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MONTANA CONSTITUTIONAL CONVENTION

STATE CAPITOL • HELENA, MONTANA 59601 • TELEPHONE 406/449-3750

NATURAL RESOURCES AND AGRICULTURE COMMITTEE

Place of Meeting: Room 402

Date Meeting Held: 1/20/72
Hour Meeting Held: 10:15 A.M.,
1:30 P.M.

Committee Chairman: Louise Cross

MINUTES OF THE THIRD MEETING OF THE NATURAL RESOURCES AND AGRICULTURE COMMITTEE

SUBJECT OF MEETING: Water. Article 3, Section 15.

Roll Call:

Louise Cross, Chairman	Present
E. S. "Erv" Gysler, Vice Chairman	Present
John H. Anderson, Jr.	Present
Geoffrey L. Brazier	Present
Douglas Delaney	Present
A. W. Kamhoot	Present
Charles B. McNeil	Present
Donald Rebal	Present
Henry L. Siderius	Present

INTERESTED PERSONS TESTIFYING:

<u>Name</u>	<u>Address</u>	<u>Occupation or Title</u>
Gary J. Wicks	Dept. of Natural Resources	Chairman
James T. Harrison, Jr.	" " " "	Counsel
Ronald J. Guse	" " " "	
Hans L. Bille	" " " "	
Mike Schwinden	" " " "	

DISCUSSION:

The Chairman informed the committee that they had been assigned additional work as follows:

Article 19, Section 7
Article 17, Sections 1, 2 and 3
Ordinance 1, Section 7 (at the last of the Constitution -- deals with land grants.)

Upon motion of Mr. Kamhoot, seconded by Mr. Brazier and duly carried, it was decided that Mona Earley, Intern, read the Minutes at each meeting unless the Chairman, at her discretion, should dispense with this, and that several copies of the Minutes should be passed around the committee for their sanction.

Mr. Kamhoot read Article 19, Section 3 to the committee, stating that he felt it was a good section and recommended that it be retained. Mr. McNeil said that he supports the Legislative Council recommendation to delete this section because it is too narrow in relating to our forest management and that he believes it is a legislative matter. However, he said he would not go along with deleting this section unless a strong environmental section came out of this committee.

Mr. Kamhoot next read Article 19, Section 7, and recommended that it be deleted, as also does the Legislative Council. However, it was decided to have Mr. Sullivan, Research Analyst, ask Mr. Ted Schwinden if he believes there would be any problem if this was deleted.

Mr. Anderson then read Article 19, Section 1, regarding the Commissioner of Agriculture. He stated the Legislative Council has concluded this section should be repealed. Mr. Gysler said he believed the wording should be changed to make the Commissioner of Agriculture serve at the pleasure of the Governor, and does not believe that this section should be completely taken out of the Constitution.

Mr. Kamhoot stated that he would resist the removal of the Department of Agriculture from the Constitution. Mr. Brazier said that it could be made clear by compromise. The committee asked Mr. Sullivan to find out if it would jeopardize federal funding if deleted, and to have somebody appear from Executive Reorganization to explain why they are by-passing the Commissioner of Agriculture. They would also like to have Mr. Lackman, Commissioner of Agriculture, and Ted Schwinden, Land Commissioner, and Ed Carney appear in regard to this matter. It was pointed out that the Commissioner of Agriculture is appointed by the Governor at the advice and consent of the Senate for a four (4) year term. Mr. Gysler then moved, with the agreement of the committee members, to table this matter for the present.

The Chairman, in regard to Article 11, Section 4, appointed the following subcommittee to meet with a like subcommittee from the Committee on Education and Public Lands at 11:45 a.m. this day to find out what they wanted this committee to handle: Gysler and Brazier.

Mr. McNeil reported on Article 11, Section 4, which is in regard to the creation of the board of land commissioners.

At this time, the Chairman excused Gysler and Brazier to meet with the Committee on Education and Public Lands.

There being no further business at this time, the committee recessed until the hour of 1:30 p.m. this day.

Time of recess: 11:55 a.m.

AFTERNOON MEETING

Pursuant to recess, the committee resumed at 1:30 p.m.

Subject: Article 3, Section 15 - Water.

Vice-Chairman Gysler called the meeting to order and reminded the witnesses appearing that this was strictly an informational

meeting. He then turned the meeting over to Mr. Sullivan who had organized this meeting. Mr. Sullivan introduced Mr. Gary Wicks, Chairman of the Department of Natural Resources who distributed some material from his department to the committee. He then introduced the following members of his staff who endeavored to give the committee information on the duties and problems of their department:

Mr. James T. Harrison, Jr., Counsel
Mr. Ronald Guse
Mr. Hans Bille
Mr. Mike Schwinden

After questions by the committee, the Chairman excused the guests with thanks.

The committee then recessed for a 15 minute break, resuming at 4:00 p.m.

Mr. Brazier read Article 12, Section 9 to the committee. This is on livestock mill levies. He told the committee he believed this would overlap into other committee fields. The Chairman appointed Mr. Delaney to contact the Committee on Revenue and Finance on this matter.

The Chairman then read Article 12, Section 3, which has to do with minerals and mining. This section is believed to have been promoted by the mining interests. Mr. Kamhoot pointed out that the net proceeds may be a property tax. This Article and section is to be taken up at the next meeting.

At the request of the Chairman, it was noted that this is the anniversary of Mr. Brazier.

There being no further business, the committee adjourned.

Time of adjournment: 5:00 p.m.


Secretary


Chairman