

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH AND GAME

Call to Order: By Chairman Bob Ream, on March 14th 1989, at 4:10 p.m.

ROLL CALL

Members Present: All members were present with exception of:

Members Excused: Rep. Bill Strizich, Rep. Roger Debruycker, Rep. Ralph Eudaily

Members Absent: none

Staff Present: Greg Petesch, Legislative Council and Maureen Cleary, Committee Secretary

Announcements/Discussion: none

HEARING ON SENATE BILL 260

Presentation and Opening Statement by Sponsor:

SEN. BOB BROWN: There is an increasing problem in Montana and other states with the fish diseases related to where the fish spawn. This bill addresses those concerns.

Testifying Proponents and Who They Represent:

Mr. Ron Marcoux/ Dept. of Fish, Wildlife and Parks, Helena

Ms. Janet Ellis/ MT. Audubon Society Legislative Fund, Helena

Proponent Testimony:

Mr. Marcoux: (See Exhibit #1)

Ms. Ellis: This bill allows the Dept.(DFWP) control over what fish species come into the state of Montana. And with that more control of diseases. It also expedites the process for exterminating and controlling transplanted or introduced wildlife that is posing a threat. This is a very positive step. As Montana continues to grow there are bound to be such problems. This bill will allow us to be prepared. (See Exhibit #4)

Testifying Opponents and Who They Represent:

none

Opponent Testimony:

none

Questions From Committee Members:

REP. ELLISON: How much did you tighten up on the private pond licenses? MR. MARCOUX: (Deferred to Mr. Pat Graham/DFWP) Primarily the changes in the bill are clarifications. The problems we are having is that these licenses are branded "forever." When we follow-up, sometimes months later, we find that the person has moved. And that the license is in someone else's possession. That person may be introducing a different species of fish that was originally intended with the previous owner. This bill will allow us to regulate and control the types of species that are introduced into those ponds. The other provision will clarify that the Dept. does have authority over conditions of those ponds. Currently, that designation is not very clear.

Closing by Sponsor: SEN. BROWN: waived his closing.

DISPOSITION OF SENATE BILL 260

Motion: Rep. Ellison motioned a "do pass"

Discussion: none

Amendments, Discussion, and Votes: none

Recommendation and Vote: THEREFORE, THE COMMITTEE RECOMMENDS A
"TO BE CONCURRED IN" FOR THIS BILL.

HEARING ON SENATE BILL 388

Presentation and Opening Statement by Sponsor:

SEN. ECK: Senate District #40. The slide show is a basic overview of what this bill will do. We took a look at other corps in other states. The organization of a corps would contract out to young, and unemployed people to fill a need within the state. Yellowstone Park is hoping to recruit youth corps members from all over the United States this summer. This bill will provide us with a good opportunity to develop such a program within the state of Montana. The intent is to go on and organize some adult corps. Some of these organizations will rely on AFDC (Aid to Families with Dependent Children) for some of their participants. A lot of these persons would rather work and continue with minimal assistance that the program will provide. These persons will also gain good work experience, providing them with

skills to continue working. We have had encouraging reports from other states. The work ethic is validated within these people. This would also help build self-esteem in these persons.

Testifying Proponents and Who They Represent:

Mr. Don Hippa/ Dept. Fish, Wildlife and Parks, Helena
Mr. Ron Marcoux/ Dept. Fish, Wildlife and Parks, Helena
Mr. Jim Smith/ Human Resources Development Council, Helena
Ms. Janet Ellis/ MT. Audubon Legislative Fund, Helena
Mr. Larry Akee/ Save Our Parks, Helena
Mr. Bruce Barnhart/ self, Bozeman

Proponent Testimony:

Mr. Hippa: Presented a slide show to the Committee of an overview of some of the types of jobs the Corps would provide.

