

MINUTES OF THE MEETING  
STATE ADMINISTRATION COMMITTEE  
MONTANA STATE SENATE

March 14, 1985

The forty-second meeting of State Administration Committee was called to order by Chairman Jack Haffey in Room 331, Capitol, at 10 a.m. on Thursday, March 14, 1985.

ROLL CALL: All the members were present.

CONSIDERATION OF HOUSE BILL 732: Representative Ben Cohen, House District 3, Whitefish, is the sponsor of this bill entitled, "AN ACT TO AUTHORIZE THE FLATHEAD BASIN COMMISSION TO RECEIVE AND EXPEND DONATIONS, GIFTS, GRANTS, AND OTHER MONEY TO FULFILL ITS DUTIES WITHOUT APPROPRIATION BY THE LEGISLATURE; AMENDING SECTION..., MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." Representative Cohen passed out the legislation that created the Flathead Basin Commission (attached hereto marked Exhibit "1" and by this reference made a part hereof). Representative Cohen told the Committee that grants come from various groups and the Flathead Basin Commission needs the flexibility to handle this money, gifts, etc. He told the Committee that at present, the money is funneled into the University system and that this was not a very good way to handle this.

PROPOSERS: Brace Hayden, Flathead Basin Commission, supports this bill. Mr. Hayden said that this would give them the flexibility to work with the money that comes in for studies. He said at present they funnel these into the system of the University of Montana and he thinks that they have to put them into one of their projects and try to keep it separate. Mr. Hayden said that this bill will allow them to handle these moneys on their own in a straight forward manner.

OPPOSERS: There were no opposers.

COMMITTEE QUESTIONS: Senator Farrell asked if this would allow them to enter into law suits if they were allowed to spend money. Mr. Hayden said that he did not think so since they have no regulatory authority. He did not feel that this would involve any legal authority. Senator Haffey noted that this was connected with House Bill 12 and was wondering what would happen if House Bill 12 does not pass, and they receive a gift or grant under those circumstances. Representative Cohen said that if House Bill 12 fails to pass, there is no budget for the Flathead Basin Commission and there will be no Flathead Basin Commission. Representative Cohen said that if this passes and House Bill 12 fails, the Flathead Basin Commission will continue to exist somehow because the citizens will try to keep the Commission alive somehow through donations, but we will have no way to fund the executive director's office. Dr. Dayton, Commissioner of Higher Education stood at this point and said that

he did not know this bill was up today, but that they would appreciate the passage of this bill also. He told the Committee that they are carrying this in their budget and they would like to disentangle this.

Representative Cohen closed by thanking the Committee. HOUSE BILL 732 is closed.

EXECUTIVE ACTION ON HOUSE BILL 732: Senator Mohar moved that HOUSE BILL 732 be concurred in. Question was called and with Senator Farrell voting no, the Committee voted that HOUSE BILL 732 BE CONCURRED IN. (Senator Harding will carry this Bill.)

CONSIDERATION OF HOUSE BILL 394: Representative Dave Brown, House District 72, Butte-Silver Bow, is the sponsor of this bill entitled, "AN ACT TO ENTITLE PUBLIC EMPLOYEES IN CERTAIN CATEGORIES TO PER DIEM COMPENSATION FOR THEIR SERVICE AS MEMBERS OF QUASI-JUDICIAL AND STATE EDUCATION AND HISTORICAL SOCIETY BOARDS AND; TO INCREASE THE PER DIEM COMPENSATION FOR MEMBERS OF STATE EDUCATION AND HISTORICAL SOCIETY BOARDS FROM \$25 A DAY TO \$50 A DAY; AND TO PROVIDE PER DIEM COMPENSATION FOR MEMBERS OF THE STATE LIBRARY COMMISSION; AMENDING SECTIONS ..., MCA; AND PROVIDING AN EFFECTIVE DATE." Representative Brown told the Committee that this bill came about through his work with the Hardrock Mining Board. He told the Committee that there was a problem with public officials being on quasi-judicial boards. He said they did not even receive per diem. He said that they worked very hard on this bill and it removes the inequities in the system. Representative Brown told the Committee that they tried to pick up all the boards that this would refer to and put them on the same basis. Representative Brown said the language was to avoid double-dipping but was to allow for some dipping when necessary. He said in many cases, they can't receive salary or compensation and that is not fair, because in that case they are serving on these boards free and paying for it out of their own pockets. Representative Brown said this would allow them to take annual leave and receive compensation or receive salary and not be compensated. He said that the Library Board was added in the House and was combined into this bill.

