

MINUTES OF THE MEETING
SENATE STATE ADMINISTRATION COMMITTEE
JANUARY 28, 1977

The meeting was called to order by Senator Towe, Chairman, at 11:00 a.m. in the Governor's Reception Room in the Capitol Building. Committee members present were Senators Towe, Story, Brown, Rasmussen, Roskie, Jergeson, Blaylock, and Devine.

Senator Towe opened the hearing on the appointment of Lawrence Zanto as Director of the Department of Institutions.

HEARING ON LAWRENCE ZANTO AS DIRECTOR OF THE DEPARTMENT OF INSTITUTIONS

Mr. Zanto presented his resume to the committee stating he was born and raised east of Great Falls on a ranch. He graduated from Carroll College in Helena in 1965 with a degree in accounting. He then worked in banking and accounting as well as being a member of the army reserve. In 1969 he joined state government as primary budget analyst for institutions under Governor Forrest Anderson, a position he held for 2 and 1/2 years. He then was appointed Acting Director of the Water Resources Board, preparing them for reorganization into the Department of Natural Resources and at that time became the Administrator of Centralized Services for that agency. In April of 1973 Governor Judge asked him to take over the Worker's Compensation Division and he served in that position until January, 1975, when he joined American Mutual Insurance Alliance as Regional Manager. He was a Regional Manager with that firm and served an area of approximately 10 states with the major thrust of his activities being legislative and company relations.

There were no proponents or opponents to Mr. Zanto and Senator Towe opened the hearing to questions from members of the committee.

Senator Towe asked what the common denominator of the institutions was in his opinion.

Mr. Zanto replied it is basically a care and custody role.

Senator Towe asked if he felt that was an anomaly?

Mr. Zanto replied there are other factors also such as treatment and training. Deinstitutionalization is good, but treatment and training will always exist.

Senator Towe asked if Mr. Zanto felt the Department of Institutions would be a permanent Department of state government.

Mr. Zanto replied he felt there could be various configurations for handling the functions of the Department and they could move into many other existing Departments.

Senator Towe asked if Mr. Zanto would be hesitant to try another configuration.

Mr. Zanto replied no, he felt his past history showed he was adaptive to change and was not an empire builder.

Senator Towe asked Mr. Zanto his opinion on continuing state support to various community programs that have begun due to moving patients from various institutions into local communities.

Mr. Zanto stated he had not given a great deal of thought to that particular question but felt those programs should be supported as much as possible although eventually local communities might pick up more and more of that cost.

Senator Towe asked if that seemed to be a problem in the future.

Mr. Zanto replied at this point he is not in favor of removing state support completely as this is a societal problem and the state should be supporting the programs.

Senator Towe stated that Mr. Zanto's predecessor had made many uncomplimentary comments concerning the Board of Visitors and had said he didn't know what their function really was or what they were doing. He asked Mr. Zanto how he felt about that Board.

Mr. Zanto replied he felt a little removed from the situation as he had only arrived back in the state a few days prior to the hearing but that he was an advocate of citizen involvement. He stated he had no problem with the Board of Visitors and felt theirs was a necessary function that should be continued. He hoped the Board of Visitors would feel free to come to the Department of Institutions if problems arose.

Senator Towe stated the Board of Visitors is an inspection group with the specific responsibility of visiting the institutions to go through their files and make sure the laws are being followed and clients treated properly. They would then report to the Governor, the Legislature and the Department of Institutions regarding their findings. He further stated that Mr. Matson didn't like criticism of the Department of Institutions that resulted from some of those investigations.

Mr. Zanto assured Senator Towe and members of the committee that there would be no problem with that at all.

Senator Towe questioned mainly if the Department would be afraid of criticism by the Board.

Mr. Zanto stated they would welcome it.

Senator Towe asked Mr. Zanto his attitude toward funding of the Mental Health Centers.

Mr. Zanto replied that has to be regarded as a high priority item as it is a very necessary function of deinstitutionalization.

Senator Towe asked Mr. Zanto if he had any concerns about programmatic aspects of the Department of Institutions.

Mr. Zanto replied he certainly did, they are most important. He is very concerned about the corrections dilemma and he intends to be aggressive in that area.

Senator Towe asked if the emphasis shouldn't be more programmatic rather than care and custody.

Mr. Zanto replied yes, certainly.

Senator Devine stated he was a member of a Regional Developmental Disabilities Board, Region II, and asked if Mr. Zanto would support those groups.

Mr. Zanto replied that the Development Disabilities program was a responsibility of Social and Rehabilitation Services but that his Department would do all possible to cooperate with those programs.

Senator Devine stated that rehabilitation programs in prison often add up to nothing more than planned failure for the convict when he gets out. He asked if a personal motivation program could be initiated.

Mr. Zanto replied he was not a trained professional in that area but that trained professionals in that area as well as others must be obtained to staff the Department and then things like Senator Devine suggests could be done.

Senator Jergeson asked if Mr. Zanto had any business interests that might in any way cause a conflict of interest.

Mr. Zanto replied no.

Senator Towe stated that Mr. Zanto had no background in corrections, mental health, mental retardation, or alcohol problems. He asked Mr. Zanto if he felt he had the knowledge in these areas to cover those programs well.

Mr. Zanto replied he offered a strong administrative background and that he didn't purport to have the expertise or technology in those areas but did state he intended to have the trained professionals on his staff to cover those areas and felt that his own lack of knowledge in those areas would not hamper the Department's effectiveness in dealing with problems in those areas.

Senator Towe expressed a concern that innovative programs not suffer due to the purely administrative role of the Director.

Mr. Zanto replied they absolutely would not. The make-up of the staff and programs is most important.

Senator Towe asked if Mr. Zanto contemplated any changes in corrections.

Mr. Zanto replied that Mr. McCauly had resigned but that he planned to use the existing staff to fill in until a replacement could be hired.

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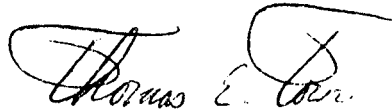
There being no further questions by the committee, Senator Towe thanked Mr. Zanto for meeting with the committee and for his cooperation.

Mr. Zanto thanked the committee for the opportunity to appear before them.

