

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH AND GAME

Call to Order: Chairman Gregory D. Barkus, on March 26, 2009 at
3:00 P.M., in Room 422 Capitol

ROLL CALL

Members Present:

Sen. Gregory D. Barkus, Chairman (R)
Sen. John Brenden, Vice Chairman (R)
Sen. Joe Balyeat (R)
Sen. Larry Jent (D)
Sen. Trudi Schmidt (D)
Sen. Joseph (Joe) Tropila (D)

Members Excused:

Sen. Debby Barrett (R)
Sen. Steven Gallus (D)
Sen. Jim Shockley (R)

Members Absent: None

Staff Present: Lindsey Hern, 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: HB 499, 3/19/2009; SR 15,
3/17/2009; SR 16, 3/17/2009; SR 17,
3/17/2009

Executive Action: HJ 15; HB 190; HB 499; HB 443

HEARING ON HB 499

Opening Statement by Sponsor:

00:01:36 Rep. Julie French (D), HD 36, opened the hearing on HB 499, Revising laws related to the upland game bird program.

EXHIBIT(fis67a01)

00:03:34 Sen. Balyeat left the committee.

Proponents' Testimony:

00:11:46 Ken McDonald, Fish, Wildlife and Parks (FWP)

EXHIBIT(fis67a02)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:14:34 Sen. Brenden
00:15:00 Rep. French
00:15:09 Sen. Brenden
00:15:22 Rep. French
00:15:45 Sen. Schmidt
00:16:02 Sen. Balyeat came to the committee.
00:16:10 Mr. McDonald, FWP
00:16:32 Sen. Schmidt
00:16:39 Mr. McDonald, FWP
00:17:16 Sen. Tropila
00:17:39 Mr. McDonald, FWP
00:17:55 Sen. Brenden
00:17:59 Sen. Tropila
00:18:21 Chairman Barkus
00:18:27 Sen. Tropila
00:18:36 Chairman Barkus
00:18:55 Rep. French
00:20:00 Chairman Barkus
00:20:34 Rep. French
00:20:58 Chairman Barkus
00:21:24 Mr. McDonald, FWP
00:22:44 Chairman Barkus
00:23:06 Mr. McDonald

00:23:14 Chairman Barkus
00:23:19 Sen. Schmidt
00:24:12 Mr. McDonald, FWP
00:25:48 Sen. Schmidt
00:25:59 Mr. McDonald, FWP
00:26:10 Sen. Gallus came to the committee.
00:26:42 Sen. Schmidt
00:26:49 Mr. McDonald, FWP
00:27:12 Chairman Barkus
00:27:38 Mr. McDonald, FWP
00:28:44 Chairman Barkus
00:29:19 Mr. McDonald, FWP

Closing by Sponsor:

00:29:31 Rep. French

HEARING ON SR 15

Opening Statement by Sponsor:

00:32:44 Sen. Steven Gallus (D), SD 37, opened the hearing on SR 15, Confirm fish and game commissioner.

[EXHIBIT \(fis67a03\)](#)

Proponents' Testimony:

00:33:36 Shane Colton, Nominated as Chairman of the Fish, Wildlife and Parks Commission; District 5
00:37:03 Patti Keebler, Governor's Office
00:37:44 Dan Vermillion Region 3, Commissioner

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:38:34 Sen. Brenden
00:39:45 Mr. Colton, Nominee
00:41:13 Sen. Brenden
00:41:53 Mr. Colton, Nominee
00:42:52 Sen. Balyeat
00:43:14 Mr. Colton, Nominee
00:43:28 Sen. Balyeat

00:43:39 Mr. Colton, Nominee
00:44:37 Sen. Balyeat
00:44:43 Mr. Colton, Nominee
00:44:57 Sen. Balyeat
00:45:32 Mr. Colton, Nominee
00:47:12 Chairman Barkus
00:47:46 Mr. Colton, Nominee
00:49:08 Chairman Barkus
00:49:24 Mr. Colton, Nominee
00:50:56 Chairman Barkus
00:51:01 Mr. Colton
00:51:03 Chairman Barkus
00:51:18 Mr. Colton, Nominee
00:52:15 Chairman Barkus
00:52:39 Mr. Colton, Nominee
00:52:45 Chairman Barkus
00:53:05 Mr. Colton, Nominee
00:54:07 Chairman Barkus
00:54:46 Sen. Tropila
00:54:52 Mr. Colton, Nominee
00:56:00 Sen. Tropila

Closing by Sponsor:

00:56:12 Sen. Gallus

HEARING ON SR 16

Opening Statement by Sponsor:

00:56:22 Sen. Steven Gallus (D), SD 37, opened the hearing on SR 16, Confirm fish and game commission appointee.