PROPONENTS: Dr. Irving Dayton, Commissioner of Higher Education, supports this bill. Dr. Dayton said that they do have faculty members who are asked to serve on these boards because of their expertise. He said some members can do it as a part of their regular jobs, but if they meet on weekends, they contribute their time. Dr. Dayton felt that it would be equitable if these members received per diem as they do this on their own time. Dr. Dayton further felt that if most of the boards received \$50 per day per diem, all the boards should receive the same.

Carol Ferguson, Hardrock Mining Board, supports this bill. Ms. Ferguson said the chairman of the board was a faculty member at Montana Tech and he was not eligible for per diem. She said it was even harder on teachers because they would have to take leave, pay their replacement or substitute, and not be reimbursed.

Sara Parker, Montana State Library Commission, supports this bill. Ms. Parker is in favor of the per diem being raised because it will make it a little easier on those who give of their time to serve. (See Exhibit "2" attached hereto and by this reference made a part hereof.)

OPPONENTS: There were no opponents.

COMMITTEE QUESTIONS: Senator Mohar asked if the stricken language on lines 4, 5, and 6, page 3 would take care of the double-dipping. Representative Brown said the language on lines 16 through 18 Senator Mohar said that he served on a board called REAC and they are still at \$25 per day, and he wondered if he would piggyback this bill. Representative Brown said that this would not be a problem. He said that they tried to catch all of the boards, but they may have missed some of them.

Representative Brown closed by asking Senator Haffey if the bill passed if he would carry it. HOUSE BILL 394 is closed.

EXECUTIVE ACTION ON HOUSE BILL 394: Executive action on House Bill 394 will be deferred until Friday or Monday in order to give Senator Mohar an opportunity to make the necessary amendments to include the boards he was concerned about.

CONSIDERATION OF HOUSE BILL 463 AND HOUSE BILL 464: Representative Bob Marks, House District 75, Clancy, is the sponsor of these bills entitled, HOUSE BILL 463: "AN ACT TO SUBMIT TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO THE MONTANA CONSTITUTION TO REPEAL ARTICLE XIII, SECTION 3, THEREOF, WHICH REQUIRES THE LEGISLATURE TO CREATE A SALARY COMMISSION TO RECOMMEND COMPENSATION FOR THE JUDICIARY AND ELECTED MEMBERS OF THE LEGISLATIVE AND EXECUTIVE BRANCHES." HOUSE BILL 464: "A BILL FOR AN ACT ENTITLED: "AN ACT ABOLISHING THE MONTANA SALARY COMMISSION AND ELIMINATING ITS DUTIES; PROVIDING FOR COORDINATION WITH HOUSE BILL 463; AMENDING SECTIONS., MCA; AND PROVIDING A DELAYED EFFECTIVE DATE." Representative Marks asked that he be allowed to handle these bills as a package. He said that 463 is a bill to submit the question to the voters of removing the Constitutional amendment to remove the requirement for a salary commission and 464 will abolish that position, and eliminate its duties. Representative Marks read a letter from a member of the commission saying that he was in favor of these bills.

Representative Marks held up a report put out by the salary commission in book form and told the committee how frustrating it is to make these recommendations every session and have them totally ignored.

PROPOSERS: There were no other proponents.

OPPOSERS: There were no opponents.

COMMITTEE QUESTIONS: Senator Mohar said that he agreed with the bill, but he said the Senate did pass a 2% or 4% increase to some individuals, so the report did not totally fall on deaf ears.

Representative Marks said there was a fiscal note attached showing \$3,000. He said this money was appropriated to run the commission and this would go back into the general fund. HOUSE BILLS 463 and 464 are closed.