The hearing was closed and the hearing on Dr. Robert Wombach to be the Director of the Fish and Game Department was opened. The transcript of that hearing is attached to these minutes.

Senator Towe thanked Dr. Wombach for appearing before the committee and for his cooperation.

There being no further business, the meeting was adjourned to reconvene Monday, January 31, at 11:00 a.m.

A handwritten signature in cursive script, appearing to read "Thomas E. Towe", is written above a horizontal line.

Senator Thomas E. Towe, Chairman

COMMITTEE ON STATE ADMINISTRATION

Dr. Robert Wambach

SENATOR TOWE:

At this time we'll call Mr. Wambach who's been appointed to the Department of Fish and Game for the next four year term. There has been legislation introduced, by the way, which would make the appointment at the pleasure of the Governor. This particular appointment would be for a full four year term and the Governor would not be entitled to dismiss the appointee without cause, and I don't see any reason why that would change your appointment if you are so confirmed. Mr. Wambach, would you like to share with the Committee, a little bit about your background so we can get acquainted, just briefly?

MR. WAMBACH:

Yes, Mr. Chairman. I'll address just the question of my qualifications because I know some people were surprised that the Governor chose the Dean of the Forestry School for the Director of Fish and Game. It is true that I'm not a specialist in game biology, or fish biology or park management or law enforcement, but it's also true that no one else is an expert in all of those fields. I consider myself a specialist in natural resource administration and I have academic training and experience in that field, and I had experience that I think is directly relevant to the job at hand. I'll just give you briefly, my educational background. I have a Bachelor of Science degree in forestry at the University of Montana. While getting that degree, I had a full compliment of courses in biology, ecology, game management and range management. I have a Master's Degree from the University of Michigan in resource management and public administration, but again, I took several courses in biology, ecology. My Ph.D is at the University of Minnesota in resource economics. To summarize my experience, I could say I worked 12 years in the forest service as a researcher, 6 of those 12 years I was a research administrator; the head of two different forest service laboratories in the midwest. Just to tie that a little bit to the fish and game business, two of the studies I worked on were directly related to wildlife. In Michigan I worked on the whitetail deer and in Minnesota, I worked on waterfowl habitat. For the past 10 years I have been at the University of Montana; four of those years as Associate Dean and nearly five years as Dean of the Forestry School and director of the Montana Forestry Conservation Experiment Station. As Dean of that

school, I had under my jurisdiction and under my supervision, strong programs -- nationally recognized programs in wildlife biology, outdoor recreation, habitat management and several other programs that are closely related to the programs that fall under the jurisdiction of the Fish and Game Department and I was personally involved in many cooperative ventures with the Fish and Game Department in research and wildlife extension, supervision of graduate students. Several of the biologists that worked for the Fish and Game Department did part or all of their graduate work on their knees. So, I feel that I've had the background in the vocation to do the job. I would like to take just one more minute to talk to you about the job, as I see it-- the job facing the Director of the Fish and Game Department. In the Game Division in the Department, the biggest problem relates to landowner relationship and I'm sure most of you are aware many landowners in Montana who provide the bulk of the hunting and fishing opportunities are unhappy with sportsmen and are unhappy with the Department. But, the job that has to be done here is in an area of public relations, not biology. In the Law Enforcement Division, the big problem I see facing the Director has to do with interdepartmental relations; between law enforcement officers and game biologists and so on, and in finding a better way to utilize those law enforcement officers. They are all trained in wildlife biology - the new ones are, and they're not being utilized, I don't think, properly, but here, the job is one of personnel management, not biology. In the Environmental Division, the big job I see facing the Director is the establishment of a better rapport with other departments in state government and with the private sector in our state, and here, the skills that are going to be called upon are political or diplomatic in nature. Again, not biology. In the Parks Division, the big requirement is for -- to foster growth, development, and to install more intensive management. Here, what is needed are executive skills. Again, not biology. In our Centralized Service Division there is a crying need for more sophisticated management in such areas as fiscal control, management of our motor pool, management of our capital inventories, personnel management, and so on. Here, the skills that are needed are those of a business manager, not the biologist. From my vantage point, it seems to me that I'm qualified to do the jobs that the Director has to do. I'm adequately trained as a conversationalist, and as a biologist, so I'll have no trouble relating to the professionals in the Department. I also have special training and experience as an administrator, which I think will enable me to do the jobs that a director has to do.

I don't feel I have to be an expert in these areas, because I've got a very competent staff of experts in each of these divisions. What I need are administrative skills, and I believe I have these in fair measure, so I'll stop there Mr. Chairman.

SEN. TOWE:

Thank you. Alright, at this time I would ask are there any further persons who would like to speak in favor of the appointment? George?

MR. GEORGE JOHNSON

I am George Johnson from District 13 and I've been on the Fish and Game Committee since 1969, in the House, and I would like to endorse Dr. Wambach. I've discussed several problems in our area, several problems in the Department. He showed real good understanding of the problems. I do have a bill that's pending, and it's up before the Rules Committee today, that the director would serve at the pleasure Governor, an elected official, and Dr. Wambach, in testimony before the State Administration Committee, endorsed the idea, personally. We were trying to expand the bill, if it can be allowed, to have the director in direct charge of the personnel in the Department. Whether the Rules Committee will let us do that, there are changes that have to be made. We do have internal friction in this Department, which we all know, and in order to have -- to be able to have a director put a handle on it, I should have broadened my bill a little more than I did, and I hope the Rules Committee will allow me to do this, but I do endorse Dr. Wambach. He's given us very good satisfaction up there to the problems in the Fish and Game, and they do have several. Thank you.

SEN. TOWE:

Thank you. Are there any further persons who would like to speak in favor of the appointment of Robert Wambach to serve as Director of Fish and Game for the term ending January 5, 1981? Any further persons? If not, are there any other persons who would like to testify on the appointment of Robert Wambach as Director of Fish and Game? Is there any other persons who would like to testify? If not, are there any questions from the Committee?

