

Con-Con Delegates Disagree on Environment Provisions

Editor's Note This is the eighth in a series to explain how some changes approved at the Montana Constitutional Convention may affect Montana citizens if the document is approved June 6.

By CHARLES S. JOHNSON
Associated Press Writer
HELENA (AP)—The environment has its niche in the proposed constitution, but convention delegates disagreed vehemently over how effective

the provisions will be. To C. B. McNeil, R-Polson, they constitute the strongest environmental protection statement found in any state constitution. He was principal author of the subsections. To others, they are only window dressing to a pressing problem. These delegates, led by Louise Cross, D-Glendive, battled futilely for what they considered provisions with more teeth in them. Much will depend on the legislature, which is directed to

pass laws to enforce the constitutional statements. "Probably the most important part is the affirmative duty of everyone in the state of Montana, including the state, individuals and corporations, to improve our environment," McNeil said. "No other state constitution has such a provision. The section says: 'The state and each person shall maintain and improve a clean and healthful environment in Montana for present and future generations.'"

Critics in the convention question how effective this provision will be, but McNeil defended it. "It's mandatory in the constitution," he said, adding that the two other subsections require legislation to flesh out the skeletal constitutional statements. "This means if the legislature doesn't do it, you can vote the scoundrels out," he said. The second subsection directs the legislature to provide for the administration and enforcement of the duty. Thus lawmakers could back it up with a tough right-to-sue law to allow citizens to sue polluters and government agencies not enforcing the environmental duty.

Or they could enact a weak, token provision, which also apparently would meet the constitutional mandate. The third subsection also is contingent on legislative action. It says: "The legislature shall provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources."

McNeil said this provision directs the legislature "to make sure whatever we have now is not going to be degraded." How will these provisions affect the Montana family that likes to camp, boat and fish on the weekends and is concerned about the environment? It all hinges on the legislature. But McNeil said the first subsection places an affirmative duty on each citizen to clean up the environment. But like other constitutional goals and directives, the environmental section will be of little value without the legislature to back it up. McNeil also said the section sets a tone for the proposed constitution, which goes before the public June 6. "It's especially important

when you consider that most delegates came here with the idea of streamlining the old constitution, but they believed the environment so important they added a new provision," he said. Mrs. Cross and others failed in trying to declare the environment a public trust. Under the doctrine, the environment would have been a public trust held by the state for its citizens and managed by the legislature. The beneficiary, the public, would have had the right to sue the state if the legislature and state agencies did not protect the environment adequately.

Convention opponents termed the public trust doctrine "socialistic" and "anarchistic." The environmental article also includes a section on reclamation. It says lands disturbed by the extraction of natural resources must be reclaimed, but does not specify to what extent. Concerned about possible strip mining damages in coal-rich eastern Montana, the Natural Resources and Agriculture Committee had recommended that reclaimed lands be restored to as good as a condition or use as prior to the disturbance. The move, however, failed.

Montanalyzing

Christiansen Eyes Lt. Governor Post

By J.D. HOLMES
AP Capitol Writer
HELENA (AP)—Count it a near certainty: Hardin's Bill Christiansen will try to win the Democratic party's nomination as lieutenant governor. The 58-year-old legislator and auto dealer is expected to make his formal decision public on Friday.

It's a decision that was rough to make for the minority floor leader of Montana's House of Representatives.

IT WAS ROUGH because the veteran of four sessions as a state representative undoubtedly would have been the next speaker of the House if its control passes to the Democrats in November.

Attracting Christiansen to the No. 2 executive office is the fact that the proposed constitution clears the way for the lieutenant governor to be a fully paid, fulltime state officer.

Typical of Christiansen's close personal interest in government is the fact that currently he is an active member of both the Governor's crime Control Commission and the State Environmental Quality Council.

He also heads the Council on Education for Disadvantaged Youth.

IT'S A FACT that Gov. Forrest Anderson sent his confidential secretary down the Capitol hall the other day to pick up a blank form on which to file for state office.

The question now is: Does Democrat Anderson really plan to try to wrest his old job of attorney general from Republican Robert Woodahl?

Or has the wily politician got something else in mind—like keeping his friends and associates guessing?

THE GOVERNOR ALSO is trying to pick a new highway commissioner to fill the vacancy caused by the death of Wolf Point's Pete Coffey.

Pressures are on to get Anderson to appoint such persons as Mayor Jim Christensen, Glasgow; Keith Casterline, Vida rancher; and J. Harry Johnson, Sidney farmer.

Any appointment must be from Dist. 4, made up of the counties of Phillips, Valley, Daniels, Sheridan, Roosevelt, Richland, Dawson, Wibaux, Prairie, McCone, Garfield, Petroleum and Fergus.

VETERAN LEGISLATOR Oscar Kvaalen has asked for an attorney general's opinion on the Constitutional Con-

vention's power to spend money after it has adjourned for the last time.

The Lambert Republican is talking about the \$30,000 in federal funds and \$28,962 in state funds the Con-Con plans to spend to educate the public about the proposed constitution. Originally, the state money totaled \$499,218.

KVAALEN ASKS if it is proper to divert money appropriated for operational purposes "to conduct what will be essentially a political campaign?"