Mr. Marcoux: (See Exhibit #2)

Mr. Smith: The Fish, Wildlife and Parks principle interest in this bill is the restoration, rehabilitation and improvement of the states parks. That is a noble and worthy cause in itself. Our principle interest is the health and the well-being of the youth that we work with. That totals several hundreds of kids from all over the state. Our experience with these youth programs go back to the 1960's. To the Youth Conservation Corps. During those years we were able to do some of the kinds of work projects that you saw during the slide presentation. Now we call this the Summer Youth Employment Program. We place kids in city, county and national parks. We are looking forward to working with the Dept. of Fish, Wildlife and Parks on Montana conservation interests. Senator Eck noted that just the act of work itself is therapeutic, and we have found that true in the kids that we work with. In addition to that we find that we are able to positively intervene in the life of that kid, through the work they do. What the kid gets is a pay check. After the first paycheck they realize they have done something that is important to him or her. In order to participate in the Corps, they must show up for work, do a good job and participate in family counseling that is included into the program. We influence a re-direction in the life of a teenager through a program like this. Another positive aspect of this program is, a heightened sense of civic responsibility. When those kids build the outhouses, the picnic tables they will think twice before destroying these on an outing.

Ms. Ellis: (See Exhibit #5)

Mr. Akee: I would like to add our voice of support to this bill. I do wish to propose an amendment. (See Exhibit #3) The purpose of this amendment is to allow the Dept. some flexibility within the program.

Mr. Barnhart: I was a participant of the Youth Conservation Corps in the Missoula area in 1977. I know the value of those accomplishments that were made available to me through the program. I would like to urge your support.

Testifying Opponents and Who They Represent:

none

Opponent Testimony:

none

Questions From Committee Members:

REP. BLOTKAMP: When the federal minimum wage is determined would there be any conflict? SEN. ECK: I don't think that there will be any conflict. My impression would be when we are dealing with federal monies, the federal minimum wage would have to be paid. REP. BLOTKAMP: Would there be two separate Corps, one for youth, and one adult? SEN. ECK: That is correct. The contracts would vary, depending on the projects. The AFDC program would have specific regulations that would have to be adhered to.

REP. KASTEN: I question the term "placement service" in the bill, would you explain that for me? SEN. ECK: Part of what this program offers is preparing those persons for jobs. While doing their job, they would be offered time to submit applications, work on resumes, etc. REP. KASTEN: On page 11, I need some clarification on the wording regarding the "incentive voucher". SEN. ECK: This is optional, it is something that was included in an earlier draft. We looked at a couple of sources, and are hoping to have a private sector support group. Vermont, especially tries to make their program more public. A "voucher" or "award" would be given to those young people who have finished successfully the job they were hired for. It is a matter of recognition. There are also possibilities where there could be contracts that would actually be a money making venture. As it grows, it might be possible to give them an award at the end of their time. REP. KASTEN: What value do you see these awards being? SEN. ECK: About \$50 to \$100 award. The state of Vermont awards money that has been donated from businesses or the private sector. REP. KASTEN: Who will administer this award? SEN. ECK: The Dept. of Fish, Wildlife and Parks.

REP. BLOTKAMP: Do you see any problems with the Title 53 changes within this bill, according to the fiscal note? MR. SMITH: I have heard that the SRS can make those changes without jeopardizing the entire General Assistance Program within the state. Perhaps, Mr. Jerry Grimes could respond in better detail. MR. GRIMES: (Employment Training Co-Ordinator for the Dept. of Social Rehabilitative Services): The SRS does not wish to take a stand at this point. We have submitted correspondence to agencies that would be involved and to committee's. We have some concerns about the inclusion of the General Relief recipients into the program. Our concern would be how this would affect the implementation of some other proposed legislation. Specifically, several bills will limit GA (General Assistance) to either 4 or 6 months for employable individuals. Our concern is regarding entering into a contract that would guarantee our benefits to a client. That under our regulations, would only be eligible for additional 1 or 2 months on our program. In most cases, a person earning the wages through this program would become ineligible for benefits through our program. For General Relief, unlike AFDC, we would not be able to continue the persons on benefits.

REP. REAM: Is Rep. Vincent's bill still on the books? SEN. ECK: As I understand it, the bill will sunset July of this year.

Closing by Sponsor: SEN. ECK: Closed to the Committee, simply reiterating her points from her opening.

DISPOSITION OF SENATE BILL 388

Motion: Rep. Cohen motioned a "do pass".

Discussion: Rep. Blotkamp: In the bill it states that you are setting up a job service program. And yet, it is not possible for welfare recipients to participate in this program without losing benefits? Greg Petesch: The revisions to the General Assistance bills, change the earned income disregard for general recipients. That bill has not passed yet. But there is a bill in place, which implemented in it's current form could allow General Assistance recipients to participate in this program. I understand that there is an effort to co-ordinate several of those bills to make them all work better. Mr. Grimes: My testimony to the Committee was related to the General Relief program recipients. Another program that has been targeted for inclusion to the Conservation Corps Program is the AFDC. We presently use work-supplementation programs for a pilot program within the state and think that this will fit into the Conservation Corps program without difficulty.

