

MINUTES OF MEETING
SENATE NATURAL RESOURCES
March 4, 1981

The sixteenth meeting of the Natural Resources Committee was called to order by Senator Harold Dover, Chairman, at 1:00 P.M., on the above date in Room 405 of the State Capitol Building.

ROLL CALL: All members were present with the exception of Senator Elliott, Senator Manley and Senator Van Valkenburg.

CONSIDERATION OF HB 195:

AN ACT TO PROHIBIT TRANSPORT ON THE HIGHWAYS
OF THE STATE OF MORE THAN 5 CONIFEROUS TREES
WITHOUT A BILL OF SALE

Representative Curtiss, District #20, introduced this bill because of a bill adopted in the 1977 session which repealed a portion of the Montana statutes. With this law repealed people in the Christmas tree and logging industry are having trouble with theft of trees. She attended a Montana Christmas Tree Association meeting at which it was requested that this bill be introduced reinstating this law. Attached is a list of the people in attendance at that meeting.

Peter V. Klinke, Montana Christmas Tree Association, gave testimony in support of HB 195. He feels this bill will decrease the amount of theft of Christmas trees on national and state forest lands. Trees have been cut from lands that have been set aside for forest management which upsets the balance and the future of these forests.

Robert N. Holding, Attorney and Executive Director, Montana Wood Products Association, seconded what Mr. Klinke had to say. He doesn't feel there is anything wrong with requiring people to have to show some type of ownership on the highway. This will be of great assistance to the law enforcement agencies.

Keith Olson, Montana Logging Association, supports Representative Curtiss' attempt to protect all of Montana's young forests.

There were no opponents wishing to testify. Chairman Dover asked for questions from the committee.

Senator Brown asked Representative Curtiss if subsection (d), page 2, takes care of garbage trucks that would pick-up Christmas trees.

Representative Curtiss said yes, they would be common carriers.

Senator Ryan asked how they arrived at the number 5.

Representative Curtiss said damage comes from hunters in the area. They will road hunt and come along a pile of trees ready for a cutter to collect and load them up and take them home. Under law, each individual is legally permitted to cut one tree for his

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family's use. There could be five people out together getting trees and we just set that number.

Senator Keating asked if you need to get a permit to get your family Christmas tree.

Representative Curtiss said you should have a permit. Some forest districts are more lenient than others. Under law you should have a permit to cut trees.

Mr. Holding said the private companies issue permits too. It is just a question of coming into the office and asking for one.

Senator Keating said why not make it one tree, but maybe that is too much regulation.

Senator Dover said in our community there are groups of people who will go up and get a truck load of trees. This will mean they can't do this.

Senator Keating said they can't get more than 5.

Representative Curtiss said many people go out on Forest Service property now without ever having received a permit. They are illegal in doing that but no one ever stops them or fines them. This bill gives the responsible person the opportunity to do something about it.

Mr. Klinke said he is a former employee of the U. S. Forest Service. The Forest Service regulations require that a permit accompany any product taken from Forest Service land. Without the permit it is considered theft.

Senator Ryan questions the need for Section, Township, Range and so on, required on page 2, line 8. He feels the word "area" would do.

Mr. Klinke said that a land owner giving permission to cut on his land should know the legal description of his land and this will show that the person is a bona fide agent of the land owner.

Senator O'Hara asked what is the difference between what is required in this bill and the permit that you can get presently. Is this a little more descriptive?

Mr. Klinke said under the present law all we have is a general theft law, no provision to stop a load of trees and have proof of ownership on that load of trees. According to this bill, law enforcement personnel still can't stop an individual with a load of trees, but they can set up a road block if they feel there is theft in a certain area. At the present time there is no way to control trees.

CONSIDERATION OF HB 509:

AN ACT TO PROVIDE FOR THE ADMINISTRATION OF
THE RESIDENTIAL CONSERVATION SERVICE IN
MONTANA

Representative Quilici, District #84, introduced this bill. HB 509 will allow the Department of Natural Resources and Conservation to carry out the provisions of the National Energy Conservation Policy Act of 1978 in regard to the Residential Conservation Service. This bill puts this program under the state rather than the Department of Energy in Washington, D. C. Representative Quilici explained the amendments accepted by the House Natural Resources Committee.

