

MINUTES OF THE MEETING OF THE HOUSE AGRICULTURE,
LIVESTOCK AND IRRIGATION COMMITTEE, MARCH 9, 1983

The meeting was called to order by Chairman Jacobsen on Wednesday, March 9, 1983 at 12:30pm, in Room 129, State Capitol. All members of the Committee were present.

HEARINGS

SENATE BILL 276. SEN. GARY AKELSTAD, District 6, Toole County, testified as sponsor of the bill which pertains to irrigation districts and provides board authority to allocate votes on a per acre basis. He told the Committee the bill contained only simple amendments.

PROPONENTS

MR. ROBERT A. ELLIS, Helena Valley Irrigation District, explained there would be no options when 5% of the landowners possess one acre or less, adding an individual owning 40 acres would receive one vote per acre, but if there were less than 40 acres the owner would have only one vote. As an example he said 80,000 acres in the Fairfield Bench would be taken over by subdivision votes and that the bill is an effort to keep agricultural lands in control of water development districts.

MR, KEN KELLY, Montana Water Development Association stated his support of the bill and urged its passage.

OPPONENTS

There were no opponents of the bill.

QUESTIONS

REP. SCHULTZ asked how the procedure would be implemented by the boards. Sen. Akelstad replied they would be incorporated into the by-laws.

REP. SPAETH asked why the 40 acre requirement was not altogether eliminated and the votes based on acreage. Mr. Ellis replied they had not thought of this option.

REP. BENGSTON asked what prompted the bill to be drafted. Mr. Ellis replied the influx of subdivisions in irrigation districts was causing agricultural interests to lose control of the districts.

REP. SPAETH asked if the bill could be amended to eliminate the 40 acre requirement. Mr. Ellis replied it would be premissible.

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REP. JENSEN advised committee members he preferred the bill in its present form.

IN CLOSING, Sen. Akelstad, said the proposed legislation would not affect private irrigation districts within the State.

SENATE BILL 280. SEN. DAVE FULLER, District 15, Helena, told committee members Mr. Ellis would testify in support of the bill.

PROPOSERS

MR. ROBERT A. ELLIS, Montana Water Users Association, said the bill would create alternative methods for contracting between districts and the federal government, as presently 61% of the landowners and 61% of the land must petition for a contract, which is time consuming.

MR. KEN KELLY, Montana Water Development Association, stated his support of the bill and urged its passage. He advised the Committee "or" had been omitted from page 1, line 18 of the bill, following "district" on the third reading copy.

OPPOSERS

There were no opposers of the bill.

QUESTIONS

REP. BENGSTON asked how the one person, one vote theory was rationalized and if there were any opposition from the subdivisions, adding she wondered if the action would stand up in court.

REP. SPAETH asked who language on line 15 referred to, the majority of those voting or if it could be omitted. Legislative Council staff attorney, John MacMaster replied it could be omitted since the language is redundant.

REP. ERNST told the Committee agricultural taxpayers must be considered.

IN CLOSING, Sen. Fuller explained the bill would expedite procedures for water districts.

SENATE BILL 279. REP. RAY LYBECK testified as sponsor of the bill in the absence of Sen. Oschner and asked Mr. Kennedy to explain the bill to the Committee.

PROPOSERS

MR. DICK KENNEDY, Montana Water Development Association, told the Committee a river commissioner would be appointed by a judge and his salary prorated to water users who actually obtain water during that period of time, as users are billed for commissioner costs. He said some river commissioners bill at the end of the season and not on a monthly basis since many charges are small amounts, adding the commissioners are attempting to get judges to handle the legal work in an effort to lessen administrative costs.

MR. KEN KELLY, Montana Water Development Association, stated his support of the bill and urged its passage.

OPPOSERS

There were no opposers of the bill.

QUESTIONS

REP. BENGSTON asked if the Commissioners were appointed by district judges. Mr. Kennedy replied they were.

REP. ROUSH asked how many water commissioners there are presently. Mr. Kennedy replied he did not know.

The hearing on Senate Bill 279 was closed.

CHAIRMAN JACOBSEN advised committee members executive action would be taken on all bills heard, Monday, March 14, 1983.

The meeting was adjourned at 2:17pm.


REP. GLENN JACOBSEN, CHAIRMAN

Joann T. Gibson, Secretary

VISITOR'S REGISTER

HOUSE

Agriculture

COMMITTEE

BILL

SB 276

DATE _____

3-9-83

SPONSOR

Akelstad

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

HOUSE

Agriculture

COMMITTEE

BILL

SB 280

DATE _____

3-9-83

SPONSOR

Fuller

[illegible]

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WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

HOUSE

Agriculture

COMMITTEE

BILL

SB 279

DATE _____

3-9-83

SPONSOR

Oschner

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

WITNESS STATEMENT

Name B. David H. Kennedy Committee On Agriculture
Address 1160 Hwy 41 Dillon, MT Date 3-9-83
Representing East Branch Irr. Dist. & Support X
Other Irr. Districts Oppose _____
Bill No. SB 279 Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. Provide additional flexibility in assessing
River Commissioners Costs
2. Assessments may be made either seasonally
or monthly at discretion of Judge
- 3.
- 4.

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

WITNESS STATEMENT

Name K. M. Kelly Committee On Agriculture & So.
Address Zelma Date 3/9/88
Representing Grand Water Board, Reno Support X
Bill No. SB 276, 279, 280 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. *the Water Development Board. Support these*
2. *bills (276-279 and 280) in order that the*
3. *Irrigation Districts may operate easier and*
more efficiently.

4.

[Signature]

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.