EXECUTIVE ACTION ON HOUSE BILL 463: Senator Lynch made a motion that HOUSE BILL 463 be concurred in. Question was called, and the Committee voted unanimously that HOUSE BILL 463 BE CONCURRED IN.

EXECUTIVE ACTION ON HOUSE BILL 464: Senator Lynch made a motion that HOUSE BILL 464 be concurred in. Question was called, and the Committee voted unanimously that HOUSE BILL 464 BE CONCURRED IN. (Senator Lynch will carry these bills to the floor.)

CONSIDERATION OF HOUSE BILL 488: Representative Dennis Iverson, House District 12, Whitlash, is the sponsor of this bill entitled, "AN ACT TO ESTABLISH A MONTANA-WESTERN CANADIAN PROVINCES BOUNDARY ADVISORY COMMITTEE." Representative Iverson told the Committee that they have had several meetings with our neighbors to the north of us. He said that they have discussed this legislation and they are very much in favor of it. Representative Iverson said this all began when he was approached by a neighbor who could not buy cattle because of the trade barriers, and he was then approached by a group of Canadian people who wanted to talk about agricultural problems. He said the group got together in Edmonton once and in Great Falls the second time, and they expanded the program to encompass concerns other than just agricultural. Then they narrowed those down and focussed them. He said they ended up with two main concerns. The first is nontariff trade barriers is a problem. He said lengthy quarantines on cattle are a problem. The older barriers were set up because of brucellosis and blue tongue. He said with the exception of one county, Montana is almost brucellosis free and that county should be free in the Spring. Representative Iverson said blue tongue is not a problem on either side.

Representative Iverson said that they have a large slaughter house that is running at about 40% of its capacity and they would like to have our cows to pick up the slack. He said this would be better for the farmers than shipping them back east. He said that we have a large city up above us in Alberta and this is a tremendous advantage. Representative Iverson said the other problem is co-operative water projects on the Milk River. He said they have worked so hard on this problem and it has progressed to such a point that it has to go forward in someone else's hands. He urged the Committee to pass this bill.

PROPOSERS: Lauren McKinsey, 49th Parallel Institute, supports this bill. He handed the Committee a copy of a newspaper clipping (attached hereto marked Exhibit "3" and by this reference made a part hereof), which showed the problems that arose between North Dakota and Manitoba. Mr. McKinsey felt that if we start working together now, this will not happen. Mr. McKinsey feels that is important that the legislature take part in these meetings and discussions.

Brace Hayden, Governor's Office, supports this bill. Mr. Hayden said that the Governor was in full support of this bill.

Keith L. Olson, Montana Logging Association, supports this bill. Mr. Olson said that they did have some problems with wood products brought into Montana from Canada because of some bug infestation, but he seemed to feel that these problems could be worked out, and his organization is in favor of this bill. He wanted the Committee to know that they are not protectionists.

OPPOSERS: There were no opposers.

COMMITTEE QUESTIONS: There was some discussion regarding the persons to be appointed and whether they would be appointed geographically. Representative Iverson said that Alberta is interested enough to have legislation of this type presented up there. They also have a majority which is very strange for a western province. Senator Hirsch made mention of the fiscal note and it showing \$9,000. Representative Iverson said it cost them \$2500 to go to Edmonton. Senator Hirsch asked if they wouldn't need meetings more than once a year. He asked if they felt they could accomplish anything with just one meeting per year. Representative Iverson said that they felt it would be enough to get started and then maybe more later on. Senator Conover said he thought it should have an immediate effective date. Valencia Lane, staff attorney, drew up the amendment. HOUSE BILL 488 is closed.

EXECUTIVE ACTION ON HOUSE BILL 488: Senator Tveit made a motion that the amendments (attached hereto marked Exhibit "4") be passed. Question was called and the Committee voted unanimously that the amendments be adopted. Senator Tveit made a motion

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that HOUSE BILL 488 as amended, be concurred in. Question was called, and the Committee voted unanimously that HOUSE BILL 488 AS AMENDED, BE CONCURRED IN. (Senator Mazurek will carry this bill.

