

## **MINUTES**

### **MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON FISH AND GAME**

**Call to Order:** Chair John Brenden, on February 21, 2011 at 9:00 A.M., in Room 422 Capitol

#### **ROLL CALL**

##### **Members Present:**

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

**Members Excused:** Sen. Steven Gallus (D)  
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: SB 83, 2/21/2011

Executive Action: SB 174 - Do pass  
SJ 13 - Tabled  
SB 83 - Do pass as amended

**HEARING ON SB 83**

**Opening Statement by Sponsor:**

00:01:30 Sen. John Brenden (R), SD 18, opened the hearing on SB 83, FWP to bear cost of removing road kill from highways.

**Proponents' Testimony:**

None

**Opponents' Testimony:**

00:06:27 Joe Maurier, Director, Fish, Wildlife & Parks (FWP)

[EXHIBIT\(fis42a01\)](#)

00:08:03 George Golie, lobbyist, Montana Wildlife Federation (MWF)

00:08:40 Janet Ellis, lobbyist, Montana Audubon

00:08:53 Jim Lynch, Director, Department of Transportation (DOT)

[EXHIBIT\(fis42a02\)](#)

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

00:12:32 Sen. Hinkle  
00:13:42 Sen. Brenden  
00:14:59 Sen. Wittich  
00:16:25 Dir. Maurier, FWP  
00:16:54 Sen. Facey  
00:17:30 Dir. Lynch, DOT  
00:18:43 Sen. Barrett  
00:18:58 Dir. Lynch  
00:21:16 Sen. Barrett  
00:21:58 Dir. Maurier  
00:22:07 Sen. Balyeat  
00:22:45 Dir. Lynch  
00:23:04 Sen. Balyeat  
00:23:58 Dir. Maurier  
00:24:34 Sen. Hamlett  
00:24:55 Dir. Lynch  
00:26:08 Sen. Balyeat  
00:26:26 Dir. Maurier  
00:28:23 Sen. Hinkle  
00:29:33 Dir. Lynch  
00:31:52 Sen. Wittich  
00:32:56 Dir. Maurier  
00:33:13 Sen. Balyeat  
00:33:18 Dir. Maurier

00:34:17 Sen. Shockley  
00:34:30 Dir. Maurier  
00:34:54 Sen. Hamlett  
00:35:19 Dir. Lynch

**Closing by Sponsor:**

00:35:53 Sen. Brenden

**EXECUTIVE ACTION ON SB 174**

**Motion:** Sen. Hinkle moved that **SB 174 DO PASS.**

**Discussion:**

00:38:45 Sen. Wittich  
00:39:22 Sen. Balyeat  
00:39:42 Sen. Barrett  
00:40:47 Sen. Shockley

00:41:53 **Vote:** Motion carried 6-4 by roll call vote with Sen. Facey, Sen. Hamlett, Sen. Jent and Sen. Shockley voting no. Sen. Gallus and Sen. Jent voted by proxy.

**EXECUTIVE ACTION ON SJ 13**

00:42:07 **Motion:** Sen. Facey moved that **SJ 13 DO PASS.**

00:42:16 **Motion:** Sen. Facey moved that **SJ 13 BE AMENDED.**

[\*\*EXHIBIT\*\*](#)(fis42a03)

**Discussion:**

00:43:22 Sen. Balyeat

00:44:11 **Vote:** Motion carried unanimously by voice vote of those present and voting.

00:44:20 **Motion:** Sen. Facey moved that **SJ 13 DO PASS AS AMENDED.**

**Discussion:**

00:44:26 Sen. Facey  
00:45:01 Sen. Hinkle  
00:45:35 Sen. Hamlett  
00:46:23 Sen. Balyeat  
00:48:47 Sen. Facey  
00:48:49 Sen. Jent joined the meeting

00:49:02 **Motion/Vote:** Sen. Barrett made a substitute motion that **SJ 13 BE TABLED.** 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.

**Discussion:**

00:49:54 Sen. Facey  
00:51:10 Sen. Wittich left the meeting

00:52:34 **Motion:** Sen. Facey moved that **SJ 13 DO PASS AS AMENDED.**

**Discussion:**

00:52:47 Sen. Barrett  
00:53:59 Sen. Shockley  
00:54:15 Sen. Barrett  
00:54:43 Sen. Brenden

00:55:13 **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 and Sen. Wittich voted by proxy.

00:55:53 **Motion/Vote:** Sen. Facey moved that **SJ 13 BE TABLED AND THE VOTE REVERSED.** Motion carried 7-1 by voice vote of those present and voting with Sen. Hamlett voting no.

**EXECUTIVE ACTION ON SB 83**

00:56:39 **Motion:** Sen. Brenden moved that **SB 83 DO PASS.**

00:56:47 **Motion:** Sen. Brenden moved that **SB 83 BE AMENDED.**  
[EXHIBIT\(fis42a04\)](#)

**Discussion:**

00:57:18 Sen. Shockley

00:57:38 **Vote:** Motion carried unanimously by voice vote of those present and voting.

00:57:49 **Motion:** Sen. Brenden moved that **SB 83 DO PASS AS AMENDED.**

**Discussion:**

00:57:57 Sen. Balyeat  
00:58:23 Sen. Brenden  
01:00:00 Sen. Shockley  
01:01:44 Sen. Brenden  
01:01:53 Sen. Barrett  
01:03:17 Sen. Facey  
01:03:30 Sen. Brenden

01:04:01 **Vote:** Motion carried 6-4 by roll call vote with Sen. Facey, Sen. Gallus, Sen. Hamlett and Sen. Jent voting no. Sen. Gallus and Sen. Wittich voted by proxy.

**ADJOURNMENT**

Adjournment:

01:05:11

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Kevin McCue, Secretary

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Additional Documents:

**EXHIBIT**([fis42aad.pdf](#))