

MINUTES OF THE MEETING
NATURAL RESOURCES
MONTANA STATE SENATE

January 22, 1977

The fifth meeting of the Natural Resources Committee was called to order by Senator Elmer Flynn, Chairman, at 9:30 a. m. on the above date in Room 405 of the State Capitol Building.

ROLL CALL: Upon roll call all members were present.

Mr. Larry Weinberg, Staff Attorney of the Legislative Council, and Tala Skari of the Environmental Quality Council were also present.

CONSIDERATION OF HB 16: An Act for the General Revision of Laws Relating to State Parks.

Senator Flynn advised the Committee that Representative Francis Bardanoue, sponsor of H. B. 16 was unable to attend.

Mr. Dave Cogley, representing the Code Commissioner, briefly explained H. B. 16. He stated that this is the recodification bill on state parks. He said that in Section 1 they have just deleted the word "that". That is also true in Section 3. The wording "that" was crossed out. He added that 62-306 was the earlier section and 62-314 was the later section. 62-306 provided the \$100 penalty and 62-314 provides a penalty of \$500. He said that the penalty now will be \$500 which is the latest penalty set up by the Legislature. Section 3 has been reworded so that it can be understood.

Senator Galt asked if this pertains to just State Parks or all the branches of the Fish and Game.

Mr. Cogley said that it was not just the State Parks. It would pertain to all the lands under the control of the Fish and Game.

Senator Galt wanted to know what the penalty would be for doing any of these particular things on private land.

Mr. Cogley continued that that would come under the criminal code but that this doesn't cover anything like that.

Senator Roskie said that he was concerned if this rule making authority is granted. He added that he kind of senses more than just a change there.

Mr. Cogley stated that as far as rule making there has been no change there. It used to say, "the Commission shall have the power to" and now it says "may".

Senator Roskie said that 62-301 provides for parks as he reads it. Does this cover things such as game range and the sort?

Mr. Cogley said that that rule making authority was intended to apply.

Senator Roskie wanted to know whether the rule making authority granted under 62-301 and 62-306 covers not only state parks but other lands, game ranges, fishing access?

Mr. Cogley said, yes, state parks is attached to that but it is broader than that and includes these others.

Senator Roskie added that the reaction of the body will be "are we just talking about state parks".

At this time, Mr. Cogley thought that Mr. Ron Holliday would be able to clarify this for the Committee.

Mr. Ron Holliday, Administrator of the State Parks Division, stated that the state parks system was not under the Fish and Game Commission. He added that there has been some confusion in the past about where are the regulating authority for state parks and the other classifications such as fishing access sights and so forth. They are classifications of land, we are just trying to clarify that. He said that there is rule making authority under Title 26.

Senator Roskie wanted to know if this changes the rule making authority of the Fish and Game Commission.

Mr. Holliday answered, not to his knowledge.

Mr. Cogley added that no, that would not have that effect at all. So there is no change whatsoever.

Mr. Larry Weinberg, Staff Attorney of the Legislative Council, stated that in the general Fish and Game law the penalty is \$500 and six months for a misdemeanor, so this would provide consistency.

Senator Flynn wanted to know what a bill like this accomplishes in the end.

Mr. Cogley said they were resolving the \$100 penalty that was in 62-306 and \$500 penalty that was in 62-314. He said that whenever they have an obsolete law they are supposed to point out to the Legislature the inconsistencies in the law and have them take action if they want in order to clean up the laws.

Senator Roskie stated that he thought the change in the rule for the penalty is rather substantive.

The Committee members further briefly discussed House Bill No. 16.

DISPOSITION OF HB 16: Senator Jergeson moved that HB 16 BE CONCURRED IN. The motion was seconded by Senator Dover and carried unanimously.

At this time Senator Flynn introduced Mr. Tom Pelletier who is interested in a position as Researcher for the Committee to the members of the Committee. (See Attached Resume)

Senator Smith asked whether the Committee had work for him. He said that we have several people doing research for us.

Senator Jergeson stated that they would have all the energy bills dealing with the Governor's Message.

At this time Senator Roskie said that he and Senator Jergeson had attended the Rocky Mountain Council on Environment and it was a very worthwhile conference. They reviewed a lot of activities dealing with other states. He said that he is somewhat concerned about a whole flurry of bills coming in at the last minute. He said it seems to him that as important as this is in his opinion it deserves some rather intensive examination at this time. Some of the bills introduced may not be well founded. Twenty-five to thirty pieces of legislation dealing with energy will be introduced. He added that he would like to have the Committee introduce a Joint Resolution of both Houses aimed at a Legislative Interim Committee for all energy action that may be proper and necessary. He stated that he feels that the Legislature before it can take real solid action on setting a policy for energy should have a little more time than we have now with the pressure that we are under. The only way I see that we can do it is to give these reports and studies some study.

Senator Flynn asked if the Committee felt it would be helpful to hold energy bills and take them in a block.

Senator Roskie said that they were going to have to take whatever the House sends over. It is so important that I feel that we may not be able to act on them properly.

Senator Jergeson added it will be the most important legislation that the Committee will have to deal with. The House intends to do a great deal of sub-committee work on these.

Senator Flynn said that maybe they could sit in as ex-officio members.

Mr. Pelletier remarked that each sub-committee is handling one-third in the House.

Senator Smith said that Bill Christenson has been doing research for four years. Has there been some drastic change in that? Are we going to get two sets?

Senator Roskie said we are going to get three, the Governor's Energy Policy, Citizen's Advisory Committee, and the Murdy Conservation Plan. We are going to be faced with those three approaches to the energy policy.

Senator Smith asked what Bill Christenson has been doing for four years.

Senator Roskie said that is in the report that went to the Governor's office. I don't know what changes have been made.

