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# MONTANA CONSTITUTIONAL CONVENTION

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## NATURAL RESOURCES AND AGRICULTURE COMMITTEE

Place of Meeting: Room 402

Date Meeting Held: 1/26/72  
Hour Meeting Held: 10:30 a.m.  
& 1:30 p.m.

Committee Chairman: Louise Cross

### MINUTES OF THE SIXTH MEETING OF THE NATURAL RESOURCES AND AGRICULTURE COMMITTEE

SUBJECT OF MEETING: Livestock Mill Levy & Air Pollution

Roll Call:

Louise Cross, Chairman	Present
E. S. "Erv" Gysler, Vice Chairman	Present
John H. Anderson, Jr.	Absent
Geoffrey L. Brazier	Excused (Returned in afternoon)
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>
Mr. Bill Cheney	Dept. of Livestock	Executive Officer
Torrey B. Johnson	Delegate District #1	Delegate
Archie O. Wilson	District #6	Delegate
Richard A. Nutting	District #7	Delegate
Mr. Ben Wake	Dept. of Health & Environmental Sciences	Administrator of Div. of Environmental Sciences
Mr. Lloyd Cripin	Butte, Montana	Representing the Anaconda Co.

DISCUSSION:

Mr. Bill Cheney, Director of the Department of Livestock, spoke to the committee chiefly on the livestock mill levy.

He told the committee that the only change in this department under Executive Reorganization has been that the Governor now appoints the Chairman of the Board. The Board supervises all livestock in Montana. Actually Mr. Cheney represents the brand enforcement division.

The Department of Livestock is self-supporting through fees and mill levies, with the exception of \$5,000 of federal funds for the rabies control program. The mill levy was set in the Constitution at 4 mills.

Mr. Cheney believes the enforcement division works much better under the Department of Livestock than under the Department of Agriculture. Six men from the Board of the Livestock Commission and they know the problems of the livestock men better than those in the Department of Agriculture would know their problems. The Chairman of this board is Tom Evans of Stanford. Cheney is Administrator of the Brand Inspection division. The Department of Livestock was made a separate department under Executive Reorganization as it was the feeling that agriculture had no bearing on livestock, inspection, brands, health inspection, etc.

In the state of Montana, the livestock industry and business have the best brand inspection health inspection in the United States. The development of a large feed industry is going to help the grain industry, which is agriculture. These are two separate activities now as follows: agriculture and production and the raising of cattle.

Mr. Cheney believes that agriculture and livestock both have a place under Executive Reorganization.

Delegate Torrey Johnson told the committee that he did not believe that Livestock Commission should come under Agriculture and that the four mill levy should not be left to the legislature as recommended by the Legislative Council.

Delegate Archie Wilson, who has served 12 years on the Livestock Commission, agreed with Mr. Johnson in that they should be kept as separate departments. He further said that the livestock people finance and police their own department, which is why the Department of Livestock functions so well. He urged the committee to leave the present system as is.

Delegate Nutting testified that the livestock people are very happy with the present setup with the mill levy being in the Constitution but the Department of Livestock not.

Delegate Wilson is putting in a proposal that includes the four-mill levy.

The Livestock Commission and the State Board of Health are now writing guidelines for feed lots in regard to location and operation.

The guests were then excused and thanked by the Chairman.

The Chairman reminded the committee members to try to keep open minds on livestock and agriculture.

There being no further business, the committee recessed.

Time of recess: 12:05 p.m.

#### AFTERNOON MEETING

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

Subject: Air Pollution.

Mr. Ben Wake, Administrator, Division of Environmental Sciences, State Board of Health, appeared before the committee and testified as follows:

The poorest air in Montana is in the western part of the state. If we had in this area the population that is in the Los Angeles basin, the Montana air would be worse than that. Suspended particulae, such as dust, has increased in the Flathead Valley.

The national attitude on air pollution has deteriorated.

This committee, he suggested, might be concerned with the problem of non-direct ownership of lands which are adjacent to a pollution source such as smelter emissions rule what use adjacent land can be put to even though others own the land.

The federal air standards are lower than Montana's

Coal operations in eastern Montana will cause air pollution and must be closely controlled.

This state needs adequate standards to control air pollution caused by emissions from power plants. We have good regulations, but they may be unconstitutional and the board does wonder about them.

Good progress has been made in the Missoula and Billings areas and we are now working on the industrial fog during certain times of the year. The board wants to keep our air standards higher than national standards.

The board is making progress in the area of solid waste, but communities will have to find ways to recycle their own and perhaps even make money from the recycling. This has a high priority for study in the next few years.



Montana has an extensive odor control program with oil refineries in Billings.

The department would welcome a general policy statement in the Constitution on environmental policy.

The Board of Health gets their standards from the "Clean Air Act of Montana of 1967".

The people in the Coalstrip area should become concerned now about pollution before the plants are built.

Mr. Wake gave the committee a booklet which is not nearly complete as he said.

At this time, the Chairman thanked and excused Mr. Wake.

Mr. Siderius told the committee that he would like to have someone talk to the committee on water pollution if the committee has time.

Mr. Lloyd Crippin, an observer during part of this meeting as a representative of the Anaconda Company, offered to have some members of the staff of the company appear on water or environment. He scheduled Mr. John C. Spindler, Chief Safety Engineer for their Environmental Ways division, to testify before the committee at 10:30 a.m. Thursday, January 28, 1972.

Chairman Cross went over with the committee the various deadlines for this committee.

At this time, Mr. Brazier returned to the committee meeting.

The following committee public hearings were set up:

Saturday, January 29, 1972 at 10:30 a.m. in the Senate Chambers.

Subject: Public Trust and Natural Resources (Environmental aspects)  
Tuesday, February 1, 1972 at 1:30 p.m. in Room 402 - general hearing on natural resources and agriculture

Wednesday, February 1, 1972 at 1:30 p.m. in Room 402 - general hearing on natural resources and agriculture

Thursday, February 3, 1972 at 1:30 p.m. - general hearing on natural resources and agriculture in Room 402

Friday, February 4, 1972 at 1:30 p.m. in Room 402 - water. The testimony will include, but will not be limited to Article 3, Section 15

Saturday, February 5, 1972 at 10:30 a.m. in Room 402 - agriculture. The testimony will include, but will not be limited to Article 18, Section 1.

There being no further business, the committee adjourned.

Time of adjournment: 4:25 p.m.

C. Louise Cross  
Chairman

Clair L. Rung  
Secretary