Inaudible

SEN. ROSKIE:

----- and all related activities. I know that Dr. Wambach will be no stranger to publicity, as evidenced by your appearance on ----- and a number of articles that appeared in the paper. I want to present these in the light that they have appeared in the news media. They have raised some issues and it's my hope that we can clear them up satisfactorily for everyone concerned particularly for you and the Governor, as well as the school and our Committee. I don't want to lean on them unnecessarily but I think the issues have been somewhat, I should say guessed at -- I believe by the news media since I do not have a copy of any of the correspondence, to speak of, and no

no personal knowledge of the specifics, but since there is quite a little of this publicity floating around, and I know as Fish and Game Director, you will be into many controversial issues and frequently the news media will feature your responses to these, but I wondered, on this particular issue, do you -- would you care to comment at all about this matter that seems to be pending -----

DR. WAMBACH;

Like the President of the University, we are at a real disadvantage because it's the type of matter that can't be talked about very openly because it deals with personnel - it's a personnel matter. I'll give you just a little bit of a background in hopes that this will clarify the matter and lead to some other questions. I had a member of my staff who -- I wrote a personnel evaluation on him -- as I do for all members of my staff, on an annual basis. This member of the staff was not happy with my comments and we had an exchange of correspondence between us, with copies going to the Academic Vice-president. Ultimately, he wrote a letter to the president. This was Dr. Schultz who had been cited in the paper. The issue was -- the issues on debate, as has been noted in the paper, were over my management style, over his support of me in his position as Associate Director of the Experiment stations. They had to do with different philosophy on research priority, different philosophy on specific points of curriculum and that sort of thing, and I hope I'm not saying too much because I -- but, the point is, that at some point, those kinds of differences of opinion has to be bumped upstairs and they're bumped up to the President, or the Academic Vice-President of the President. There then ensued an exchange of correspondence between Dr. Schultz and the President between me and the President, and ultimately -- well, several letters, I can't remember now. I'm going this far to try and make the point that it was in my mind all the time and I'm sure in the mind of Central Administration personnel manager. There were some -- at this stage, there was a conflict -- there were charges and counter-charges, defenses, and counter-defenses, as do go on in these kinds of -- when there's a difference of opinion. These sorts of things go on in any organization on a regular basis. The fact that the student newspaper, the Kaimin, picked up on it, I consider very unfortunate. The fact that they are using us for headlines and innuendo and so on, to make a public issue out of this, I consider unfortunate. The reason I say that is President Bowers, Dr. Schultz, nor I, can release these matters because it's not only Dr. Schultz and I, but there are several other faculty members involved; there are members of the administration involved and I think employees of any institution

are protected under the law, are given some degree of privacy on these matters, and it's an awkward situation because I can understand the questions that must exist in your mind, and must exist in the public's mind, because of a newspaper article, but there's no way to confront them. There's no way to release those documents, at this stage, without being unfair to the people, and I'd love to be able to defend myself more openly by giving you copies of the documents but I don't think it would be proper or legitimate to do so.

SEN. ROSKIE: I think I understand that. There's no need to continue.

SEN. TOWE: If you're going to get through all the questions you indicated, however, it might be important to try and hurry along as much as we can.

SEN. ROSKIE: I want to pursue this just a little farther. I realize the problem you have with this, and I understand that something is probably going to be done with the controversy at the President's level.

DR. WAMBACH: The President is calling for an outside auditor. You see, it's not just me, it's the Vice-president, and the President that are being challenged on this and they want to defend themselves by bringing an outside auditor. Again, I don't review this as anything sinister or unusual. I, as the new Director of the Fish and Game Department, I've called for legislative audit of the Fish and Game Department, too. Not because I suspect anything wrong or because I expect them to find some glaring errors in past management, but because it is common practice to clear the books when you change leadership and I think there's an element of that and I think, what President Bowers is doing is trying to clear up the situation, rather than have it debated in the press -- he's trying to clear it up in a systematic orderly way. He's trying to make it easier for the new Dean who will come in and inherit the operation. I don't see anything unusual or I don't see any sinister implications in that at all.

SEN. ROSKIE: There seems to be a question of priorities in research projects?

DR. WAMBACH: That was an element, yes.

SEN. ROSKIE: Or the appropriateness of the various projects and the funding?

DR. WAMBACH: That's right.

SEN. ROSKIE: Do you feel that your position there will be ---

DR. WAMBACH:

Let me respond this way. If you're talking -- if you're alluding to the federal support for research, which I think is a matter at issue, I feel absolutely confident because I serve on the Council of Forestry School Executives, I'm an elected Chairman of the Association of State College Forest Research organizations. I've served on the Advisory Committee of the Secretary of Agriculture -- issue on this McIntyre-Stenis funding which is federal support for forestry research -- definition of forestry. The law says the money will be spent on forestry research. We had to define what forestry was. I served on the national committee that drafted the definition. I've been involved, for nine years, in the administration of that program, not only at the University but at the federal and national level and regional deliberations. I think that I'm not only knowledgeable but I was party to the development of the program at the national level and so, obviously when I made my decisions, there was some judgment involved, but I thought I was operating from the base of pretty good knowledge on what that program intended to do and what kinds of programs were appropriate.

SEN. ROSKIE:

Are these programs audited periodically by the --

DR. WAMBACH:

Not only audited regularly but every research project that is sponsored under that program has to be cleared by the proper state research service of the Department of Agriculture in Washington. As Dean, I did not have the authority to approve any of these projects. We proposed them, they were approved in Washington and then they were funded and undertaken at the University, so, they were reviewed, approved by the Department of Agriculture at the outset, they were audited on a regular basis, not only by the federal auditors, but by our own state and legislative auditors. I ought to make this point too. When I -- I don't like to make my answer too long so you don't get all your questions in, but I have an advisory committee an off-campus advisory committee, campus advisory committee, we had technical reviews by CSRS, by other deans and research administrators on a regular basis. Some of them were program reviews, some of them were subject matter reviews. All of our financial reports are audited. In the first place, you ought to understand the role of Dean, on the University campus. I was not an economist at all. All -- every financial transaction that I indulged in was approved or cleared by the University Business Office. All of my purchasing was done through centralized purchasing, all of the travel and all of the payrolling, personnel hiring and firing was done by centralized administration, not by the Forestry School. All I do, as Dean, was recommend, and somebody signed off or

approved every transaction that I was involved in so I felt that we were reviewed, audited, and advised by counsel as full as possible.

