

MINUTES

**MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION
COMMITTEE ON STATE ADMINISTRATION**

Call to Order: By **CHAIRMAN MACK COLE**, on March 23, 1999 at 10:00 A.M., in Room 331 Capitol.

ROLL CALL

Members Present:

Sen. Mack Cole, Chairman (R)
Sen. Don Hargrove, Vice Chairman (R)
Sen. Jon Tester (D)
Sen. Jack Wells (R)
Sen. Bill Wilson (D)

Members Excused: None.

Members Absent: None.

Staff Present: Keri Burkhardt, Committee Secretary
David Niss, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: None
Executive Action: SB 102, HJ 7, HJ 10

EXECUTIVE ACTION ON SB 102

Discussion:

{Tape : 1; Side : A; Approx. Time Counter : 15 - 28}

SEN. COLE explained, we have been holding **SB 102** to see what would happen to **SB 103**. It has been passed and I do not see any reason to hold **SB 103** at this time.

Motion: **SEN. WILSON** moved that **SB 102 DO PASS**.

Discussion:

SEN. HARGROVE explained, **SB 103** did go through. The contingency was that one bill was dependent on the other. The sponsor no longer wishes to pass this bill.

Substitute Motion/Vote: **SEN. WILSON** made a substitute motion that **SB 102 BE TABLED. Substitute motion carried 5-0.**

EXECUTIVE ACTION ON HJ 7

Motion: **SEN. WELLS** moved that **HJ 7 BE CONCURRED IN.**

Discussion:

SEN. TESTER said, during the hearing I caught part of **HJ 10** and then I had to go present a bill. I didn't hear any of **HJ 7**. In reading it I have a hard time understanding it. Can someone give me some information on what transpired during the hearing?

SEN. WELLS explained, this resolution leads us to supporting the American Land Sovereignty Protection Act that was presented in the United States Congress by Congressman Don Young. He introduced it in 1996. There is a summary about this on a page handed out during the hearing that shows all of the heritage and biosphere programs proposed for the United States. They total up to some grand numbers. There are 47 biosphere reserves. Essentially that is all this resolution does. The proponents addressed the World Heritage Convention held in Spain. The Man and Biosphere programs were addressed there.

This movement is somewhat ominous in the sense that it designates these places on an international status. I think it is really a threat to the sovereignty of our own land. By declaring these biosphere reserves, they are attempting to take these sections of land out of any sort of potential for development or even occupation by humans, in many senses. The resolution needs to be presented to show our Congress we support the Sovereignty Act from the standpoint that we have three of these sites impacting Montana. It was pointed out that Coram, between Columbia falls and West Glacier, has been included on their World Heritage Site Biosphere Reserve map. The other two are Yellowstone Park and Glacier Park. They certainly want to offset those as biosphere reserves to protect the environment. Through our National Park system, we are protecting the environment adequately and we don't need a national organization, under the UNESCO and the United Nations, to come in and designate these places and try to control

our land for us. I am in full support of this resolution. If you have any further questions, we do have the sponsor of the bills here.

SEN. TESTER stated, if this is to control the land, you make a good point, but if it is to allow people throughout the world to know these are special places they can come see, maybe we are suppressing our ability to attract people from a tourism standpoint because I see Yellowstone and Glacier on here.

SEN. WELLS said these are well known National Parks and by maintaining them as National Parks, the effect of tourism on them would continue to be just as they have been. They get plenty of visitors. People say Yellowstone Park is trying to restrict the number of vehicles that go through there. These people are getting heavily visited. The biosphere establishing these World Heritage sites as biosphere reserves is not to promote tourism and to make them more well known to international visitors.

There are other aspects of that. If you read some of this background material you can see what they are talking about here, developing core areas and buffer zones. Development and living would be restricted in those. Human activity in those areas would be restricted under the strictest guides of the biodiversity treaties that have been talked about in some of these United Nations conventions. "Normal human activity like building, transportation, and dwelling is allowed in transition areas" outside the ring of the core area and the buffer zone. It is not an attempt to make these things a tourist attraction; it is an attempt to put some control that is over and above what I think we want to do.