Senator Mohar told the Committee that he is planning to amend House Bills 291 and 292. Senator Haffey told him that we will discuss them in plenty of time for them to be passed back to the house--possibly within the next week.

The meeting was adjourned at 11:00 a.m.

  
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SENATOR JACK HAFFEY, CHAIRMAN





## Flathead Basin Commission

SB 161, 1983

MCA

**2-15-213. Flathead basin commission — membership — composition.** (1) There is a Flathead basin commission.

(2) The commission consists of 15 members selected as follows:

- (a) four members appointed by the governor from industrial, environmental, and other groups affected by Title 75, chapter 7, part 3, one of whom must be on the governor's staff and who also serves as the executive director;
- (b) one member who shall be the commissioner of state lands or his designee;
- (c) one member appointed by the Flathead County commissioners;
- (d) one member appointed by the Lake County commissioners;
- (e) one member appointed by the Confederated Salish and Kootenai Tribes;
- (f) one member appointed by the United States department of agriculture, forest service regional forester for the northern region;
- (g) one member appointed by the United States department of interior national park service, regional director for the Rocky Mountain region;
- (h) five ex officio members appointed respectively by the chief executive of the provincial government of the Province of British Columbia, the regional administrator of the United States environmental protection agency, the administrator of the Bonneville Power Administration, the chief of engineers of the United States army corps of engineers, and the holder of a license issued for the Flathead project under the Federal Power Act.
- (3) The commissioners shall serve without pay. Commissioners mentioned in subsection (2)(a), except the commissioner on the governor's staff, are entitled to reimbursement for travel, meals, and lodging while engaged in commission business, as provided in 2-18-501 through 2-18-503.
- (4) The commission is attached to the governor's office for administrative purposes only.

History: En. Sec. 4, Ch. 424, L. 1983.

**2-15-214. Flathead basin commission — term of appointment — quorum — vacancy — chairman — vote.** (1) The commission members shall serve staggered 4-year terms.

- (2) A majority of the membership, other than ex officio members, constitutes a quorum of the commission.
- (3) A vacancy on the commission must be filled in the same manner as regular appointments, and the member so appointed shall serve for the unexpired term to which he is appointed.
- (4) The commission shall select a chairman from among its members. The chairman may make motions and vote.
- (5) A favorable vote of at least a majority of all members, except ex officio members, of the commission is required to adopt any resolution, motion, or other decision of the commission.

**2-15-215. Flathead basin commission staff and office location.** (1) The executive director of the commission shall be compensated on a pro rata basis from commission funds, calculated upon the time he is required by the governor to serve the commission.

(2) An office for the commission may be established at a community located in the basin, and sufficient and appropriate staff must be assigned to serve the commission.

History: En. Sec. 6, Ch. 424, L. 1983.

### Part 3

## Flathead Basin Commission

**75-7-301. Short title.** This part may be cited as the "Flathead Basin Commission Act of 1983".

History: En. Sec. 1, Ch. 424, L. 1983.

**75-7-302. Purpose.** The purpose of the Flathead basin commission is to protect the existing high quality of the Flathead Lake aquatic environment; the waters that flow into, out of, or are tributary to the lake; and the natural resources and environment of the Flathead basin.

History: En. Sec. 2, Ch. 424, L. 1983.

**75-7-303. Definitions.** As used in this part, the following definitions apply:

(1) "Aquatic resources" means all beneficial uses of water, including but not limited to water quality and water supply; recreational, scenic, and aesthetic values; and fish, wildlife, and other organisms.

(2) "Commission" means the Flathead basin commission established in 2-15-213.

(3) "Flathead basin" means all land and water areas the water from which drains into Flathead Lake or its tributaries.

History: En. Sec. 3, Ch. 424, L. 1983.

**75-7-304. Duties of the commission.** Duties of the commission are:

- (1) to monitor the existing condition of natural resources in the basin and coordinate development of an annual monitoring plan. This plan must

involve a cooperative strategy among all land and water management agencies within the Flathead basin and identify proposed and needed monitoring which emphasizes but is not limited to the aquatic resources of the Flathead basin.