EXHIBIT(fis67a04)

Proponents' Testimony:

00:57:19 Ron Moody, Nominated as Member of the Fish, Wildlife and Parks Commission; District 3
01:05:58 Sen. Shockley came to the committee.
01:06:13 Ms. Keebler, Governor's Office

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

01:07:12 Sen. Tropila
01:07:25 Mr. Moody, Nominee
01:09:27 Chairman Barkus
01:09:48 Mr. Moody, Nominee
01:09:58 Sen. Shockley left the committee.
01:10:23 Sen. Schmidt left the committee.
01:11:09 Chairman Barkus
01:11:18 Mr. Moody, Nominee
01:12:58 Chairman Barkus
01:13:54 Mr. Moody, Nominee
01:14:04 Chairman Barkus left the committee and Vice Chairman
Brenden took up the position as Chair.
01:14:13 Sen. Balyeat
01:14:37 Mr. Moody, Nominee
01:16:03 Sen. Balyeat
01:16:09 Mr. Moody, Nominee
01:17:26 Chairman Brenden
01:18:10 Mr. Moody, Nominee
01:18:13 Chairman Brenden
01:18:22 Mr. Moody, Nominee
01:18:28 Chairman Brenden
01:19:33 Mr. Moody, Nominee
01:20:58 Chairman Brenden
01:21:05 Mr. Moody, Nominee
01:21:08 Chairman Brenden
01:21:26 Mr. Moody, Nominee
01:21:33 Chairman Brenden
01:21:47 Mr. Moody, Nominee
01:21:54 Chairman Brenden
01:21:59 Mr. Moody, Nominee
01:22:27 Chairman Brenden
01:22:42 Mr. Moody, Nominee
01:23:13 Chairman Brenden
01:24:07 Mr. Moody, Nominee
01:25:13 Sen. Shockley came to the committee.
01:25:26 Chairman Brenden
01:25:42 Mr. Moody, Nominee
01:25:42 Chairman Brenden
01:25:54 Mr. Moody, Nominee
01:26:07 Chairman Brenden
01:26:16 Mr. Moody, Nominee
01:27:21 Chairman Brenden
01:27:51 Mr. Moody, Nominee
01:27:58 Chairman Brenden
01:28:31 Mr. Moody, Nominee
01:29:12 Chairman Brenden
01:30:19 Mr. Moody, Nominee
01:30:27 Sen. Gallus

01:30:54 Chairman Brenden
01:31:30 Mr. Moody, Nominee
01:31:34 Sen. Barkus came to the committee.

Closing by Sponsor:

01:32:29 Sen. Gallus
01:32:46 Sen. Barkus took up the position of Chair.

HEARING ON SR 17

Opening Statement by Sponsor:

01:32:50 Sen. Steven Gallus (D), SD 37, opened the hearing on SR 17, Confirm fish and game commission appointee.

[EXHIBIT\(fis67a05\)](#)

Proponents' Testimony:

01:33:50 Bob Ream, Nominated as Member of the Fish, Wildlife and Parks Commission, District 1

[EXHIBIT\(fis67a06\)](#)

01:36:44 Chairman Barkus
01:37:04 Ms. Keebler, Governor's Office

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

01:38:04 Sen. Jent
01:38:24 Sen. Schmidt came to the committee.
01:38:32 Mr. Ream, Nominee
01:39:12 Sen. Jent
01:39:19 Mr. Ream, Nominee
01:39:23 Sen. Jent
01:39:28 Mr. Ream, Nominee
01:40:04 Sen. Jent
01:40:24 Mr. Ream, Nominee
01:40:57 Sen. Jent
01:41:12 Mr. Ream, Nominee
01:44:17 Sen. Jent
01:45:11 Mr. Ream, Nominee