SEN. ROSKIE:

Were some of your duties delegated ----- and this was where the difficulty arose ---

DR. WAMBACH:

It was an unusual situation. Again, I don't want to start talking about Dr. Schultz. He's been very kind in not talking about me and I'm not going to talk about him because it's a matter of personal difference. Now, I will say this much. In the last year I have been out of the country -- or out of the state for over 5 months, and Dr. Schultz, as my Associate, acted in my place and did a good job in terms of his management and administration. Our differences are philosophical. They're not over details. My style is different than his. My philosophy is different than his and when you're working in a close executive relationship, these -- you can have a difference of opinion.

SEN. ROSKIE:

I would like to switch over to a little different subject matter, and that's the question of advisory groups. How do you use citizens advisory groups as related to state government or to the University ----

DR. WAMBACH:

Well, I don't know if you want me to talk about different kinds of advisory -- just in general, I'm strongly in favor of it. I think that natural resource programs ought to be designed, administered and reviewed in public, at every step of the way. I've been a strong advocate for 15 years of public involvement in natural resource decision making and --

SEN. ROSKIE:

Has the Forestry School had a citizen's advisory council - are they still operating?

DR. WAMBACH:

They haven't met in over a year, partly because I've been out of the country much of the time but it's still functioning. We have some sub-committees that -----

SEN. ROSKIE:

It has not been, then, utilized to any great extent in the last year?

DR. WAMBACH:

Well, this is why I hesitated when you first asked the question because the question of public involvement or citizen input into a program -- you have to qualify that by saying, "How do you arrange that?" We had a Board of Visitors, is what we called them, and when I took over I changed it to the Advisory Committee to the Dean. That served certain kinds of functions very effectively. When you have a new program that needed review of if there's a major policy question, a formal advisory

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committee serves very well. You get in -- That advisory committee has the State Forester, the Regional Forester, the BLM, the Fish and Game. That kind of person, including citizens groups and so on. If you need a review and debate over a major policy issue or a major reorganization, a formal group, I feel, works very well, but if you're talking about day to day operations, different kinds of groups are sometimes more effective simply because they're more involved. For instance I'll use just one example. I don't want to make my answer too long, but we were involved in a major study of a relationship between elk populations and logging -- a cooperative study with several other state agencies and to get input into that kind of specific program, it's not very effective to have directors of agencies, and so on, in there. It's much more effective to get people with specialized knowledge, so we set up a separate advisory committee, or steering committee, on the elk-logging study. Now, that steering committee included biologists from the Fish and Game Department, wildlife researchers from the Forest Service, the heads of departments -- the heads of divisions of departments who had special knowledge or special interest in that particular program and so we ended up with a dozen special committees, steering committees, or advisory boards or sounding boards, boards of experts, and so on, for different parts of the program. I'm giving much too long an answer -- that's the professor in me I guess, but the point is, I don't like to generalize and say that an advisory board, per se, constitutes adequate input into a program. I think there are dozens of others, including specialized boards and committees, including personal contact, including participation in national associations, societies, etc. To get input and variety, sometimes you just go to a public hearing.

SEN. ROSKIE:

You're in a different position now with the Commission situation, but do you think you could, or would, utilize citizen's groups and advisory groups?

DR. WAMBACH:

I'm smiling because I don't think I have any choice. I think everybody in Montana has an opinion about fish and wildlife management.

SEN. ROSKIE:

Informal or formal, or how?

DR. WAMBACH:

A lot of our contacts with the public are built into the law. We have hearings on various issues. We'll have commission meetings, open meetings, so we'll have a lot of public hearings, a lot of public meetings, because it's built into the system. I think it would be appropriate to develop some special committees. Now, this land

relationship problem is one of very great interest and I talked with Senator Graham yesterday about it and the interim study of the legislature last year, and he gave me some very good counsel. I think there's a case where we're going to want to set up a special advisory committee to deal with that. We have special boards to deal with the Gallatin elk herd, etc.

SEN. ROSKIE:

You understand there is a resolution in the Senate to set up such a study committee for landowners relationship?

DR. WAMBACH:

Senator Lowe's. Yes, by all means, we're supporting that whole heartedly.

SEN. ROSKIE:

I would just like -- a few more questions, Mr. Chairman and I'll quit. This kind of hits a little close to home for me, and I want you to accept this in the manner it's presented. There has been, of course, articles in the paper, comments about the Forestry School and its change and perhaps, curriculum, philosophy, philosophy, teaching, course requirements, etc. I think one newspaper article indicated that it was rather highly devoted to more and more environmental extremism, not my words; someone else's, and that this may be the time to change that direction. I don't know whether you want to comment on that or not, but maybe you would like to comment on that. My next question would be, you seem to have earned, at least from the newspaper, some sort of an image or role in management, and I wondered how you might describe your role?

DR. WAMBACH:

Well, I think my record as Dean of Forestry School is a good reflection of what I would like to do in the Fish and Game Department. It's true that I participated in a lot of changes in the Forestry School in terms of curriculum and direction. I guess I can say, I can see the Forestry School as a school of natural resources, not a forestry school, and one of the things that I accomplished over the 5 years that I was Dean was to incorporate the wildlife program and the water resources program, the outdoor recreation program, and the range -- or habitat management program, into the Forestry School as integral fullfledged parts; equal partners with forestry, the traditional kinds of forestry. I know I've come under criticism for that by foresters who think that that was selling out the forestry school. I don't see it that way. I see forestry resources as intimately related to the other resources, and I saw, as Dean of the Forestry School, a unique role of our forestry school in dealing with multiple uses. You expect schools in Oregon and Washington to be heavily timber minded. You expect the schools at

Utah to be range oriented, and Arizona to be water oriented. I thought the unique feature of the Montana school should be multiple use; the integration of good management of these resources, and I don't apologize for that even though I know I came under criticism for it, because I thought it was proper and you also understand that the role of a Dean -- a Dean is not a line officer. A Dean is kind of, you might say, guardian angel to the school. I had no authority; I used persuasion and I collected their ideas, I integrated ideas, formulated -----but the change in the direction of the Forestry School, well, while I was Dean, I want to take some credit for it. It was by no means, no reflection of my own personality or my own will. It was a collective movement on the part of the School, students as well as faculty. Now, I've mentioned that that should be considered as a reflection on what I would do in the Fish and Game Department. The Fish and Game Department is torn asunder right now with internal bickering and fueds, and the fued between the Department and various pressure groups and various other branches of state government. What I would hope to do is provide a broader, well-defined mission and try to pull these factions together. I would like the environmentalists to co-exist with hunters and fishermen. The Forestry School was full of environmentalists, or commodity oriented specialists but we worked as a team, and that's what I'd like, if I'm confirmed and serve as Director for that period of time, I would like to leave with that reputation; that I helped pull the Department of Fish and Game together, helped these people see their common interests and provide a broader mission for the Fish and Game.