Leo Barry, Department of Natural Resources and Conservation, supports this bill. Attached is a copy of his testimony.

Michael Zimmerman, attorney representing Montana Power Company, would like to go on record as supporting HB 509.

Gene Phillips, Pacific Power and Light, endorses this bill.

Robert N. Holding, Montana Light and Power Company, a fully owned subsidiary and part of the Wood Products Association, endorses this bill.

There were no opponents to this bill. Chairman Dover asked for questions from the committee. There were no questions from the committee.

CONSIDERATION OF HB 641:

AN ACT PROVIDING FOR THE AGREEMENT BY THE STATE OF
MONTANA TO FORMATION OF AND PARTICIPATION IN THE
PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION
PLANNING COUNCIL; PROVIDING FOR THE APPOINTMENT OF
MEMBERS TO THE COUNCIL; AND PROVIDING AN IMMEDIATE
EFFECTIVE DATE

Representative Quilici, District #84, introduced this bill. HB 641 provides for the agreement by the state of Montana for the formation and participation in the Pacific Northwest Electric Power and Conservation Planning Council. This bill agrees to the formation of the council and then it provides for the appointment of the members by the governor, with the concurrence and confirmation of the Senate. The Governor has 30 days to appoint the two members. With this in mind, it would be beneficial for the committee to take action as soon as possible on this bill to allow the Governor time to make his decision and the Senate time to review the applicants chosen and confirm their appointment.

Senator Dover said there are four states, with two members from each, for a total of 8 members.

Senator Quilici said six members would make the council acting. This is why he wants Montana represented on this council as soon as possible.

Gene Phillips, Pacific Power and Light, said this bill is a representation of years of work. He explained the necessity for Montana to act promptly in appointing the members so that Montana will have an equal say on the council.

Steve Doherty, Northern Plains Resource Council, requests the committee to pass this bill as soon as possible.

Robert N. Holding, Montana Wood Products Association, supports passage of this legislation.

Mike Zimmerman, Montana Power Company, supports this bill.

Larry Fasbender, legislative liason, Governor's office, supports this bill. He requests that the committee do pass this bill as expeditiously as possible.

There were no opponents to this bill. Chairman Dover asked for questions from the committee.

Senator Keating asked if the whole state was included in this council.

Representative Quilici said the Pacific Northwest Grid includes west of the continental divide. This was all they wanted included but we were adamant that eastern Montana be included in this act with all the coal reserves in eastern Montana.

Senator Ryan asked if there were any specific qualifications required of the appointees.

Representative Quilici said they had originally felt that certain qualifications should be put into the bill but after much discussion decided this would limit the type of people appointed to the council. It was decided the Governor would use discretion when he appointed the council members.

Senator Hafferman asked if it was written somewhere that each political party would be represented.

Representative Quilici said we specifically kept that out of the bill for the reason that the Governor is going to make the appointments based on quality. The appointments will be two people representing Montana's interests.

DISPOSITION OF HB 641: Senator Brown made a motion that HB 641 be concurred in. The motion passed unanimously.

DISPOSITION OF HB 195: Senator Keating made a motion that HB 195 be concurred in.

Senator Ryan envisions problems with church groups going out tree cutting. This legislation will not catch thieves.

Senator Brown said the particular problem would be if somebody has got a load of Christmas trees, you can't prosecute him unless you have some knowledge that they were in fact stolen. Theory behind this bill is if they don't have some form of ownership or had permission to cut these trees, they could be prosecuted.

The motion passed with a vote of 8 for, 1 opposed, Senator Ryan.

DISPOSITION OF HB 509: Senator Hafferman made a motion that HB 509 be concurred in.

Senator Keating said he did not understand the bill or what it does.

Senator Dover said that information is on page 3. The state will administer this instead of the federal government.

Senator Keating asked what is the benefit and to whom.

Senator Dover said the state will check homes to see what the heat loss is and what the home owner can do to save heat.

Senator Keating said this is going on now.

Senator Dover said the federal government has set up a criteria which they will administer if the states will not. This bill gives the state control instead of the federal government.

