomnichowski, and Rep. Van Dyk voting aye.
Rep. Miller voted by proxy.

Discussion:

00:16:40 Rep. Washburn
00:17:12 Rep. Peterson
00:17:39 Rep. Barrett
00:18:06 Rep. Peterson
00:18:24 Rep. Barrett
00:18:48 Rep. Beck
00:19:19 Rep. Welborn

00:20:19 **Vote:** Motion tied 9-9 by roll call vote with
Rep. Barrett, Rep. Beck, Rep. Boland, Rep. Boss Ribs,
Rep. Cohenour, Rep. O'Hara, Rep. Phillips,
Rep. Pomnichowski, and Rep. Van Dyk voting aye.
Rep. Miller voted by proxy.

00:21:31 **Motion:** Rep. McAlpin moved that **SB 31 BE TABLED.**

00:21:35 **Vote:** Motion tied 9-9 by roll call vote with
Rep. Barrett, Rep. Beck, Rep. Boland, Rep. Boss Ribs,
Rep. Cohenour, Rep. McAlpin, Rep. Phillips,
Rep. Pomnichowski, and Rep. Van Dyk voting aye.
Rep. Miller voted by proxy.

EXECUTIVE ACTION ON SB 213

00:22:19 **Motion:** Rep. Hendrick moved that **SB 213 BE CONCURRED**
IN.

00:23:11 **Motion:** Rep. Barrett moved that **SB 213 BE AMENDED.**
EXHIBIT(fih67a03)

Discussion:

00:25:23 Rep. Peterson
00:25:56 Rep. Cohenour
00:26:32 Rep. Barrett

00:27:01 **Vote:** Motion tied 9-9 by roll call vote with
Rep. Barrett, Rep. Beck, Rep. Boland, Rep. Boss Ribs,
Rep. McAlpin, Rep. Phillips, Rep. Pomnichowski, and
Rep. Van Dyk voting aye. Rep. Miller and Rep. Sales
voted by proxy.

Discussion:

00:28:30 Rep. Phillips
00:30:07 **Vote:** Motion tied 9-9 with Rep. Boniek,
Rep. Hendrick, Rep. O'Hara, Rep. Peterson, Rep. Sales,
Rep. Smith, Rep. Washburn, and Rep. Welborn voting aye.
Rep. Miller voted by proxy.

EXECUTIVE ACTION ON SB 32

00:31:09 **Motion:** Rep. O'Hara moved that **SB 32 BE REMOVED FROM**
THE TABLE.

00:31:22 Rep. O'Hara

Discussion:

00:31:40 Rep. McAlpin
00:31:42 Rep. Hendrick
00:32:02 Rep. Phillips
00:33:05 Rep. McAlpin
00:33:12 Rep. Peterson
00:33:23 Rep. Cohenour
00:33:29 Rep. Calf Boss Ribs
00:33:43 Rep. Phillips
00:34:05 Rep. Cohenour
00:35:08 Rep. Peterson

00:35:36 **Vote:** Motion failed 7-9 by roll call vote with Rep. Boniek, Rep. Hendrick, Rep. O'Hara, Rep. Peterson, Rep. Smith, Rep. Washburn, and Rep. Welborn voting aye.

EXECUTIVE ACTION ON SB 437

00:37:46 **Motion:** Rep. Hendrick moved that **SB 437 BE CONCURRED IN.**

Discussion:

00:37:54 Rep. Cohenour

00:39:10 **Motion:** Rep. Cohenour moved that **SB 437 BE AMENDED.**
EXHIBIT(fih67a04)

Discussion:

00:39:26 Doug Sternberg, Legislative Services Division (LSD)

00:39:44 Rep. Cohenour

00:41:04 Rep. Washburn

00:41:28 Mr. Sternberg

00:41:53 Rep. Washburn

00:41:58 Mr. Sternberg

00:42:11 Rep. Phillips

00:42:44 Rep. Cohenour

00:42:48 Rep. Phillips

00:43:04 Rep. Cohenour

00:43:44 Rep. Phillips

00:43:57 Rep. Cohenour

00:44:02 Rep. Barrett

00:44:29 Rep. Cohenour

00:44:59 Rep. Boniek

00:45:29 Rep. Cohenour

00:46:13 **Vote:** Motion tied 9-9 by roll call vote with Rep. Barrett, Rep. Beck, Rep. Boland, Rep. Boss Ribs, Rep. McAlpin, Rep. Phillips, Rep. Pomnichowski, and Rep. Van Dyk voting aye. Rep. Miller and Rep. Sales voted by proxy.