SEN. ROSKIE:

Your answer was responsive to my next question. Three quick ones. What's your position on the Fish and Game Department application for instream - whatever million feet of water in the Yellowstone River?

DR. WAMBACH:

I can't comment on the specific quantity. I really don't know.

SEN. ROSKIE:

I'm not sure whether it's 8.6.

DR. WAMBACH:

Even if you are right I wouldn't know. I can't pass judgment on the specific amount. I certainly strongly support the idea of reserving some minimum flow for fisheries. In other words, I believe that fisheries are beneficial use of water, Instream reservations are appropriate, I think, to protect the fisheries.

SEN. ROSKIE:

This represents quite a high percentage of the total --

DR. WAMBACH: That's right. That's why I don't want to comment on a specific amount. That may very well be too high, and I know -- I can say this. The Department of Health's figure, which is lower, 6 1/2, if that prevails, I'll be perfectly happy and I think most of the people in the Department will be happy.

SEN. ROSKIE: O.K. You would like to see that as a permanent reservation?

DR. WAMBACH: I don't think it's being considered as a permanent reservation. I think what we're trying to do is get fish recognized as beneficial -- legitimate use of water. I think it's understood that future decisions could very well take that water away -- that what we're trying to do is slow down ----- that's my understanding, anyway.

SEN. ROSKIE: One more question, if you don't mind. What is your position on 1080 for predator control?

DR. WAMBACH: I guess I'd have to say I don't like the use of 1080. But that doesn't mean I'm opposed to predator control. I'd rather find a more selective device or a device that is less controversial than we have now or a device-- I'd like to find a safer or more selective way of controlling the coyotes or other predators. I don't think I could come out in support of 1080 except in emergency conditions.

SEN. ROSKIE: Do you know of any such alternative or if there is a possibility?

DR. WAMBACH: I've been following the researcher ----- the researcher with the staff, and he has been working with various devices ----- been getting mixed success. You can be reasonably successful with hunting when the pelts are worth \$75 and I think we're going to see the coyote population go down because they are worth something. To answer your question directly, I don't know of any method that is as effective as 1080 was but I hope that researchers and others might come up with one.

SEN. TOWE: Senator Brown?

SEN. BROWN: Mr. Chairman, Senator Roskie has about asked my question. My main question was the 1080 question. Dean Wambach, I saw you on that Face the State program, and I frankly liked your answer better to the question then, than I did just now, but you can foresee circumstances where you might need to use 1080 to control an explosion in the coyote population, can't you?

DR. WAMBACH: Absolutely.

SEN. BROWN:

O.K. I just wanted to tell you something, and this isn't really in the form of a question but I want to kind of formally state it. The Fish and Game Department is probably the most maligned outfit in state government, in my part of the state. No body likes them and if I want to go home a political hero, I would castigate the Fish and Game Department publicly all the time I was down here, and you probably ought to be aware of that. Part of the reason I think, is that ranchers feeling of outrage against the Fish and Game Department's extreme reluctance to use 1080, part of it involves an individual problem up in northern Lincoln County that is a result of the reservoir -- Lake Kookanoosk Reservoir. The deer population has declined and lots of people commented about that a lot of the time, and I think if you aren't familiar with these things, you certainly should be.

DR. WAMBACH:

Senator, I've been on the job for four weeks now, and I assure you I'm well aware of these problems. We had one commission meeting, and this is not an exaggeration, I've had over 100 letters in these four weeks from citizens, and they're not bashful. I have talked with organized groups who are here to meet with the Legislature. I've talked with a parade of citizens and interest groups who have come into my office, and what you've just told me doesn't surprise me a bit. That's why I say, one of the high priorities jobs for this new director is to take a funnel attack on this landowner relationship problem. It's a -- I'm going to be even more blunt, and I'm going to say that it appears to me a lot of the problem is caused by the Department of Fish and Game so it's not somebody else picking on us. We're going to have to straighten up ourselves.

SEN. TOWE:

I have a couple questions and some things that I wanted to go over with you. First of all, I don't view a complaint of any individual as being something that would constitute a reason for not approving or confirming a nomination, that's why I don't particularly place that great a concern
----- (end of tape)

Sen. Towe:

Is it true that there have been problems in the Fish and Game Department - personality problems? There are strong - strongwilled individuals there, and this is, as you have indicated yourself, going to be a real challenge to pull everything together and make this a real viable active department in our state government and if you've had problems in the department that you're leaving, I'm concerned about that, and I'm hopeful that you really have the ability to overcome the diverse views and the tugging of different people from different directions and can put this altogether. Now, you mentioned that there were a number of audits of your activities -- your specific activities -- audits, and reviews and things of that nature. Did any of these audits cite any exceptions, any adverse comments or any criticism on your part with regard to the incidents that have been questioned?

Dr. Wambach:

None had ever commented on the incidents that are before you now, but if I might, Senator, I would like to put this criticism into perspective. I had 50 people -- professionals -- on my staff at the University and over the years that I was Administrator, I had two problems with personnel. Now, that's 9 years with 50 people, and I had an organization that was diverse in the extreme from wildeyed environmentalists to the hard-nosed timber beast, and everything in between -- water and timber and range, and I'm going to stand on my record. If you blow it up I now have 500 employees, if I can get 5 or 10 or 15 personality conflicts in the next 9 years, I will consider myself very fortunate. You know, you can't expect miracles, in particular at the University. The University is made up of people who are free thinkers -- independent thinkers -- who have big egos, and if you can hold those people together it takes a lot of doing.

Sen. Towe:

Very good. The next question I wanted to ask, and this bothers me just a little bit. I think you indicated that you felt that matters -- questions that have been raised, can't be released at this time. I'm concerned, primarily, for that determination of what is public business and what is not. If this, in fact, is a matter of public concern, why can't they be released?