Senator Brown said an example is federal regulations on hospitals doesn't take into account small rural hospitals in Montana. At least the state can modify the federal regulations to take into account small projects in Montana.

Senator Hafferman's motion passed unanimously.

DISPOSITION OF HB 16: Senator Etchart said this should go to Finance and Claims.

Senator Dover said this is taken care of, they are giving one FTE for this.

Senator Keating said he would feel better about this if it were a repealer.

Senator Brown said the only point he would like to make is that

we all remember when we went through the diesel fuel crises. Questions arose on how much diesel fuel there was and where it was. What this bill says is that they will have some limited ability to compile data and maybe second guess the industries projectives. Senator Brown thinks this function has to exist somewhere in government.

Senator Dover said he was on this committee and when there is an emergency everybody comes crying to the government to bail them out. In the event of an energy emergency we would have some information on primary petroleum.

Senator O'Hara made a motion that HB 16 be concurred in.

The motion passed with a vote of 7 for, 2 opposed, Senator Tveit and Senator Etchart.

ADJOURNMENT: There being no further business, the meeting adjourned at 2:00 P.M.

A handwritten signature in cursive script, reading "Harold Dover", is written over a horizontal line.

HAROLD DOVER, Chairman

ROLL CALL
NATURAL RESOURCES COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date 3-4-81

NAME	PRESENT	ABSENT	EXCUSED
Harold Dover, Chairman	✓		
Mark Etchart, Vice Chairman	✓		
Thomas Keating	✓		
Roger Elliott		✓	
Larry Tveit	✓		
Jesse O'Hara	✓		
John Manley		✓	
William Hafferman	✓		
Steve Brown	✓		
Dave Manning	✓		
Patrick Ryan	✓		
Fred Van Valkenburg		✓	

Each day attach to minutes.

attendance

- 1/14/81

Jon Clemens	- Monton Xmas Tree Assn -
Dave Powe	U.S.F.S. Redwood R.D.
Bert Ward	FS L.S. by
Barry Huffel	F.S. Eureka
Vern Kulm	State of Montana, Div. of Forestry
DENNIS SWIFT	F.H. STOLTZE LAND & LBR CO.
T.E. Mc Henry	McHenry Trees 465 Lake Blaine Rd. Kalispell, MT
Bob Seidel	F.S. Eureka
Don Weykeneyer	MCTA - Fortuna, Mont.
Lynette L. Johnson	St. Regis Forest, Mont.
Daniel Brockmann	Murphy Lake Range Station, Fortuna MT
Geter V. Klinka	MCTA Eureka, MT.
Lail Workman	F.S. Eureka MT.
Wayne W. Robbe	U.S.F.S. Murphy Lake R.S.
Lindy Butte	USFS Eureka R.S.

TESTIMONY ON HB 509 - Leo Berry

House Bill 509 allows the Department of Natural Resources and Conservation to carry out the provisions of the National Energy Conservation Policy Act of 1978 in regard to the Residential Conservation Service. If the state does not receive legislative authority to implement the Montana Residential Conservation Service Plan that is now being reviewed by the U.S. Department of Energy, the utilities would have to comply with the federal standby plan. In addition, the U.S. Department of Energy would administer and enforce the standby plan through the utilities from its Washington, D.C. office. The utilities have indicated that they would rather work with the State instead of the U.S. Department of Energy in Washington, D.C.

The Residential Conservation Service Program can be implemented with no fiscal impact on the Department of Natural Resources and Conservation. The costs of the program are to be absorbed in the budgets proposed by the Legislative Fiscal Analyst and the Office of Budget and Program Planning, from part of the federal funds.

NAME:

LENE PHILLIPS

DATE:

3/4/81

ADDRESS:

WILLOW PELL 117

PHONE:

754-6600

REPRESENTING WHOM?

Pacific Power & Light

APPEARING ON WHICH PROPOSAL:

HB 641

DO YOU:

SUPPORT?

X

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: KEITH OLSON DATE: 4 MAR 81

ADDRESS: Box 1716 Kalispell 59901

PHONE: 755-3185

REPRESENTING WHOM? MT. Logging Assn.