(2) to encourage close cooperation and coordination between federal, state, provincial, tribal, and local resource managers for establishment of compatible resource development standards, comprehensive monitoring, and data collection and interpretation;

(3) to encourage and work for international cooperation and coordination between the state of Montana and the Province of British Columbia concerning the undertaking of natural resource monitoring and use of consistent standards for management of resource development activities throughout the North Fork Flathead River drainage portion of the Flathead basin;

(4) to encourage economic development and use of the basin's resources to their fullest extent without compromising the present high quality of the Flathead basin's aquatic environment;

(5) to, in the discretion of the commission, undertake investigations of resource utilization and hold public hearings concerning the condition of Flathead Lake and Flathead basin;

(6) to submit a biennial report to the governor and the appropriate committees of the legislature that includes:

(a) a summary of information gathered in fulfillment of its duties under this section;

(b) information on monitoring activities within the Flathead basin concerning the condition of the basin's natural resources, with particular emphasis on Flathead Lake;

(c) the identification of land use and land development trends in the Flathead basin;

(d) any recommendations the commission considers appropriate for fulfillment of its duties and for continued preservation of the Flathead basin in the present high quality of its aquatic resources; and

(e) an accounting of all money received and expended, by source and purpose, for the period since the last report; and

(7) to meet at least semiannually within the Flathead basin, alternating the meeting site between the cities of Kalispell and Polson.

History: En. Sec. 7, Ch. 424, L. 1983.

**75-7-305. Commission authority.** (1) The commission may make recommendations to the legislature and the governor and to federal, tribal, provincial, and local agencies for maintenance and enhancement of the quality of natural resources of the Flathead basin.

(2) Subject to appropriation by the legislature, the commission may receive and expend donations, gifts, grants, and other money necessary to fulfill its duties.

History: En. Sec. 8, Ch. 424, L. 1983.

**75-7-306. Establishment of account.** There is established in an other special revenue fund a Flathead basin commission account. Money received by the Flathead basin commission under 75-7-305 and such other

funds as are designated or appropriated for its use must be deposited in the account.

History: En. Sec. 9, Ch. 424, L. 1983; amd. Sec. 48, Ch. 281, L. 1983.

**Compiler's Comments**

*1983 Amendment:* Substituted "an other special revenue fund" for "the federal and private revenue fund".

**75-7-307. Special county government authority.** The governing body of any county within or bordering upon the Flathead basin may allocate to the Flathead basin commission a portion of any money available from coal severance tax allocations or other sources and designated for planning activities.

History: En. Sec. 10, Ch. 424, L. 1983.

**75-7-308. Cooperation with other agencies and organizations.** To fulfill its duties, the commission shall develop and maintain cooperative programs with federal, state, provincial, tribal, and local agencies or organizations that are responsible for natural resource management and monitoring in the Flathead basin. Participating federal and provincial agencies must be requested to provide adequate funds to participate on the commission and to monitor resources within their areas of responsibility.

History: En. Sec. 11, Ch. 424, L. 1983.

Exhibit #2  
HB-394  
3-14-85

NAME: Sara Parker DATE: March 14, 1985

ADDRESS: 1515 E. Sixth, Helena, Montana, 59620

PHONE: 444-3115

REPRESENTING WHOM? Montana State Library Commission

APPEARING ON WHICH PROPOSAL: HB 394

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: The State Library Commission is a group of citizens who give generously of their time and thought to the well-being of libraries and the statutory responsibility they assume. The current language in MCA-22-1-101 prohibits the Commission from receiving the daily per diem other boards and commissions receive. This would provide equity with other citizens who serve the state by providing governance to programs.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

- Exhibit "3" -  
HB-488  
3-14-85

# Small-minded politicians!

Winnipeg Sun, Feb. 7, 1985

What a bunch of jerks.

What else can you say about our "friends" south of the border?

For years they tried to sneak the Garrison Diversion through Congress, ignoring Canadian pleas and the concerns of their own environmentalists.