Dr. Wambach:

Well, I'm not a lawyer, sir, but it's my understanding that employees are protected from public disclosure of matters affecting their careers and their employment, unless there is evidence of wrong doing or something of this sort that becomes a public matter. I reviewed every one of my faculty members every year. The only way those were used to be effective was if I was open and direct in my comments, and I was reviewed every year by the faculty and the only way that faculty review could be effective was if they were open and direct in their review comments. That system would be destroyed, if, every time you wrote a comment about an employee, or any time an employee wrote a comment about his supervisor, that was going to get into a student newspaper. ----- I can see it would be a catastrophe. People deserve some privacy, I would think, when their careers and livelihood and their futures are at stake.

Sen. Towe:

Keeping that in mind, then, there are three things that I want you to comment on keeping that in mind, but also, the concern that this Committee must really have in determining whether there are any problems that would constitute an embarrassment at a future date to the government of the state of Montana, or to the Governor. The allegation has been made openly, and I read this simply so you can respond to it because I think you ought to have that opportunity. "The questionable transfer of research funds from one research project to another." Now, would you please comment on that?

Dr. Wambach:

I don't know where that came from. I mean, I know it's in the paper -- the Kaiman -- but I don't know where the Kaiman got it. My point is, there's no substance to that whatsoever, and if there was that kind of diversion, it would have been caught by audits, by reviews -- that's what audits and reviews are for, and there has been no questionable diversion of funds and I can guarantee that to you. In fact, I'll make a promise to you that if it ever comes out that there was a diversion of moneys of any sort, I'll resign the next morning.

Sen. Towe:

Is it possible that they have blown, out of proportion, the decision that you made with regard to the definition of "forestry" and that that's the type of thing that is being referred to here?

Dr. Wambach:

I think that's it.

Sen. Towe:

Which is then really, a discretionary ----

Dr. Wambach:

When I decided to fund an ecology study as opposed to a wood chemistry study, there were people that thought I made the wrong decision -- that I should have studied the wood chemistry study in question and had to do with sagebrush. I didn't consider a sagebrush plant a tree, so I decided not to fund that one and funded a different one. That's the sort of issue that's in question.

Sen. Towe:

O.K. Second is, "Questionable allocations for summer research projects". Do you have any idea what is referred to and would you please deny that if that is the case?

Dr. Wambach:

Yes, sir, I will deny it categorically. There was, in fact, just the opposite. I think I managed the summer allocation funds in the ultimate ----- way that's been done at any forestry school in the country.

Sen. Towe:

Do you know what might be referred to? The question has been raised, I think by somebody, that perhaps there has been an allegation by somebody that you travelled by first class air transportation instead of second class as was authorized by some authority. Is that referred to here, do you think?

Dr. Wambach:

I don't think so. No, I don't think that's what is referred to at all. I think what's referred to is that, you know, university professors are employed 9 months of the year, and everybody competes vigorously for support during the summer months because it adds to their income. Since we had limited resources, and as Dean I had to make a decision which projects would be funded, which faculty members would be employed during the summer months, and you have to have the wisdom of Job to keep everybody happy under those conditions but I suspect that what they're referring to is that on some occasion somewhere I allocated money to somebody in preference to somebody else and they thought that was wrong. I don't know that because I never have seen the documentation of that charge, so I don't know.

Sen. Towe:

The last one is "Questionable use of student fees used to pay for the forestry school spring camp at Forest in the last year."

Dr. Wambach:

O.K. I will comment on that because that one I am familiar with, and I think this might illustrate the kind of problem. We had an experimental program at Forest last year and we sent the sophomore students up there for a 10 week program, offered formal courses that they earned credit for and registered in the normal

Dr. Wambach:

To cover the special cost, because this wasn't budgeted, we charged the students a fee, and I don't remember the exact amount but it was like \$425, or something ----- but we pegged it somewhere below the cost of a resident student on campus - his cost for room and board. That money which amounted to about \$15,000 was put into a revolving account at the Forest - a revolving account that we used to manage the camp. It was used to provide food and lodging -- or covered cost of food and lodging, and special costs, transportation, etc., for the students taking the courses up there. When the program was over there was a balance left in that account, and that is the figure that's alluded to -- that I overcharged the students because I ended up with a balance in that account, but that's completely untrue. What that is, is a reflection of partial knowledge. I purposely left money in that revolving account and charged part of the cost of the program to other accounts. We have an instructional account which covers the cost of normal instruction and I can't remember the figure, but I think it was something like \$7,000 that we charged to the instructional account and we have another student fee account -- students pay \$15 a quarter in special fees, and that student fee account is used for class travel, class equipment, etc. It's for special costs - extraordinary costs - in forestry education. I charged some costs to that -- special equipment that we had to buy and to operate at this camp at . In the final analysis, we spent \$23,500, approximately, to put on that camp. We charged the students \$15,000, so we actually put in 7 or 8,000 -- it was \$8,000 over and above money we collected from the students, into the operation at camp. We justified that on the basis that it was an experimental and innovative program special costs attributed to the fact that it was innovative. So, if you look at it in total, if you could see all three budgets, you could see the cost exceeded the input by the state. But if somebody just saw the revolving fund they would think that there was a reserve left over. Now, the reason I left the money in the revolving account is because it will terminate and revert on June 30 and after a camp of this sort, you have to -- there's a certain amount of clean-up, repair and maintenance -- routine maintenance that has to be done, so I charged to the general -- the regular instructional account, some of the costs of putting on a program, left the reserve in the revolving account that could be used to rehabilitate the camp after the students left -- perfectly legitimate -- they can be proved by the business office, by food service, university housing people, approved by the vice-president, approved by everybody and everybody was involved, and there was no room for any error. Now, I went into that detail

Dr. Wambach:

and I'm sorry I imposed on you but it illustrates the substance of the kind of charges. If there are some substantive charges like that or specific charges, I'm sure they are made out of lack of information, like now. There is nothing wrong with that. On the contrary. The faculty worked hard, the students were happy, and the program, I understand -----

Sen. Towe:

Thank you very much. Are there further questions? Senator Devine?

