

MINUTES OF THE MEETING
NATURAL RESOURCES
MONTANA STATE SENATE

January 25, 1977

The sixth 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 with the exception of Senator Dover and Senator Ed Smith.

Mr. Larry Weinberg, Staff Attorney of the Legislative Council was also present.

CONSIDERATION OF SB 135: An Act repealing section relating to transportation of coniferous trees without a bill of sale; relating to lien for driving logs, relating to a state brand to be placed upon seized logs.

Senator Roberts, Chief Sponsor of Senate Bill No. 135, briefly spoke and stated that he had introduced this bill for the Department of Natural Resources.

Mr. Gary Spaeth, Legal Counsel for the Department of Natural Resources, stated that this bill came about at the request of the Governor in the early part of 1976. These are sections that no longer have any bearing. Section 89-3201 through 89-3207 is the Columbia Interstate Compact, which particular Compact Montana ratified in 1961. Since that time none of the other states would ratify it. It appears to the other states that the Columbia River Compact which was passed by the state in 1961 is not advisable to be adopted. They would like to start out completely from scratch. We have statutes on the books for the last fifty years which have no meaning.

Mr. Bob Arnold, Assistant Division Administrator of the Forestry Division from the Department of Natural Resources, added that 28-701 refers to the transportation of Christmas trees. It has a glaring loophole in it which makes it almost unenforceable so we are repealing it. He stated that there hasn't been a log driving in Montana for the past thirty years. This would be obsolete. He said that relating to state brand, this brand was used by the Federal Government but it has gone out of practice now, so we are repealing this. It is actually obsolete.

Senator Flynn asked, you say 45-421 is the one related to driving logs. What is the essence of the bill?

Mr. Arnold said that if two or three companies had log decks on the same stream the man who had chartered the drive could charge the other two.

Senator Flynn asked if there was no other regulation spelled out.

Mr. Arnold replied, yes. And it should also read through 45-420 instead of 45-421.

Mr. Robert Holding, of the Montana Wood Products Association, stated that they were in support of this bill. The driving of logs was a carry over from the lake states. He said that the last log driving in the Northwest was in 1966 or 1967. This is just to clean up the language.

Senator Roskie questioned whether stealing Christmas trees was no longer a problem.

Mr. Arnold said, no.

Senator Manley said it is still a problem if you are on private land.

Senator Roskie wondered what he would suggest as an alternative.

Mr. Arnold said that we have adequate trespassing laws now. It is a matter of catching them right in the act. Other states use a tagging system.

Senator Manley said he had an incident where he actually caught the people cutting Christmas trees on his property, and throwing the trees over the fence. He called to get the Sheriff and told them to wait there. When he got back they had driven out on County roads and he couldn't even press charges against them. You have to catch them.

Mr. Arnold said there isn't so much of that going on any more. We are busy enough keeping track of trespassing on state lands.

Senator Roskie wondered if this should be the responsibility of some other agency other than the Department of Natural Resources.

Mr. Arnold said, no. It just happens to be a Forestry Law. We have no way of enforcing it. There just aren't enough people to take care of our own lands.

Senator Roskie asked if it is serious enough to have a checking station or such.

Mr. Arnold said people in the northwest of the state haven't said so much about this. There is a little more stealing out of tree yards yet.

Mr. Holding added that there is always a problem but it is a question of catching them in the act of cutting.

Senator Manley said this would be state land wouldn't it.

Mr. Arnold said private land would be up to the private land owner.

CONSIDERATION OF SB 128: An Act to amend section 80-1404, to provide that timber from state forests may be sold on an accelerated advertising schedule in emergency cases.

Senator Bob Brown, Chief Sponsor of Senate Bill 128, spoke briefly.

Mr. Gary Spaeth, Legal Counsel for the Department of Natural Resources, stated that he would like to have on Page 2, Section 1, Line 4, following the word "advertised" the words "by invitation to bid" inserted.

Mr. Bob Arnold, Assistant Division Administrator of the Forestry Division from the Department of Natural Resources, said that actually the Division of Forestry has been doing this for twelve or fifteen years. Its been in operation long enough that we feel this language should be included in the statute. He said that Section 81-1407 which is not in the bill gives the state the right to give timber permits without advertising competition for these. This bill will continue our authority so to speak.

