

MINUTES

MONTANA SENATE 55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH & GAME

Call to Order: By CHAIRMAN AL BISHOP, on March 11, 1997, at 3:45 p.m., in Room 402

ROLL CALL

Members Present:

Sen. Al Bishop, Chairman (R)
Sen. Loren Jenkins, Vice Chairman (R)
Sen. Vivian Brooke (D)
Sen. William S. Crismore (R)
Sen. Steve Doherty (D)
Sen. Bea McCarthy (D)
Sen. Kenneth "Ken" Mesaros (R)
Sen. Ken Miller (R)
Sen. Mike Taylor (R)
Sen. Daryl Toews (R)

Members Excused: None

Members Absent: None

Staff Present: Leanne Kurtz, Legislative Services Division
Serena Andrew, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 387 & HB 547
Posted 3/7/97
Executive Action: None

HEARING ON HB 387

Sponsor: REPRESENTATIVE BRUCE SIMON, HD #18, Billings

Proponents: Pat Graham, Director, Department of Fish,
Wildlife & Parks
George Ochenski

Opponents: None

{Tape: 1; Side: A; Approx. Time Count: 3:45}

Opening Statement by Sponsor:

REPRESENTATIVE BRUCE SIMON, HD #18, Billings, said his bill would require the Department of Fish, Wildlife & Parks (DFWP) to make annual public notification of fish stocking plans, including:

- (a) where fish would be placed,
- (b) fish species to be planted in each body of water,
- (c) predominant existing fish species in the body of water to be stocked,
- (d) reason for the stocking,
- (e) expected result,
- (f) source of the fish or eggs, and
- (g) hatcheries in which the fish were, or are expected to be, raised.

The bill was introduced because problems have resulted from past plantings and he thought the public should have an opportunity to comment.

Proponents' Testimony:

Pat Graham, Director, DFWP, commented that about 80% of the stocking program is comprised of walleye fry and fingerlings. Over 95% of the trout stocked are placed in lakes and reservoirs because they have little or no natural reproduction as do rivers and streams. **EXHIBIT #1**

The stocking activities are largely guided by statute and ARM rules. **EXHIBIT #2**

The public already has the opportunity to comment on stocking as management plans are developed.

To implement the bill, he suggested several amendments. **EXHIBIT #3**

{Tape: 1; Side: A; Approx. Time Count: 3:55}

George Ochenski said HB 387 was a good bill and it would benefit the general public to know what was going on.

Opponents' Testimony: None

Questions From Committee Members and Responses:

SENATOR KEN MESAROS noted that the sponsor hadn't signed the fiscal note. **REPRESENTATIVE SIMON** said the department hadn't understood what he wanted. The fiscal note did not reflect his intent, and the committee should ignore it.

SENATOR MESAROS commented that there would still be an additional workload and some additional cost. **REPRESENTATIVE SIMON** said it should be minimal. The department has the information, but it is in a form that is difficult to understand. The bill was an

attempt to bring available information together in comprehensive form so the public could understand it.

SENATOR MESAROS said he wasn't sure the bill was necessary, with all the reports that are currently issued. **REPRESENTATIVE SIMON** said most of the reports are not widely available to the public and they are not easy to read. Also, the planting records reveal that rivers and streams are planted. DFWP plants trout in a number of streams, but gives the impression that it rarely does that. He thought it was important to give the public an opportunity to comment.

{Tape: 1; Side: A; Approx. Time Count: 4:00}

SENATOR BEA MCCARTHY asked how many of the 476 bodies of water planted last year were mountain lakes where helicopters were used. She said she was just interested in a breakdown between trucks and helicopters. **Mr. Graham** said he could provide that information, but it would require a little research.

SENATOR MIKE TAYLOR asked **REPRESENTATIVE SIMON** if he agreed with the amendments proposed by DFWP. **REPRESENTATIVE SIMON** said he did. The department said they would support the bill if the amendments were added.

SENATOR MESAROS asked **Ken Hoovestall** if he thought the bill were necessary. **Ken Hoovestall** said Walleyes Unlimited had looked at the bill and originally opposed it.

His main concern was that the bill would prohibit management changes throughout the year. Walleyes Unlimited wanted the department to remain flexible.

He was also concerned about cost. He didn't want this bill implemented in lieu of something else. He hoped it wouldn't create a bureaucratic logjam that slowed down the planting process.