If they had even indicated they wanted to stay within the limits of the parks, that might be one thing that we could consider, but they don't want to stay within those limits. There are indications that they talk about going outside those limits. In fact, when you look at the Yellowstone Park designated area, the outer circle, the buffer zone and transition area, I have seen other maps that indicate that would stretch almost to Bozeman. It is not going to be overnight thing. It is going to gradually develop. We need to establish our sovereignty rights at the outset and not let it progress to that point, but establish who controls our National Parks. I don't think we have a problem with tourism.

{Tape : 1; Side : A; Approx. Time Counter : 28 - 37}

REP. AUBYN CURTISS, HD 81, FORTINE, said, I don't want this to take a lot of your time. This bill is just a call among Congress

to support Don Young's bill. There were a 164 co-sponsors of that and it passed Congress 236 to 191. However, there is a bill in the Senate. This bill calls upon Congress to make the land use decisions rather than having it come in a round about way through the recommendations of other organizations.

The New World Mine decision was related to the buffer zone around Yellowstone Park. There were 13 environmental organizations that invited the United Nations to come in and they dedicated that as a core value.

SEN. HARGROVE said there is a lot of subjectivity in these resolutions. I am not sure how we can say these things. We are signing the names of this legislature to this. The United Nations has no authority over the United States, never has, never will. The biosphere reserves are expected to be the nucleus of the system of protected area. UNESCO has nothing to do with us. I don't know if we contribute to it now; we haven't for years. We don't even contribute to the United Nations most of the time.

REP. CURTISS stated, I differ with you on the decision making of United Nation committees. That relates to the position of the United States as a cosigner of an international treaty. If you look at our United States Constitution, you'll see that treaties are even above the law. No, they do not tell us what to do. However, when you sign onto one of these treaties, our country agrees to abide by the recommendations of these various committees. That is where we find ourselves now.

I would urge all of you to look at the United Nations web site. Look at these other treaties and the Man and the Biosphere Treaty. What happened to the New World Mine in Yellowstone relates back to a treaty that the United States signed in 1972, the World Heritage treaty. In **SJ 10** we are asking that our Senate not ratify the Bio-diversity Treaty. It is troublesome because already various agencies of the Federal Government are implementing elements of that treaty, without it having been signed. I think it is very important for our country.

SEN. WELLS said, I would point out that I moved **HJ 7** and **SEN. HARGROVE** was addressing **HJ 10**. Although I agree they are intricately connected, there is a bit different wording in **HJ 7**. This resolution is addressing a more narrow objective in that it is recommending we support Congressman Don Young's bill and we advise our Congressmen to do that.

SEN. HARGROVE stated both resolutions have wording that are too subjective. It is really the same thing.

Vote: Roll call vote was taken. Motion **carried 3-2 with SEN. HARGROVE and SEN. TESTER voting no.**

Senator Wells will carry the resolution to the Floor.

EXECUTIVE ACTION ON HJ 10

Motion: SEN. WELLS moved that HJ 10 BE CONCURRED IN.

Discussion:

{Tape : 1; Side : A; Approx. Time Counter : 37 - 49}

SEN. WELLS stated, I recognize there are some aggressive words in this resolution. I know sometimes making statements like this arouse emotions. I am not adverse to doing that, because it appears to be required sometimes to get people's attention. If we stay too subtle in trying to contend and oppose other subtle movements, sometimes our opposition is not well received or received at all, and is somewhat ignored. I feel we need to make some statements that might rouse some attention to the concern here. I am not so worried about this that I would want to amend it or anything.

SEN. COLE said, on HJ 7, basically all I saw is that we support Congressman Don Young in his American Land Protection Act. When I look at HJ 10, I see something quite different from that. There are a few too many statements in here that are subjective in wording. For that reason I will not be supporting HJ 10. I feel it is a little too severe.

SEN. WELLS stated, I would like to make a final comment. There were two proponents to this bill and no opponents. It was pointed out that Alaska and Kentucky have passed similar resolutions to this one. Apparently their states see some need to draw some attention to this.

Vote: Roll Call Vote was taken. Motion **failed 2-3 with SEN. WELLS and SEN. WILSON voting aye.**

DISCUSSION

A brief discussion was held on the status of board appointments.

ADJOURNMENT

Adjournment: 10:49 A.M.

SEN. MACK COLE, Chairman

KERI BURKHARDT, Secretary

MC/KB

EXHIBIT (sts65aad)