Sen. Devine:

I was very impressed with your testimony, I might tell you, but I kind of -- I hope you have a physical before you take your new job because it sounds to me like you're leaving purgatory to go to hell, because really, Dr. Wambach, the Fish and Game repertoire is really something sad. I had an occasion -- there were 13 of us hunting -- and we were all checked for our licenses, and we had 5 farmers come up, just asked the question, could we bother you on our land because we ----- and these kinds of situations, I don't think, should be, and I really -- like I say, I was very impressed with your statements. I am a firm believer in 1080 - the sheep are gone but the market's up. I guess that's the only good thing you can say for it. They have informed me that the coyotes are eating calves, things like that but I just really -- I hope you have a good physical and your doctor clears you and I congratulate you and good luck!

Sen. Story:

I have some specific questions. One of the things coming up was hiring. Do you have the power to hire and fire or not?

Dr. Wambach:

At the Fish and Game Department?

Sen. Story:

Yes.

Dr. Wambach:

It's not clear to me and I -- the Fish and Game Commission is the manager of the Department. I'm just the agent. By law they make all substantive decisions. Now, I understand that there was an informal agreement or understanding with the past commissions that we would go to them when we were hiring the director, the deputy, the division administrators and the assistant administrators, and administrative assistants. I understand that that's an understanding between the past directors and the past commission. I think they do the hiring and they do the firing. Now, I can recommend that someone be dismissed, that's my understanding. It's my understanding that I can recommend it but the employee has the right of a hearing with the commission.

Sen. Story: Do you want the hiring and firing?

Dr. Wambach: I believe I would have to say yes. You know, if I'm going to be an administrator I might have some fools to work with.

Sen. Story: All right now, that leads to the next question. You spoke of your role as dean, which left me with the impression that this was kind of a kindly uncle that shielded the department from outside criticism, but at the same time through the process of rationale and reasoning and good nature and everything, control the goings on within. Do you see your role that way in the Fish and Game?

Dr. Wambach: I would have to say, I guess I do. I hope that I'll have enough -- or be able to establish an effective rapport with the commission so that they will delegate some of this authority to me. I think, under law, they have the authority and I'll have to depend on their good will to assume those tough enough to fire people.

Sen. Story: Now, there is a problem in the Community Affairs. Many things are assigned to Community Affairs -- they're there because they didn't trust the Department that rationally should have them, to do the job. One of these is the urban recreation the fact being the director of physical fitness, which should be Fish and Game but is in Community Affairs simply because there was a feeling that you would would not handle -- that you would not give significant consideration to urban recreation, physical fitness and other things under the . If it were assigned to you, do you feel that you could evenhandedly in the spirit it was given to you, take care of urban recreation and physical fitness and that sort of thing that didn't apply to game?

Dr. Wambach: Yes, sir. In fact, we do it. We have a very strong Parks and Recreation Department. It's in the fledgling stage but the people in there, many of whom I know -- some of whom are my students -- I consider very broad gauged. Now, we administer the BOR program which funnels large sums of money into local communities for swimming pools, tennis courts and that sort of thing, and to my knowledge, that's one of the very few programs we've got where we don't come under great amounts of criticism. We handle that on a very evenhanded, just, fair basis, and I think we can handle that, yes.

Sen. Story: Now, the question I really want to ask -- I think Senator Brown has understated what the general public thinks of the Fish and Game. I think the

general public thinks you're the most arrogant -- not you -- the Department is the most arrogant and authoritative department in the state, and moreover that you reflect the very narrow special interest view, and extreme views at that.

Dr. Wombach:

I've made two comments on that Senator. One is, when the Governor asked me to take this job, he gave me three charges. I'm very pleased with his awareness of the problems. One was internal strife and bickering in the Department. Second, was our external relations with the public and with other branches of the government. Both of those I consider had to be from internal management. All three of those are not only real problems. I've confirmed them for myself in the month I've been on the job, and I think they account for much of this poor reputation that you're talking about. That's what I intend to address myself to.

Sen. Story:

To get more specific, aside from maybe redoubling television advertising or the newspapers, what specific new directions do you expect to take to solve these problems?

Dr. Wambach:

First, I'd better admit that we're suffering under some real handicaps. You may not be aware of the fact that about 97% of our funds -- our moneys -- comes from earmarked revenue - hunting and fishing licenses, federal matching money, it comes from excise taxes on sporting goods, and I'm sure you're aware of the difficulty of a regulating agency being supported by its constituents, so it's not an easy matter, because if we don't respond to people that are paying our bills, we can expect those people to get up in arms, but to answer your question: what can we do? Part of the problem, I think, is that some of our professionals are simply arrogant - professionals have a tendency to become arrogant in their field. I think that can be handled very quickly by demonstrating to them that they're not reading their public right. Our game people, clearly think that people just want to shoot big animals. I don't believe the hunting public feels that way. I think the hunting public is interested in eagles, and squirrels, and song birds and every thing else and I don't think the hunter would complain if we diverted some of that money into non-game enterprises. Now, I have to prove that to my professionals because they think that our main public wants to shoot elk - animals. Now, obviously they do want to shoot elk, but I think the hunting public has a much broader interest in wildlife than what our professionals think they do. I am saying this in public. You know I'm going to catch hell when I go home but I believe that I can demonstrate that. I've done

that with Foresters. I've demonstrated that the public they serve is not as narrow as they think it is. I think that internally we've got the Parks and Recreation program considered stepbrothers in the department. The old guards, the game and fisheries people, not the fisheries so much, but the game, look with suspicion on the recreation program. I think I can overcome that by demonstrating that it's compatible and complimentary and that by coming to support the parks and recreation program they will strengthen the game and fisheries parts of our program. The mere fact that we've got such a dubious reputation suggests that if we can find a better way to serve the public, that the whole department will profit. We're fighting a defensive battle all the way. If we can take a more positive approach, I think the game people will find that they benefit as well. Now, I'm not giving you specific advice. What I'm talking about are approaches. It seems to me that what -- I think one of the biggest problems in the Department is we don't have a common goal. The game people are going this way, the fisheries people going this way, the law enforcement people this way and the park and recreation people this way. What I've got is four or five departments under one roof, and I think with a little astute application of administrative skills, reorganization and a little bit of persuasion, and maybe bumping a few heads, I think we can develop a common goal. We can begin to behave as a single department and compliment each other instead of conflicting with each other. I'm sympathetic to your point of view. I've already learned that I'm not going to have any easy time of it, but I'm not discouraged at all. In fact, just the opposite. I'm excited and quite enthused about it. I think it's a tremendous opportunity because we've got all the ingredients - we've got a good cause, we've got some fine people, we've got the resources, the funding, and so on, we've got friends. Even though we've got a lot of enemies, we have friends. Just take somebody with the right kind of initiative and drive, put those ingredients together and I think we could be very successful.