Amendments, Discussion, and Votes: Rep. Phillips motioned the amendment proposed during testimony. (See Standing Committee Report for detail)

Recommendation and Vote: THEREFORE, THE COMMITTEE RECOMMENDS A "TO BE CONCURRED IN AS AMENDED" FOR THIS BILL.

HEARING ON SENATE BILL 250

Presentation and Opening Statement by Sponsor:

SEN. BECK: Opened to the Committee reading a portion of the text.

Testifying Proponents and Who They Represent:

none

Proponent Testimony:

none

Testifying Opponents and Who They Represent:

none

Opponent Testimony:

none

Questions From Committee Members: none

Closing by Sponsor: SEN. BECK: Waived his closing to the Committee.

DISPOSITION OF SENATE BILL 250

Motion: Rep. DeMars motioned a "do pass"

Discussion: none

Amendments, Discussion, and Votes: none

Recommendation and Vote: THEREFORE, THE COMMITTEE RECOMMENDS A "TO BE CONCURRED IN" FOR THIS BILL.

ADJOURNMENT

Adjournment At: 5:15 p.m.

REP. BOB REAM, Chairman

BR/mc

5905.min

DAILY ROLL CALL

FISH AND GAME

COMMITTEE

51st Session - Legislative Council

Date March 14th

NAME	PRESENT	ABSENT	EXCUSED
Bob Ream, Chairman	✓		
Jim Elliott, Vice-Chair	✓		
Robert Blotkamp	✓		
Ben Cohen	✓		
Fritz Daily			
Gene DeMars	✓		
Bob Pavlovich Bob Gervais	✓		
Bob Raney	✓		
Bill Strizich			
Roger DeBruycker			
Orval Ellison	✓		
Ralph Eudaily			
Marian Hanson	✓		
Betty Lou Kasten	✓		
Vernon Keller	✓		
John Phillips	✓		

ROLL CALL VOTE

FISH AND GAME

COMMITTEE

DATE 3/14 BILL NO. SB250 NUMBER

NAME	AYE	NAY
Rep. Blotkamp	0	
Rep. Cohen	1	
Rep. Daily	0	
Rep. DeMars	1	
Rep. DeBrucker	1	
Rep. Ellison	0	
Rep. Eudaily	1	
Rep. Elliott	1	
Rep. Gervais	1	
Rep. Hanson	1	
Rep. Kasten	1	
Rep. Keller	1	
Rep. Phillips	1	
Rep. Raney	1	
Rep. Ream	1	
Rep. Strizich	0	

TALLY

12

maureen Cleary

Secretary

Chairman

MOTION: up demars "do pass"

up campbell

ROLL CALL VOTE

FISH AND GAME

COMMITTEE

DATE 3/14 BILL NO. SB 260 NUMBER

NAME	AYE	NAY
Rep. Blotkamp	✓	
Rep. Cohen	✓	
Rep. Daily	✓	
Rep. DeMars	✓	
Rep. DeBrucker	✓	
Rep. Ellison	✓	
Rep. Eudaily	✓	
Rep. Elliott	✓	
Rep. Gervais	✓	
Rep. Hanson	✓	
Rep. Kasten	✓	
Rep. Keller	✓	
Rep. Phillips	✓	
Rep. Raney	✓	
Rep. Ream	✓	
Rep. Strizich	✓	

TALLY

(14)

maureen Cleary
Secretary

Bob Ream
Chairman

MOTION: rep. ellison "do pass"

[rep ream to carry on house]

[to be concurred]

ROLL CALL VOTE

FISH AND GAME

COMMITTEE

DATE

3/14

BILL NO.