{Tape: 1; Side: A; Approx. Time Count: 4:05}

SENATOR TAYLOR said he had looked at the unsigned fiscal note and asked if the bill had changed since the fiscal note was prepared. **Mr. Graham** said some changes were made in the House, DFWP prepared amendments and a new fiscal note. His basic concern had been that the department would have to initiate projects to obtain data for some items in the bill, especially on an annual basis.

SENATOR TAYLOR asked if the committee could see the new fiscal note. **Mr. Graham** said it had not been printed, but he could tell the committee what was in it. Expected cost the first year was \$27,500 for first-time preparation of the document. In future

years, the cost was expected to be about \$7500, plus printing and postage of an estimated 1000 copies.

SENATOR MCCARTHY commented that she had been given a current planting printout and the first stream was identified by a word. She asked just what changes would occur if the bill passed.

Larry Peterman, Administrator, Fisheries Division, DFWP, said the department's 5-year plan has a code that goes with it because the report is in numbers. The bill calls for additional information on the source of eggs and identification of the hatchery where the fish would be raised, the reason for stocking and the expected result. It would be necessary to expand the format of the existing report to include that information.

CHAIRMAN AL BISHOP asked if DFWP stocked prey species as well as sport fish. **REPRESENTATIVE SIMON** said he didn't think they stocked anything but sport fish. **Mr. Peterman** said most plantings are sport fish but sometimes forage fish are planted, particularly in a warmwater fishery. At present, the introduction of cisco into Tiber Reservoir is being considered.

SENATOR LOREN JENKINS mentioned that the second DFWP amendment changed the language to "sport fish." **Mr. Peterman** said that was for the number of existing fish species in the body of water to be stocked.

{Tape: 1; Side: A; Approx. Time Count: 4:11}

Closing by Sponsor:

REPRESENTATIVE SIMON stated that HB 387 was a simple bill, but important. Whirling disease is in Montana; the department obtains fish from numerous sources outside the state, and people should be able to find out where they came from.

HEARING ON HB 547

Sponsor: **REPRESENTATIVE WILLIAM REHBEIN, JR., HD #100, Lambert**

Proponents: Patrick E. Flaherty, Montana Food Bank Network
Richard B. Rule, Butte Food Bank
Betty Waddell, Montana Association of Churches
Jim Meldrum, Department of Health & Human Services

Opponents: Jim Bradford, President, Montana Bowhunters Association

Opening Statement by Sponsor:

REPRESENTATIVE WILLIAM REHBEIN told the committee HB 547 was a simple bill that merely requests money for the Food Bank Network. The Food Bank Network does good work feeding hungry people.

Proponents' Testimony:

Patrick Flaherty, Montana Food Bank Network, said the food banks have had trouble processing meat in the past. Processing costs about 35 cents/pound for wild game and 25 cents/pound for domestic animals. The Food Bank Network would use money resulting from this bill for processing fees. Money is particularly needed for smaller, volunteer food banks.

{Tape: 1; Side: A; Approx. Time Count: 4:16}

Dick Rule, Butte Food Bank, said the Food Bank Network is a coalition of 89 food banks and 51 feeding stations. Storage facilities are needed for food banks. This bill would furnish a source of funding and allow food banks to take advantage of missed opportunities. The food banks have been unable to accept a great deal of food because they were short of funds for storage or unable to arrange suitable hauling.

{Tape: 1; Side: A; Approx. Time Count: 4:19}

Betty Waddell, Montana Association of Churches, strongly supported the bill because there are so many hungry people.

{Tape: 1; Side: B; Approx. Time Count: 4:26}

Jim Meldrum, Department of Health and Human Services, (DHHS) said his department has had a 10-year relationship with the Food Bank Network and has found they target the people most in need of assistance. He supported the bill.

Opponents' Testimony:

Jim Bradford, President, Montana Bowhunters Association, opposed the bill. He makes yearly donations to local food banks and did not oppose the food bank concept, but asked how \$30,000 from the DFWP budget would be replaced. Hungry people are a problem for all the people of Montana, not just sportsmen. He couldn't understand why there were so many bills to take money from DFWP. The Bowhunters Association has purchased two decoys for the department to use in its anti-poaching program and has added money to the Tipmont program for information on anyone breaking the law using a bow and arrow. There are already programs sportsmen would like to see implemented that DFWP can't fund. Also, the "Hunters for the Hungry" program already exists.