Sen. Towe:

Dr. Wambach, I have a couple questions that I want to ask. You indicated that a large part of your revenue comes from earmarked revenue funds, and that you have a considerable -- a certain extent of constituency there which is different from the general public. There's a great deal of concern that for that very reason the legislature has insufficient control, insufficient supervisory authority over the Fish & Game

Department and that it is more susceptible to the term "empire building" than any other department in state government. What is your comment on that?

DR. WAMBACH:

I think what you say is correct, at the moment. I don't think it has to remain that way. As Representative Johnson said, I supported his bill to limit the tenure of the director. I have a private understanding with the Governor that he won't have to fire me. If he doesn't think I'm doing the job, I'll resign. I think the bureaucracy can be responsive to the elected officials, and must be and that's my personal philosophy and if I'm director, that's going to become the philosophy of the department. Now, it's easy to say that - it's another thing to implement it. We're trying to get some other sources of funds to remove our complete dependency on these earmarked funds. This is a tough time to try to find other funds.

SEN. TOWE:

You're still going to be susceptible to suggestions and directives from the legislature in spite of the reliance in funding on earmarked funds?

DR. WAMBACH:

Absolutely. I've said this on television and I'll say it from the Capitol steps or anywhere else. I think the bureaucrat must be responsive to elected officials who represent the people, and whenever there's a showdown, that's the side I'm going to take.

SEN. TOWE:

There's one other thing I just want to make sure that you're aware of. I see certainly, in our state, a very difficult division of philosophy, and theory and ideas, and perhaps even more, between the hunters, environmentalists and recreational people on the one hand and the farmers and ranchers on the other hand, not only in 1980 -- we've already discussed 1980, but the problem of access - a very serious matter, and I think that there are probably a number of others. Closing of farms and ranches from hunting is a good illustration of some of the friction brewing. Are you aware of that and interested in trying to do something about it?

DR. WAMBACH:

I am aware of it and this gives me an opportunity to say something -- I probably should -- I don't think I can eliminate the conflict. I don't think I would want to, either within the agency or with our public. We are -- we have multiplicity of missions and objectives, some of which, just by nature are in conflict. My goal is to manage this conflict, to control it, to keep it from -- to keep it at a constructive and professional level. I don't want to end the debate between

and my game biologists. Those debates are constructive and helpful. That comes back to the question of public input. We want to keep this debate and even let it heat up from time to time. But, I want to keep it from becoming destructive or -- keep the level of animosity at a low level, and I think that can be done. I am aware of it and I'll come back to my earlier statement - I think that's the biggest problem facing the Director now, is to get a handle on these land-use relationships -- the closing of lands, the conflict between sportsmen and landowners, the conflicts between my professionals and our constituency. That's what I intend to dedicate myself to.

SEN. TOWE:

Just one more thing, and I feel constrained to ask this because I fear it may come up at a later time, and that is, the Committee has been made aware that some years ago, and it's been quite a few years ago, there was instituted a censure proceeding against you by your profession. I would like to have -- I would like to know if you want to comment on that matter?

DR. WAMBACH:

I'll comment on it in two respects. The issue itself involved -- the mistake I made was in making a statement to a reporter in an unguarded moment. I was in a meeting at the University and got a telephone call from the reporter at the Minneapolis Tribune. He asked my opinion about the Forest Service assignment of a man to the Spear National Forest - to supervise the Spear National Forest, and as I say, in an unguarded moment, I said, "I don't think it's a good assignment", and that was the wrong thing to say, and of course you can't retract those, but he did quote me out of context and created all kinds of problems for me. Not only -- it turned out that the man that I -- about whom I made the statement was on the Society of American Forester's Council, the governing body, and I was censured. In retrospect I'll say, given the rules at the time, maybe I was wrong and deserved the censure but the issue was, in my mind, was a matter of -- you know, there's a hierarchy of loyalties. You owe your loyalty to your family and friends, to your employer and to the government, to God and so on. In that particular case I had worked for many years back in Minnesota and was very familiar with the area, had been research on the area and had been under my supervision for several years. I was very familiar with this person's performance on the Bitterroot National Forest - I was involved in that controversy - and in the heat of the day, seven years ago when the environmental movement was at its peak, I felt that I owed a loyalty that went beyond my fraternal relationship with professional

associates. In retrospect I wouldn't do that again, but the point -- the follow-up I'd like to make Senator is this. I had my wrists slapped, and since then I've been rehabilitated and welcomed back into the fold and I'll just cite a few cases to illustrate that. I serve on two national committees for the Society of American Foresters; I was selected by the Council two years ago to represent the SAF at the World Forestry Council in Helsinki, I led -- again, at the Council's request, I led a delegation of Society of American Foresters representatives on a tour of Russia this past fall, I've been elected to office in the Agency, in the Society and so on, so if I made a mistake eight years ago, I was punished at that time, but I did -- it wasn't a lasting thing and I'm back in full standing in high regard by most of the people in our Society.

SEN. TOWE:

Senator Roskie?

SEN. ROSKIE:

Just a quick follow-up on the points that you and Senator Story made and that is this landowner sportsmen relationship. It's been my feeling and expressed by many, many people that the Department has selected its friends and been pretty much oriented towards a rather urban environmental group - and I think this is reinforced a little by issues of "Montana Outdoors" magazine, which is controversial with some groups - tended to select their friends and not necessarily on the basis that they were a hunting and fishing licenses, or even hunters and fishermen, and they pretty much ignored the landowner situation, which represents, in this state, a good 2/3 of the habitat for wildlife and this was reinforced in my mind by a statement of a young fellow at an access hearing -- interim committee access hearing in Lewistown last spring, wherein he did not seem to feel the Department had much responsibility to take a leadership role in the question of sportsmen-landowner relationship. My question to him was, "Why not?" ----- (End of tape.