01:46:27 Sen. Jent
 01:47:10 Mr. Ream, Nominee
 01:47:42 Sen. Shockley
 01:47:52 Mr. Ream, Nominee
 01:48:00 Sen. Shockley
 01:48:11 Mr. Ream, Nominee
 01:48:26 Sen. Shockley
 01:48:37 Sen. Balyeat
 01:49:02 Mr. Ream, Nominee

EXHIBIT(fis67a07)

01:52:14 Sen. Balyeat
 01:52:29 Mr. Ream, Nominee
 01:52:54 Sen. Balyeat
 01:53:13 Mr. Ream, Nominee
 01:53:23 Sen. Balyeat
 01:54:00 Mr. Ream, Nominee
 01:54:01 Sen. Balyeat
 01:54:26 Mr. Ream, Nominee
 01:55:50 Sen. Balyeat
 01:55:55 Sen. Brenden
 01:56:01 Sen. Tropila
 01:56:46 Mr. Ream, Nominee
 01:57:47 Sen. Tropila
 01:58:13 Chairman Barkus
 01:58:35 Mr. Ream, Nominee
 01:58:36 Chairman Barkus
 01:58:49 Sen. Balyeat
 01:58:58 Mr. Ream, Nominee
 01:59:15 Chairman Barkus
 01:59:21 Mr. Ream, Nominee
 02:00:09 Sen. Schmidt left the committee.
 02:00:28 Chairman Barkus
 02:01:09 Mr. Ream, Nominee
 02:01:56 Chairman Barkus
 02:02:20 Mr. Ream, Nominee
 02:02:43 Chairman Barkus
 02:02:47 Sen. Balyeat
 02:05:55 Mr. Ream, Nominee
 02:06:39 Sen. Balyeat
 02:06:41 Mr. Ream, Nominee
 02:07:05 Sen. Balyeat
 02:07:42 Mr. Ream, Nominee

Closing by Sponsor:

02:08:04 Sen. Gallus
 02:09:52 Chairman Barkus
 02:11:05 Sen. Jent left the committee.

EXECUTIVE ACTION ON HJ 15

02:11:52 **Motion:** Sen. Shockley moved that **HJ 15 BE CONCURRED IN.**

Discussion:

02:12:30 Chairman Barkus
02:13:00 Hope Stockwell, Legislative Service Division (LSD)
02:13:31 Sen. Balyeat
02:13:54 Chairman Barkus
02:14:35 Sen. Jent came to the committee.

02:14:36 **Vote:** Motion that **HJ 15 BE CONCURRED IN** carried unanimously by voice vote. Sen. Barrett and Sen. Schmidt voted by proxy. Sen. Shockley will carry the bill in the Senate.

EXECUTIVE ACTION ON HB 190

02:15:19 **Motion:** Sen. Shockley moved that **HB 190 BE CONCURRED IN.**

02:15:55 **Motion:** Sen. Shockley moved that **HB 190 BE AMENDED.**
EXHIBIT(fis67a08)

Discussion:

02:23:31 Chairman Barkus
02:23:47 **Vote:** Motion that **HB 190 BE AMENDED** carried unanimously by voice vote. Sen. Barrett and Sen. Schmidt voted by proxy.
02:24:03 **Motion:** Sen. Shockley moved that **HB 190 BE CONCURRED IN AS AMENDED.**

02:24:17 **Motion:** Sen. Balyeat moved that **HB 190 BE AMENDED.**
EXHIBIT(fis67a09)

Discussion:

02:27:09 Sen. Shockley
02:27:22 Sen. Balyeat
02:27:40 Sen. Shockley
02:27:54 Chairman Barkus
02:28:11 Ms. Stockwell, LSD
02:28:34 Sen. Balyeat

02:28:54 Sen. Shockley
 02:29:16 Sen. Balyeat
 02:29:26 Sen. Shockley
 02:29:33 Chairman Barkus
 02:29:37 Rep. Kendall Van Dyk, HD 49, Billings, Sponsor HB
 190
 02:31:58 Sen. Gallus
 02:32:50 Sen. Shockley
 02:33:23 Sen. Balyeat
 02:33:26 Chairman Barkus
 02:33:29 Sen. Balyeat
 02:34:31 Sen. Brenden
 02:35:06 Sen. Balyeat
 02:35:32 Sen. Gallus
 02:35:51 Chairman Barkus

02:36:15 **Vote:** Motion that **HB 190 BE AMENDED** failed 3-6 by roll
 call vote with Sen. Balyeat, Sen. Barrett, and Sen.
 Brenden voting aye. Sen. Barrett and Sen. Schmidt voted
 by proxy.