Using underhanded procedural ploys — like attaching Garrison funds to omnibus bills which could not be defeated without breaking the entire U.S. treasury — Garrison supporters tried to bypass the mounting evidence that the project would do irreparable harm to the environment here and in North Dakota.

The reason was plain. North Dakota politicians saw Garrison as the ultimate porkbarrel. Millions of dollars would be spent in their constituencies, among their voters.

Whether the water diversion project would ever do any good was a secondary concern. Greedy, small-minded politicians wanted that money and wanted it badly.

Thankfully, the irresponsible boondogle was stopped before it could destroy our waterways. The irony here, of course, is that Canadians fought to save an environment that Americans like to call their own every summer.

Hordes of American hunters and fishermen felt they had the right to use our wilderness while their politicians did everything in their power to destroy it.

Now, as Republican Earl Strinden pointed out yesterday, those same politicians are out "to get even" for their Garrison defeat. They've launched a series of bills whose sole intent is to make Manitobans pay for having the temerity to stand up to Uncle Sam.

It's bullet-headed bullying of the kind the U.S. usually reserves for Third World nations. North Dakotans should be ashamed of their red-necked, short-sighted and vindictive legislators who freely admit that this legislation is intended only to coerce concessions from Canada and Manitoba on Garrison.

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**The Winnipeg Sun** Groupe Quebecor Inc.  
Publisher & General Manager  
Al Davies  
Comptroller  
Fred Aylotte

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Enkebet 447  
HB-488  
3-14-85

HB 488, Third Reading (Blue), be amended  
as follows:

1. Title, line 8.

Following: " COMMITTEE "

Insert: "; AND PROVIDING AN IMMEDIATE  
EFFECTIVE DATE "

2. Page 4, line 7.

Following: line 6

Insert: "NEW SECTION. <sup>section 5.</sup> Effective date.

This act is effective on passage and approval."

# STANDING COMMITTEE REPORT

March 14, 1985

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration..... HOUSE BILL No. 732

third reading copy ( blue )  
color

(Senator Harding will carry)

**GIVES FLATHEAD BASIN COMMISSION AUTHORITY TO RECEIVE AND EXPEND GIFTS, ETC.**

Respectfully report as follows: That..... HOUSE BILL No. 732

BE CONCURRED IN

~~XXXXXXXX~~

~~XXXXXXXX~~

.....  
Chairman.

# STANDING COMMITTEE REPORT

March 14

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MR. PRESIDENT

We, your committee on **STATE ADMINISTRATION**

having had under consideration..... **HOUSE BILL** No. **464**

third reading copy ( blue )

color

(Senator Lynch will carry)

**ABOLITION OF MONTANA SALARY COMMISSION**

Respectfully report as follows: That..... **HOUSE BILL** No. **464**

BE CONCURRED IN

~~XXXXXX~~  
DO PASS

~~XXXXXXXXXX~~  
DO NOT PASS

.....  
Chairman.

# STANDING COMMITTEE REPORT

March 14 19 85

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration..... HOUSE BILL No. 488

third reading copy ( blue )  
color

(Senator Mazurek will carry this)

**ESTABLISH MONTANA-WESTERN CANADIAN PROVINCES BOUNDARY ADVISORY COMMITTEE**

Respectfully report as follows: That..... HOUSE BILL No. 488

be amended as follows:

1. Title, line 8.

Following: "COMMITTEE"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 4, line 6

Following: line 6

Insert: "NEW SECTION. Section 5. Effective date. This act is effective on passage and approval."

AND AS AMENDED

BE CONCURRED IN

~~XXXXXX~~

~~XXXXXXXXXX~~

.....  
Chairman.

# STANDING COMMITTEE REPORT

March 14

85

19.....

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration..... HOUSE BILL No. 463

third reading copy ( blue )

color

(Senator Lynch will carry)

**CONSTITUTIONAL AMENDMENT REMOVING NEED TO CREATE A SALARY  
COMMISSION**

Respectfully report as follows: That..... HOUSE BILL No. 463

BE CONCURRED IN

~~DO PASS~~

~~DO NOT PASS~~

.....  
Chairman.