Discussion:

00:47:07 Rep. Washburn

00:48:53 **Motion:** Rep. McAlpin moved that **SB 437 BE AMENDED.**
EXHIBIT(fih67a05)

Discussion:

00:49:03 Mr. Sternberg
00:50:01 Rep. Phillips
00:50:28 Rep. Washburn
00:51:07 Mr. Sternberg

00:51:55 **Vote:** Motion passed 10-8 by voice vote with
Rep. Boniek, Rep. Hendrick, Rep. Peterson, Rep. Smith,
Rep. Washburn, and Rep. Welborn voting no.
Rep. Miller and Rep. Sales voted by proxy.

00:52:57 **Motion:** Rep. McAlpin moved that **SB 437 BE CONCURRED
IN AS AMENDED.**

Discussion:

00:53:09 Rep. Phillips
00:54:44 Mr. Sternberg
00:55:32 Rep. Phillips
00:55:55 Rep. Cohenour
00:56:51 Rep. Peterson
00:57:51 Rep. Boniek
00:59:05 Rep. Cohenour
01:01:55 Rep. Welborn
01:02:48 Rep. Phillips
01:04:11 Rep. Peterson
01:04:49 Rep. Cohenour

01:05:20 **Vote:** Motion tied 9-9 by roll call vote with
Rep. Barrett, Rep. Beck, Rep. Boland, Rep. Boss Ribs,
Rep. McAlpin, Rep. Phillips, Rep. Pomnichowski, and
Rep. Van Dyk voting aye. Rep. Miller and Rep. Sales,
and Rep. Welborn voted by proxy.

HEARING ON SB 436

Opening Statement by Sponsor:

01:06:55 Sen. Steven Gallus (D), SD 37, opened the hearing on
SB 436, Nonresident outfitter-sponsored antelope
license.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor: None

EXECUTIVE ACTION ON SB 436

01:07:41 **Motion:** Rep. Phillips moved that **SB 436 BE TABLED.**

01:07:46 **Vote:** Motion carried unanimously by voice vote.
Rep. Miller and Rep. Sales voted by proxy.

HEARING ON SB 470

Opening Statement by Sponsor:

01:08:11 Sen. Steven Gallus (D), SD 37, opened the hearing on
SB 470, Revise laws related to time limits on use of
mountain sheep licenses.

Proponents' Testimony: None

Opponents' Testimony:

01:11:37 Jim Weatherly, Montana Wild Sheep Foundation

01:21:59 Doug Dreeszen, self

Informational Testimony:

01:28:40 Chris Smith, Deputy Director, Department of Fish,
Wildlife, and Parks (FWP)

EXHIBIT(fih67a06)

Questions from Committee Members and Responses: None

Closing by Sponsor:

01:30:39 Sen. Gallus

HEARING ON SB 228

Opening Statement by Sponsor:

01:32:26 Sen. Debby Barrett (R), SD 36, opened the hearing on SB 228, Prioritize protecting humans, livestock, and pets from predators.

Proponents' Testimony:

01:34:44 Aeric Reilly, Montana Wool Growers Association

01:35:23 Ariel Overstreet, Montana Stock Growers Association/
Montana Cattle Women

01:37:20 Allen Schallenberger, self

EXHIBIT(fih67a07)

01:39:53 Nancy Schlepp, Montana Farm Bureau Federation

01:40:27 Cory Swanson, United Property Owners of Montana

01:41:00 Jean Johnson, Montana Outfitters and Guides Association

Opponents' Testimony: None

Informational Testimony:

01:41:54 Mr. Smith

EXHIBIT(fih67a08)

Questions from Committee Members and Responses:

01:44:28 Rep. Barrett

01:44:44 Mr. Smith

01:45:18 Rep. Barrett

01:45:29 Mr. Smith

01:45:50 Rep. Hendrick

01:46:15 Sen. Barrett

01:46:58 Rep. Washburn

01:47:31 Sen. Barrett

01:47:56 Rep. Phillips

01:48:50 Mr. Smith

Closing by Sponsor:

01:49:31 Sen. Barrett

HEARING ON SB 164

Opening Statement by Sponsor:

01:51:24 Sen. Debby Barrett (R), SD 36, opened the hearing on
SB 164, Revise FWP land management and acquisition
re: Good Neighbor Policy.