SB388

NUMBER

NAME	AYE	NAY
Rep. Biotkamp	✓	
Rep. Cohen	✓	
Rep. Daily	✓	
Rep. DeMars	✓	
Rep. DeBrucker	✓	
Rep. Ellison	✓	
Rep. Eudaily		✓
Rep. Elliott	✓	
Rep. Gervais	✓	
Rep. Hanson	✓	
Rep. Kasten	✓	
Rep. Keller	✓	
Rep. Phillips	✓	
Rep. Raney	✓	
Rep. Ream	✓	
Rep. Strizich	✓	

TALLY

14

1

maureen Cleary

Secretary

Bob Ream

Chairman

MOTION:

rep. cohen "do pass"

rep. phillips "amendment"

rep. Vincent to Carry

STANDING COMMITTEE REPORT

March 15, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Fish and Game report that
SENATE BILL 260 (third reading copy -- blue) be concurred in .

Signed: Bob Ream
Bob Ream, Chairman

[REP. REAM WILL CARRY THIS BILL ON THE HOUSE FLOOR]

STANDING COMMITTEE REPORT

March 15, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Fish and Game report that
SENATE BILL 250 (third reading copy -- blue) be concurred in .

Signed: 
Bob Ream, Chairman

[REP. CAMPBELL WILL CARRY THIS BILL ON THE HOUSE FLOOR]

STANDING COMMITTEE REPORT

March 15, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Fish and Game report that SENATE BILL 388 (third reading copy -- blue), with statement of intent included, be concurred in as amended .

Signed: _____
Bob Ream, Chairman

[REP. VINCENT WILL CARRY THIS BILL ON THE HOUSE FLOOR]

And, that such amendments read:

1. Page 5, line 4.

Strike: "shall"

Insert: "may"

2. Page 5.

Following: line 23

Insert: "(6) execute contracts or cooperative agreements with federal, state, or local agencies, persons, partnerships, associations, or corporations for the purpose of administering the requirements of [this act];"

Renumber: subsequent subsections

EXHIBIT #1
DATE 3/14
HB SB260.

SB 260
March 14, 1989

Testimony presented by Ron Marcoux, Department of Fish, Wildlife & Parks

This bill modifies existing statutes dealing with importation of cold and warm water fish species into Montana. It gives the department authority to deal with intrastate movement of diseased fish, modifies the private pond license requirements and clarifies the department's ability to control introduced species.

Montana has a good history of controlling diseases in state and federal hatcheries. One important benefit of a clean health history for both state and commercial hatcheries is the ability to export fish. Serious disease problems have arisen in the past few years with lake trout in the Great Lakes, trout and salmon exposed to whirling disease in several western states, and private trout hatcheries in Idaho. These have all resulted in export bans of some degree.

Most recently a serious viral disease, VHS, never before found on this continent was discovered in coho salmon in Washington. Four million eggs and fish were destroyed. Extensive efforts are underway to identify the source and contain spread of the disease. Other states are now considering a moratorium on importing fish from this area.

We distributed copies of this legislation to commercial hatcheries across Montana nearly two months ago. The legislation is supported by commercial operators and the comments we received were relatively limited. The bill has been amended to address the concerns of resident operators. The one exception was a request to create an advisory committee to the director through legislation. The department has a trained pathologist on staff and we consult regularly with federal and other state fish pathologists. If the director feels it is necessary to consult additional advisors he may do so at any time.

To address concerns of a private hatchery, section six has been amended to require verification by at least two fish disease labs before the department would order destruction of diseased eggs or fish. This subsection was also amended to allow the department to restock fish eggs in excess of the department's needs if we order destruction of fish or eggs.

Sections 1 through 8 of this bill will clarify, streamline, and strengthen our fish health laws. The bill would provide for the issuance of an import permit for prospective importers of fish and eggs to Montana destinations. This annual permit will eliminate the need to approve each individual shipment into the state,

require less time to administer, and provide better service to the private aquaculture industry.

The bill would also provide the department authority to control movement of diseased fish within the state and expands the disease laws to warmwater species. Increasingly we are seeing proposals to bring non-trout and salmon species into the state.

The proposed bill also grants the director authority to deal with emergency disease conditions. The need for this provision has been made evident by the recent spread of whirling disease in Idaho, Colorado and other western states due to fish importations to private fish hatcheries.

This bill also gives the director authority to order inspections of fish culture facilities when fish pathogens threatening wild fish stocks are suspected to be in a hatchery. The director could order disposal of diseased fish if they present a direct threat to natural populations. The department would not necessarily require disposal of fish. Depending on the disease, the fish could be treated or processed.

Under this bill, aquaculture facilities would be required to report fish disease conditions to the department. The bill also provides for the recovery of damages due to violation of this statute.