Mr. Robert Holding, of the Montana Wood Products Association, added that this is good forest management. It enables the state to get on a disease rapidly. They will just watch for trees that fall down or have an insect disease. It will maximize the income to the state. He said that this is also at the recommendation of the Western States Task Force. It is aimed at increasing the cooperation of the five states in regard to forestry problems.

Senator Roskie wondered how the approval of the Board was handled.

Mr. Arnold answered that they have the authority to award the sale at division level when there is an irregularity in the bidding. About twice a year they canvass the loggers and small sawmills and ask to bid an area and hear these invitations to bids and those are updated annually.

DISPOSITION OF SB 128: Motion was made by Senator Roskie that Senate Bill No. 128 be amended as follows: Amend Page 2, Section 1, Line 4, following the word "advertised" by inserting the words "by invitation to bid". The motion was seconded by Senator Manley and carried unanimously. (See attached standing committee report.)

Motion was made by Senator Roskie that we accept Senate Bill No. 128 as amended and that the bill AS SO AMENDED, DO PASS. Motion was seconded by Senator Devine and carried unanimously.

DISPOSITION OF SB 135: Senator Devine moved that Senate Bill No. 135 be amended as follows: Amend the title, line 9, following the word "THROUGH" by striking the numbers "45-421" and inserting the numbers "45-420" and be further amended on Page 1, section 1, line 17, following line 16, by striking the numbers "45-421" and inserting the numbers "45-420". The motion was seconded by Senator Roskie and carried unanimously. (See attached standing committee report.)

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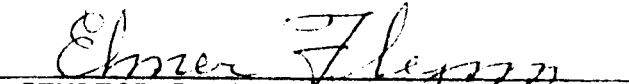
ANNOUNCEMENTS: Senator Flynn announced that he would try to arrange bills for hearing on Saturday.

At this time, Senator Roskie advised the Committee that he had looked into the need for hiring an analyst for the Committee. He looked at the bills that will probably come to the Committee. He said that on the Senate side we are not pushed too hard on bills. He continued that unless we should get a sudden heavy flurry of energy bills by the House the volume of information that we will need can probably be handled with the people that we have. He stated that a request for financing this new person would have to be made to the Legislative Committee and said that he had talked to four members of the Committee and they felt we are adequately staffed at this time.

Senator Jergeson added that basically he thought they were going to have a lot to do and additional staff might not hurt.

Following further discussion the feeling of the Committee was negative for hiring additional help.

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


SENATOR ELMER FLYNN, CHAIRMAN

ROLL CALL

NATURAL RESOURCES COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date 1-25-77

[illegible]

SENATE NATURAL RESOURCES COMMITTEE

DATE 1-25-77

VISITORS' REGISTER

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

NAME: Gary Speth DATE: 25 Jan 76

ADDRESS: 33 S. Ewing Helena

PHONE: 442-3712

REPRESENTING WHOM? Dept of Natural Resources

APPEARING ON WHICH PROPOSAL: SB 128 & 135

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

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: Ronald MacIntyre DATE: _____

ADDRESS: 32 S Ewing

PHONE: 949-3772

REPRESENTING WHOM? Dept of Natural Resources

APPEARING ON WHICH PROPOSAL: SB 1284 135

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

COMMENTS: _____

NAME: Robert Arnold DATE: 1/25/77

ADDRESS: Waco, Texas

PHONE: 728-4300

REPRESENTING WHOM? DPH = Family

APPEARING ON WHICH PROPOSAL: 128 & 133

DO YOU: SUPPORT? ✓ AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

COMMENTS: _____

STANDING COMMITTEE REPORT

.....January 25,..... 19 77.....

MR. ~~PRESIDENT~~.....

We, your committee on.....**NATURAL RESOURCES**.....

having had under consideration.....**SENATE**..... Bill No. **135**.....

Respectfully report as follows: That.....**SENATE**..... Bill No. **135**,.....

introduced bill, be amended as follows:

1. Amend title, line 9.

Following "THROUGH"

Strike: "45-421"

Insert: "45-420"

2. Amend page 1, section 1, line 17.

Following: line 16

Strike: "45-421"

Insert: "45-420"

AND, AS SO AMENDED, DO PASS

~~DO PASS~~



STANDING COMMITTEE REPORT

.....January 25..... 19 77.....

MR.PRESIDENT.....

We, your committee onNATURAL RESOURCES.....

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1. Amend page 2, section 1, line 4.

Following: "advertised"

Insert: "by invitation to bid"

AND, AS SO AMENDED, DO PASS

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