Proponents' Testimony:

01:55:37 Chas Van Genderen, Parks Division Administrator, FWP
[EXHIBIT\(fih67a09\)](#)
01:57:26 Mick Jackson, self
02:01:58 Ms. Overstreet
02:04:38 Mr. Swanson
02:06:34 Ms. Schlepp
02:08:20 Ms. Johnson
02:10:33 Mr. Reilly

Opponents' Testimony:

02:11:21 Casey Perkins, Montana Audubon

Informational Testimony: None

Questions from Committee Members and Responses:

02:12:49 Rep. Cohenour
02:13:13 Sen. Barrett
02:13:39 Rep. Cohenour
02:14:02 Sen. Barrett
02:15:22 Chairman Van Dyk
[EXHIBIT\(fih67a10\)](#)
02:15:40 Rep. Cohenour
02:16:25 Mr. Sternberg
02:24:42 Rep. Cohenour
02:24:59 Sen. Barrett
02:25:38 Rep. Cohenour
02:25:51 Mr. Van Genderen
02:27:49 Rep. Cohenour
02:27:57 Mr. Van Genderen
02:28:40 Rep. Cohenour
02:28:44 Mr. Van Genderen
02:28:56 Rep. Cohenour
02:29:29 Rep. Washburn
02:30:01 Sen. Barrett
02:30:40 Rep. Peterson
02:31:03 Mr. Van Genderen
02:31:17 Rep. Hendrick

02:31:36 Ms. Perkins

Closing by Sponsor:

02:31:47 Sen. Barrett

EXHIBIT(fih67a11)

02:34:49 Break

02:49:47 Reconvene

EXECUTIVE ACTION ON SB 164

02:50:01 **Motion:** Rep. McAlpin moved that **SB 164 BE CONCURRED IN.**

02:50:12 **Motion:** Rep. McAlpin moved that **SB 164 BE AMENDED.**
(Refer to Exhibit 10)

Discussion:

02:50:27 Rep. Pomnichowski

02:50:41 **Vote:** Motion carried unanimously by voice vote.
Rep. Miller voted by proxy.

02:51:06 **Motion:** Rep. McAlpin moved that **SB 164 BE AMENDED.**
(Refer to Exhibit 14)

Discussion:

02:52:12 Rep. Cohenour

02:52:40 **Vote:** Motion carried unanimously by voice vote.
Rep. Miller voted by proxy.

02:52:58 **Motion:** Rep. McAlpin moved that **SB 164 BE CONCURRED IN AS AMENDED.**

Discussion:

02:53:08 Chairman Van Dyk

02:53:33 **Vote:** Motion carried unanimously by voice vote.
Rep. Miller voted by proxy. Rep. Sales will carry the
bill in the House.

EXECUTIVE ACTION ON SB 228

02:54:44 **Motion:** Rep. McAlpin moved that **SB 228 BE CONCURRED
IN.**

Discussion:

02:54:56 Rep. Cohenour

02:55:33 Rep. Washburn

02:55:48 **Vote:** Motion passed 12-6 with Rep. Barrett,
Rep. Boland, Rep. Boss Ribs, Rep. Cohenour,
Rep. Pomnichowski, and Rep. Van Dyk voting no.
Rep. Miller voted by proxy. Rep. Welborn will carry
the bill in the House.

EXECUTIVE ACTION ON SB 470

02:57:06 **Motion:** Rep. McAlpin moved that **SB 470 BE CONCURRED
IN.**

Discussion:

02:57:15 Rep. Washburn

02:57:49 Rep. Cohenour

02:58:33 Rep. McAlpin

02:58:47 Rep. Boniek

02:59:41 Chairman Van Dyk

03:00:38 **Vote:** Motion failed 4-14 with Rep. Boland,
Rep. Cohenour, Rep. Van Dyk, and Rep. Welborn voting
aye. Rep. Miller voted by proxy.

03:01:40 **Motion:** Rep. McAlpin moved that **SB 470 BE TABLED.**

03:01:45 **Vote:** Motion carried unanimously by voice vote.
Rep. Miller voted by proxy.

ADJOURNMENT

Adjournment: 5:03 P.M.

Bryce Bennett, Secretary

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Additional Exhibits:

"Weed Management at State Parks and Fishing Access Sites" Booklet

[EXHIBIT\(fih67a12\)](#)

George Golie, Montana Wildlife Federation

[EXHIBIT\(fih67a13\)](#)

Amendement SB016401.ads

[EXHIBIT\(fih67a14\)](#)

Additional Documents:

[EXHIBIT\(fih67aad.pdf\)](#)