APPEARING ON WHICH PROPOSAL: HB 195

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: Necessary legislation to protect
all of Montana's young forests from
non-systematic X-mas tree harvesting!

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Peter V. Kliche DATE: March 14, 1951

ADDRESS: Box 466 Encheta, Mt. 599, 7

PHONE: 859-3784

REPRESENTING WHOM? Montana Christmas Tree Ass'n

APPEARING ON WHICH PROPOSAL: H.R. 1005

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: BOB HEADING DATE: 3-4-81

ADDRESS: 2328 CHANDLER - MISSOURI MO.

PHONE: 406-728-3650

REPRESENTING WHOM? Wt Wood Products Assn

APPEARING ON WHICH PROPOSAL: H-3 195

DO YOU: SUPPORT? ✓ AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME BOB HEADING BILL NO. HB 509
HB 641
ADDRESS 2328 GARDEN - MISSOURI, MO DATE 3-4-81
WHOM DO YOU REPRESENT Mt. Moor Projects Assn
SUPPORT ✓ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

NAME: Michael E Zimmerma DATE: 3-4-81

ADDRESS: 40 E Broadway Butte

PHONE: 723-5421

REPRESENTING WHOM? MPC

APPEARING ON WHICH PROPOSAL: HB 509

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: Conservation is promoted by the passage of this
Bill. The MPC supports efforts to conserve energy
supplies.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Michael E Zimmerna DATE: 3-4-81

ADDRESS: 40 E Broadway Butte

PHONE: 723-5421

REPRESENTING WHOM? MPC

APPEARING ON WHICH PROPOSAL: HB 641

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

COMMENTS: The Pac North West Power Council is a
vital link in the NW Power Bill. Montana should
voluntarily consent to the formation of the council and
participate to represent its own best interest.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Steve Doherty DATE: 3/4/81

ADDRESS: Box 858 Helena MT 59601

PHONE: 4434965

REPRESENTING WHOM? Northern Plains Resource Council

APPEARING ON WHICH PROPOSAL: HB 641

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

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

DATE 3/1/81 3/4/81

COMMITTEE ON NATURAL RESOURCES

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Mike				
Mike	Montana Christmas Tree Assoc	H.R. 195	✓	
Mike	WPC	H.R. 509	✓	
Gene	Public Trust	H.R. 641	✓	
William S Goswell	DNR - Energy	H.R. 641 H.R. 509	✓	
Mike	MT Logging Assoc	195	✓	
Loren Strickler	MT League Women Voters	509 641	✓	
Gene Pigeon	M.D.U.	509	✓	
Gene Doherty	NRC	641	✓	
Clarence Hachey				
Leo Berry	DNR C	509	✓	

STANDING COMMITTEE REPORT

March 4, 1981

MR. PRESIDENT

We, your committee on NATURAL RESOURCES

having had under consideration HOUSE Bill No. 195

CURTISS (McCALLUM)

Respectfully report as follows: That HOUSE Bill No. 195

BE CONCURRED IN

EXPRESS

Jrf

HAROLD DOVER, Chairman.

STANDING COMMITTEE REPORT

March 4,

19 81

MR. PRESIDENT

We, your committee on NATURAL RESOURCES

having had under consideration HOUSE Bill No. 16

QUILICI (DOVER)

Respectfully report as follows: That HOUSE Bill No. 16

BE CONCURRED IN

~~DOVER~~

JR6

STANDING COMMITTEE REPORT

March 4,

19 81

PRESIDENT

MR.

NATURAL RESOURCES

We, your committee on

HOUSE

having had under consideration Bill No. **641**

QUILICI (DOVER)

HOUSE

Respectfully report as follows: That Bill No. **641**

BE CONCURRED IN

~~XXXXXX~~
~~DO PASS~~

pc.

HAROLD DOVER

Chairman.

STANDING COMMITTEE REPORT

March 4, 19 81

MR. PRESIDENT

We, your committee on NATURAL RESOURCES

having had under consideration HOUSE Bill No. 509

QUILICI (HAPFERMAN)

Respectfully report as follows: That HOUSE Bill No. 509

BE CONCURRED IN
EXCESS

JRF

HAROLD DOVER, Chairman.