Sections 9 through 11 of this bill change commercial pond licenses to require annual reissuance of licenses to ensure they comply with reporting requirements. These sections also include provisions to revoke such licenses when the owner is found to be in violation of Montana fish health and other import laws. Additional provisions make private pond or commercial pond licenses nontransferable to ensure that we have on record a responsible party. Also, new licenses would be required should the licensee change to a species or location not specified in the current license. These changes clarify the intent of the existing statute.

Section 12 clarifies the department's authority under 87-5-715 to control introduced species with commission approval. It removes the requirement for scientific investigation and public hearing by the department. As worded, the present law makes it much more difficult to control undesirable species than it is to control species of more public interest. Periodically, populations of fish species like yellow perch or sunfish overpopulate and become stunted. Where biological control is not feasible, chemical or mechanical control may be necessary. The department does not participate in extermination or control projects without the benefit of scientific knowledge. Public input would be provided through commission decision making for each project.

SB 388
March 14, 1989

EXHIBIT #2
DATE 3/14/89
HB SB388

Testimony presented by Ron Marcoux, Department of Fish,
Wildlife & Parks

The Department of Fish, Wildlife and Parks supports SB 388 which will provide for the organization of a Montana Conservation Corps similar to the 44 conservation corps programs which have proven successful in other states.

The Montana Conservation Corps will provide work experience, valuable job skill training, and important educational opportunities for youth and adults throughout the state. It will help "build Montana" through the preservation of natural resources and the rehabilitation of our deteriorating park facilities. The result will be better parks for Montanans and for people from around the world who visit Montana. It will encourage tourism and the associated economic benefits to Montana.

The Conservation Corps can provide not only the intensive labor that will be necessary to assist in rejuvenating our parks, but can do it very efficiently as well. Studies have shown that corps projects typically return \$1.25 to \$1.93 for every public dollar invested. The estimated savings from our two pilot Conservation Corps projects last summer at Makoshika and Wayfarers were nearly \$17,000.

The passage of this bill should provide the coordination and financial resources necessary to establish a Montana Conservation Corps which would achieve the worthy goal of helping people while helping parks. We urge your support for SB 388.

AMEND SB388, BLUE COPY

Presented to the House Fish & Game Committee
March 13, 1989

1. Page 5, line 4.
Strike: "shall"
Insert: "may"

EXHIBIT #3
DATE 3/14/89
HB SB388

2. Page 5, following line 23.

Insert: "(6) execute contracts or cooperative agreements with federal, state, or local agencies, persons, partnerships, associations, or corporations for the purpose of administering the requirements of [this act]."

Renumber subsequent subsections.

WITNESS STATEMENT

NAME: Janet Ellis DATE: 3/14/89

ADDRESS: Helena

EXHIBIT #4

DATE 3/14

HB SB 260

PHONE: _____

REPRESENTING WHOM? MT Audubon

APPEARING ON WHICH PROPOSAL: SB 260

DO YOU: SUPPORT? ☒ AMEND? _____ OPPOSE? _____

COMMENTS: This bill allows the Dept. of Fish, Wildlife & Parks to have more control over 1) what fish species come into the state and 2) what diseases, including parasites, can come into the state. This bill also expedites the process for exterminating and controlling transplanted or introduced wildlife species posing a threat.

This is a positive step. As Montana continues to grow, there are bound to be problems with the introduction and proliferation of species we don't want in the state. This bill will allow us to be prepared for those problems.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

EXHIBIT #5
DATE 3/14
HB SB 388

WITNESS STATEMENT

NAME Janet Ellis BILL NO. SB 388

ADDRESS Helena

WHOM DO YOU REPRESENT? MT Audubon

SUPPORT ☒ OPPOSE ☐ AMEND ☐

COMMENTS: Parks are incredibly important for people. Montana's parks have been going downhill. The Montana Conservation Corps is a piece of the puzzle to turn our parks into something we can all be proud of. This is a win/win situation: it provides jobs for unemployed and economically disadvantaged youth and young adults and get much needed maintenance done in parks.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

Fish and Game

COMMITTEE

BILL NO. SB 260

DATE March 14

SPONSOR

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

Fish and Game

COMMITTEE

BILL NO. SB 380

DATE March 14

SPONSOR _____

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.