Senator Manley said he thought we were getting too lopsided on this. It seems to me like we are having one of these studies to protect our environment. But when we are hiring these people instead of worrying about this - like this young man --

Mr. Pelletier added that when we speak of environment I would hope that we could take that in a broad sense. That includes employment, that includes business. I am here because I believe this energy issue is about the biggest thing this Legislature has to deal with this year. The State of Montana can't go another two years without an energy plan. This Legislature is going to have to come up with a workable energy plan.

Senator Roskie said that when we get into this we are going to be dealing with some rather hard facts. We are going to be looking at some things that will require some intensive study or information on the backwood side of the picture. When we get into this we are going to need a lot of information that Tom may or may not be able to dig out for us.

Senator Flynn added that he thinks right now the public doesn't know which way to turn. People are in the air - they don't know which way to go. They are in need of answers.

Senator Smith questioned whether Tom would have an unbiased opinion or whether he was still involved in the input with the Governor.

Mr. Pelletier stated that his relationship was terminated with the Governor.

Motion was made by Senator Jergeson that the Committee accept hiring Tom. He stated that he would like to point out that staff people work at our direction. We are the policy makers. He has background to do analysis that we are going to have to do.

Senator Flynn added that he thought the Committee would have to go through the Legislative Committee.

Senator Galt said that was his question.

Senator Smith questioned whether the Committee thought that they were going to have that number of bills. Are we going to go right ahead and try to pass them out and go right out into these.

Senator Jergeson thought that we could use some additional help.

Senator Flynn added that he thought perhaps the motion was premature. He asked if he should contact the Legislative Committee and find out what we can and cannot do.

Senator Smith pointed out that the Environmental Quality Control is doing some research.

After a brief discussion, it was decided that Senator Flynn would contact the Legislative Committee.

ADJOURNMENT: There being no further business to discuss, Senator Flynn adjourned the meeting at 10:15 a. m.



SENATOR ELMER FLYNN

SENATE NATURAL RESOURCES COMMITTEE

BILL H.B. 16

VISITORS' REGISTER

DATE 1-22-77

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

NAME: Dore Logan DATE: 1-22-77

ADDRESS: Box 1

PHONE: 4 3064

REPRESENTING WHOM? *Code Commissioner*

APPEARING ON WHICH PROPOSAL: HB 16

DO YOU: SUPPORT? / AMEND? OPPOSE?

COMMENTS: _____

STANDING COMMITTEE REPORT

..... January 22 19 77

MR. PRESIDENT

We, your committee on NATURAL RESOURCES

having had under consideration HOUSE Bill No. 16

Respectfully report as follows: That HOUSE Bill No. 16,

BE CONCURRED IN

B.R.

~~BE PASSED~~

2150011

Prepared - Dec.20,1976

A) Personal Information

Name - THOMAS H. PELLETIER
Age - 24 years
Birth- July 29,1952
Status - Single
Religion - Roman Catholic
Height - 5' 9 "
Weight - 165 lbs.
Sex - Male
Citizenship - United States of America
Permanent address - 1161 W. Diamond street
Butte, Montana, USA
Foreign Address - 8062 Estrella Ave.
Makati, Metro Manila 3116 Philippines

B) Education

St. Joseph school - 8 years
Butte Central Catholic High School - 4 yrs.
Montana Technical College, USA - 1 year
University of Montana, USA (BA Environmental studies) - 3 years
University of Montana, USA (Graduate school of Environmental studies) -

C) Employment

1. University of Montana
Environmental studies Dept.
Position - Laboratory assistant - Research associate - Sept.1975-Apr.,1976
2. Rainbow wilderness Survival school
Position - Assistant Director - June,1975 - Apr.,1975
3. Butte-Silver Bow Bicentennial Commission
Position - Public relation officer - Mar,1975 - June,1975
4. Big Sky Montana winter resort
Position - Public Relations - Dec.,1974- March,1975
5. State of Montana office of the Governor- Expo '74 Worlds Fair
Position - Asst.Manager - Montana State Exhibition - May,1974-Nov.,1974
6. University of Montana
Environmental Studies Dept.
Position - Laboratory assistant/ Research associate - Spt.,1973-Apr.,1974

D) Experiences

1. Seminar-workshop
" New Challenges in Population Education in Industry"
Manila Hotel, Dec.13-17,1976 by ILO , AWEPE, PMAP
2. Personal research - Field study
Hamburg/Stade, West Germany
Air and water pollution studies
Elbe River Environmental group - June,1976 and Sept.,1976

3. Seminar-field course
" Environmental Education for Survival"
sponsored by the Danish Institute
Copenhagen, Denmark, Aug., 1976
4. Expo'74 - Environmental Worlds Fair
Spokane, Washington USA
attended and participated in numerous environmental seminars concerning
all aspects of the environmental fields.
5. Travel around the world investigating various environmental situations
in many countries - April 1, 1976 to present.

Personal interest

Nature appreciation, wilderness and environmental awareness, sports,
snow skiing, swimming, horse training and riding, camping, mountail climbing
fishing, photography, poetry, working with people.

Affiliations

Congressman Max Baucus
U.S. Congress
House of Representatives
Washington D.C.

Governor Thomas L. Judge
Governor State of Montana
Helena, Montana, USA

Dr. Prof C.C. Gordon
Director, Environmental Studies Dept.
University of Montana

Mrs. Hele Wiiti
The Danish Institute
Copenhagen, Denmark

Mr. Michael Holst
Elbe river environmental group
Seesternahe, West Germany

Mr. John K. Olson
Director Marketing and Sales
Yellowstone National Park
State of Wyoming



Thomas H. Pelletier

Thomas Harvey Pelletier