But if it is proper, he asks, "should not the taxpayers' money be equally divided between the proponents and the opponents of the new constitution?"

"If Montanans are to vote intelligently on the new constitution, they should hear both sides of the question and I doubt if the Public Information Committee is capable of an objective presentation."

The committee Kvaalen mentioned is made up of delegates.

ATTY. GEN. WOODAHL, in his reply could decide to stand on an opinion he recently issued for the Department of Administration.

In it, he said that where "statutes, rules and regulations impede the exercise of the convention's powers and duties, the convention shall either acquiesce ... or formulate its own guidelines within the scope of its power."

He also cited an out-of-state opinion that no court, or legislative or executive officer has authority to interfere with the powers or duties the people gave their convention.

AN EXACT COUNT of the words in preamble and 14 articles of Montana's proposed constitution has been made by Gail DeWalt, deputy secretary of state.

Her total, to be considered official, is 11,249 words. This contrasts with the estimated 28,000 words of the present constitution.

Among the nation's shorter constitutions are Vermont's, with 7,600 words; Wisconsin's, with 11,000; and Iowa's with 11,200.

Incidentally, neighboring North Dakota's proposed constitution, which goes to public vote April 28, has 9,000 words.

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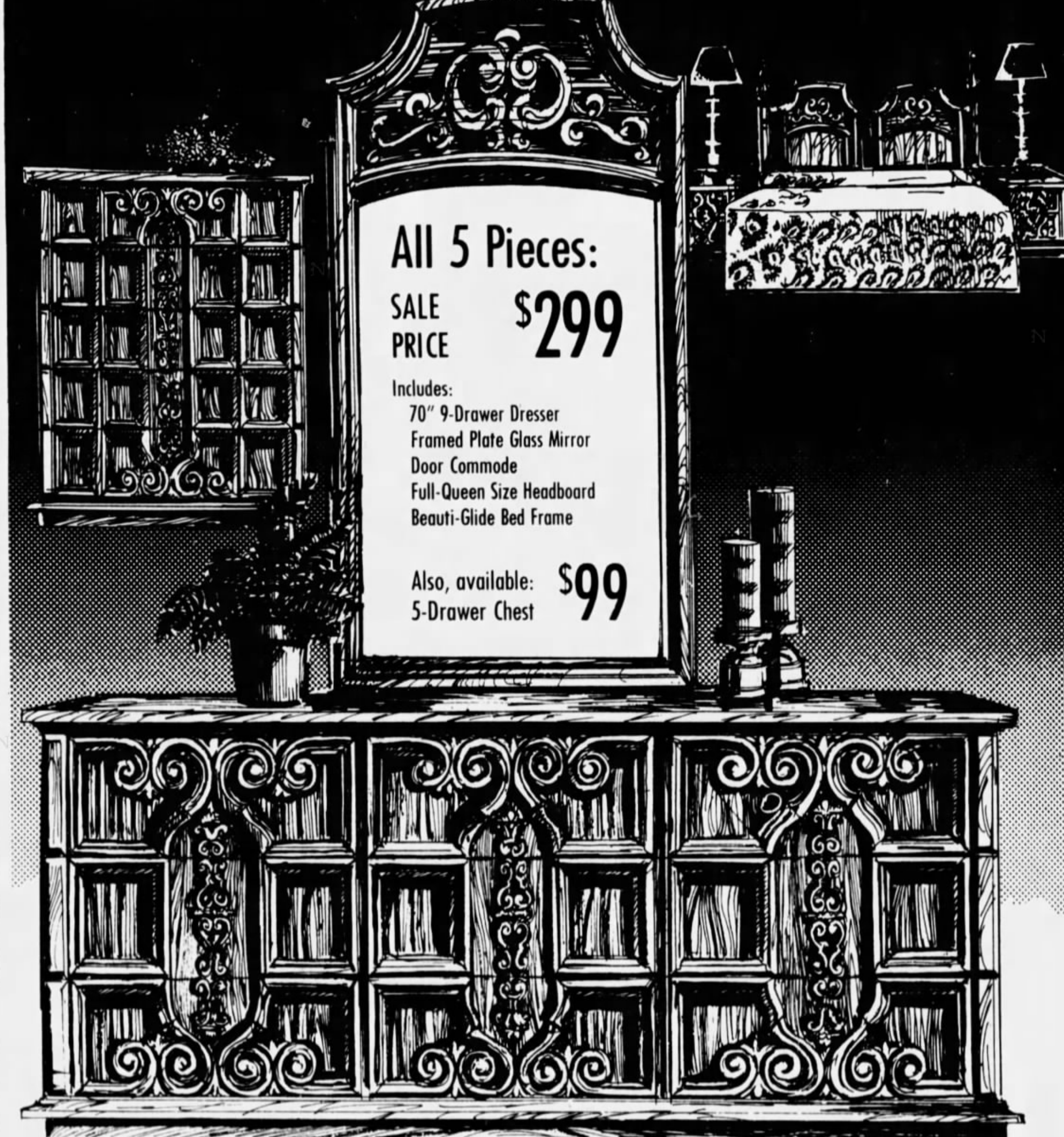
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