Informational Testimony:

{Tape: 1; Side: B; Approx. Time Count: 4:30}

Pat Graham said the department's goal would be strict adherence to hunting laws, and no confiscated game animals. Some

animals are confiscated, however, and certain costs are associated with the disposal of those carcasses. **EXHIBIT #4**

Questions From Committee Members and Responses:

SENATOR VIVIAN BROOKE asked if it would be necessary to set up an application process under this bill. **James Nolan, DHHS**, said the Food Bank Network was the only recipient named in the bill and merely signing a contract would suffice. No administrative funds would be taken.

SENATOR BROOKE asked **Mr. Rule** if he understood that the bill would only allow the food banks to use the funds for processing meat. **Mr. Rule** said he did.

SENATOR MESAROS said **Pat Graham** had indicated the department already offers animals to food banks, and asked how much meat they get. **Mr. Rule** said he didn't know. Butte is very fortunate because it has several facilities to store meat. Butte hunters donate animals, too. They were unable to accept bison, however, because they couldn't afford to process and store the meat.

SENATOR MESAROS asked **Mr. Bradford** to explain the "Hunters for the Hungry" program. **Jim Bradford** said he thought the outfitters ran that program and he knew there were several places that encourage people to donate part of their harvest to "Hunters for the Hungry." Individual sportsmen also donate a considerable amount of meat every year.

{Tape: 1; Side: B; Approx. Time Count: 4:38}

SENATOR MESAROS asked how DFWP would support Tipmont and other programs mentioned if they didn't get the \$28,000/year expected to be lost under this bill.

SENATOR STEVE DOHERTY asked if DFWP would lose federal funding without this \$28,000 and what would be cut, assuming it was already in the budget. **Mr. Graham** said it was not license money, per se, until it came into the DFWP account. The money would have to be transferred at the time of the sale. In terms of cuts, it would mean the department would have to dip into its general license account, and would do that until it's gone and then look at a fee increase.

SENATOR DOHERTY said the Food Bank Network was obviously a worthwhile program. This proposal would take \$28,000 from DFWP; he asked if other agencies would also be required to donate that amount because it was a good program. **Mr. Nolan** said DHHS gives them every cent it can.

SENATOR DOHERTY asked if DHHS were willing to go into its General Fund monies for the food banks. **Mr. Nolan** said he wasn't sure he could do that.

SENATOR McCARTHY asked who currently pays for processing meat. Mr. Rule said processing fees are paid from their regular funds. SENATOR McCARTHY asked if food banks could be possible to get a lower rate from processing plants. Mr. Rule said some labor is donated by packing plants, but wild game does carry an extra cost.

{Tape: 1; Side: B; Approx. Time Count: 4:43}

SENATOR MIKE TAYLOR commented that many bison were killed this year and he wondered if that money had gone to DFWP. Mr. Graham said HB 547 applied only to confiscated game meat. Also, the bison program is administered by the Department of Livestock.

SENATOR LOREN JENKINS said present law allows DFWP to donate carcasses, and asked how many had been donated in the last year. Mr. Graham said it varies and he didn't know offhand. Bozeman and Butte always get some. The department gives food banks as much as they want; in fact, DFWP would rather give it to them than keep it in their own coolers.

SENATOR JENKINS told Mr. Bradford he knew Hunters for the Hungry was a good program. Mr. Bradford said he thought Hunters for the Hungry required meat to be processed before it was donated, but he wasn't sure.

{Tape: 1; Side: B; Approx. Time Count: 4:47}

Closing by Sponsor:

REPRESENTATIVE REHBEIN said the money going to food banks would free up some of their existing funding for other uses. The bill was amended in the House to allow the department to recoup its costs. He noted that there is a similar program in Glendive with paddlefish.

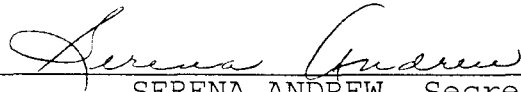
ADJOURNMENT

Adjournment: 4:59

{This meeting was recorded on a Lanier recorder}



SEN. AL BISHOP, Chairman



SERENA ANDREW, Secretary