02:37:13 **Vote:** Motion that **HB 190 BE CONCURRED IN AS AMENDED**
 carried 7-2 by roll call vote. Sen. Barrett and Sen.
 Schmidt voted by proxy. Sen. Shockley will carry the
 bill in the Senate.

EXECUTIVE ACTION ON HB 499

02:38:21 **Motion:** Sen. Gallus moved that **HB 499 BE CONCURRED IN.**

Discussion:

02:38:36 Sen. Brenden
 02:38:50 Sen. Jent
 02:39:23 Sen. Balyeat
 02:40:11 Sen. Tropila

02:40:18 **Vote:** Motion that **HB 499 BE CONCURRED IN** carried 8-1
 by roll call vote with Sen. Balyeat voting no. Sen.
 Barrett and Sen. Schmidt voted by proxy. Sen. Brenden
 will carry the bill in the Senate.

02:41:24 Sen. Shockley
 02:41:42 Sen. Tropila
 02:42:01 Chairman Barkus

EXECUTIVE ACTION ON HB 443

02:42:13 **Motion:** Sen. Jent moved to **RECONSIDER PREVIOUS ACTION** on **HB 443**.

Discussion:

02:42:40 Chairman Barkus

02:42:45 Sen. Jent

02:43:31 Sen. Brenden

02:44:02 **Vote:** Motion to **RECONSIDER PREVIOUS ACTION** on **HB 443** carried 5-2 by voice vote with Sen. Balyeat and Sen. Brenden voting no. Members present and voting.

02:45:15 **Motion:** Sen. Jent moved that **HB 443 BE CONCURRED IN**.

Discussion:

02:46:22 Sen. Brenden

02:46:58 Sen. Shockley

02:47:35 Sen. Gallus

02:48:19 **Motion:** Sen. Balyeat moved that **HB 443 BE CONCEPTUALLY AMENDED** to strike everything from the bill other than Subparagraph 5 Line 3.

Discussion:

02:49:26 Sen. Shockley

02:49:52 Sen. Gallus

02:50:07 Sen. Balyeat

02:50:19 Chairman Barkus

02:50:33 Ms. Stockwell, LSD

02:51 25 Chairman Barkus

02:51:31 Ms. Stockwell, LSD, stated the changes to the conceptual amendment would be on Page 2 to strike underlined portion and add back in the stricken part; same with Subsection 6 and 7 on Page 3.

02:51:36 Chairman Barkus

02:51:49 Ms. Stockwell, LSD, confirmed the rest of the changes on the conceptual amendment to strike all of Section 1 and retain the changes on Page 3 in Subsection 5. Changes currently in Subsections 6 and 7 on Page 3; Subsection 7 would remain stricken but Subsection 6 would not; and Page 4, Section 3 would be eliminated.

02:52:29 Sen. Balyeat

02:52:39 Chairman Barkus

02:52:44 Sen. Balyeat

02:53:34 Sen. Shockley

02:53:40 Sen. Gallus

02:54:06 Sen. Brenden

02:54:10 Sen. Jent

02:54:46 Sen. Balyeat

02:55:40 **Vote:** Motion that **HB 443 BE CONCEPTUALLY AMENDED** carried 5-4 by roll call vote with Sen. Barrett, Sen. Brenden, Sen. Gallus, and Sen. Jent voting no. Sen. Barrett and Sen. Schmidt voted by proxy.

02:56:09 **Motion:** Sen. Shockley moved that **HB 443 BE CONCURRED IN AS AMENDED.**

02:57:16 **Vote:** Motion that **HB 443 BE CONCURRED IN AS AMENDED** carried 7-2 by roll call vote with Sen. Barrett and Sen. Brenden voting no. Sen. Barrett and Sen. Schmidt voted by proxy. Sen. Shockley will carry the bill in the Senate.

02:57:26 Sen. Jent

ADJOURNMENT

Adjournment: 6:30 P.M.

Lindsey Hern, Secretary

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Additional Documents:

EXHIBIT ([fis67aad.pdf](#))