

48TH LEGISLATIVE SESSION

MINUTES OF
NATURAL RESOURCES COMMITTEE
MONTANA STATE SENATE

January 31, 1983

A regularly scheduled meeting of the Senate Natural Resources Committee was called to order by Senator Harold L. Dover, Chairman, on Monday, January 31, 1983 at 1:00 p.m. in Room 405, State Capitol.

ROLL CALL: Roll was called with all members of the Committee being present.

SENATE BILL 276: Chairman Dover called on Senator Aklestad, Senate Dist. 6, sponsor, who stated this bill is important to the irrigators of this state. Page 3 has the only amendment, line 9 & 10. The vote would be on 1 acre rather than in the past, there had to be a 5/10 of the majority of the irrigators in the district voting. The law would allow the 1 acre provision. Senator Aklestad then called on Bob Ellis to further explain the bill.

Bob Ellis, Helena Valley, Montana Water Development Association and the Helena Valley Irrigation District representative said the bill would change very few words within the codes, but it would give better control over the districts. The 5% over the 1 acre would allow subdivisions to be running the irrigation districts. The original intent would be discounted if that happened. He presented a statement from WIFE organization to enter into the record, attached as Exhibit '1'.

Ken Kelly, Montana Water Development Association spoke in support of the bill. He said they have been in existence since 1943, and have a good cross representation of the citizens, and there were several other bills they would be speaking on. The bills have been split into six different bills, all dealing with this problem. He spoke in support of SB 276.

Senator Dover called for further proponents. There were none and there were no opponents.

Senator Aklestad stated the bill is very self-explanatory. Senator Shaw inquired if the bill affected all irrigation districts. Senator Aklestad stated it had originated around Fort Shaw with complaints from that area, it would not cover private irrigation districts. Senator Eck inquired as to whether people in the districts right now actually vote in the elections, and as to whether the boards are representative. Mr. Ellis explained the boards are elected, anyone in the district is eligible to be on the board if elected. Each district is divided into five smaller districts and have a representative. There were no further questions and hearing was closed.

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SENATE BILL 277: Senator Dover called on Senator Max Conover, Senate Dist. 36, who stated this bill is to require prompt payment of all current and delinquent taxes of district water users, and would make them have to be current, with the two years delinquency deleted.

Chairman Dover called for proponents.

PROPONENTS: Mr. Ellis stated he and his group support SB 277, that it proposes that anyone who is delinquent two years in taxes would have to bring them current to receive water from the irrigation district. He felt it was a good bill.

Ken Kelly, Montana Water Development Association also spoke in support and stated WIFE also supports this bill.

Senator Tveit stated that by removing the phrase, people would have to stay current all the time. Senator Keating inquired if people didn't stay current if their service would be stopped. Senator Halligan stated people might have other financial obligations that would have to come first. Senator Eck inquired as to how this would apply, whether it would be all taxes or just those in relation to the irrigation district, and thought this needed to be clarified. Senator Eck inquired whether people in subdivisions who didn't care about having water would opt out. Mr. Ellis explained they would still have their assessments. Senator Conover noted they are assessed on the main ditch. Senator Story pointed out that if a person were delinquent on 1/2 of their taxes and assessments and their water were cut off, it might be in the middle of a growing period and it would cause crop loss. Senator Etchart noted that in the northern areas, they operate that way, the water doesn't get turned on until people pay their bills. Senator Shaw agreed with what Senator Story was saying, that if a person got cross-wise with a banker and had their funds cut off, their water cut off and lost their crops, and in 6 months time their financing was okay, he would lose for the whole year. Senator Mohar inquired if this would include all taxes paid to the county. Senator Conover stated that most counties don't like it, but the water related assessments can be paid separately without paying all property taxes. There were no further questions and hearing was closed.

SENATE BILL 278: Senator Conover also sponsored this bill, stating he had requested a similar bill 4 years ago and there had been a change at that time. This is to raise the amount an irrigation board can spend without getting permission from the residents of the district. If an amount of emergency repairs goes over \$125,000 then the council would need to get permission from the irrigation members.

Chairman Dover called for proponents. Mr. Ellis spoke in favor of the bill, stating it is to keep up with inflation. Ken Kelly also spoke briefly in support, representing the Montana Water Development Association.

Chairman Dover called for opponents. There were none.

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Senator Halligan suggested not having a limit as such as having it read that in events of emergency when spending over \$150,000 there would have to be a bid required. Senator Conover explained that if districts are allowed to have contracts, it saves them owning the equipment necessary for repairs. Senator Keating inquired if this was just when dealing with an emergency, rather than routine spending. Senator Manning explained he had been in an experience such as that, there was high water and the work needed to be done immediately. Senator Dover asked Mr. Ellis to speak further to some of the points of the bill. Mr. Ellis stated these five bills were points that were found going through the codes, and are to make the water laws more consistent. Senator Tveit pointed out that some of the irrigation districts in the state are very large, and whether a \$25,000 increase in the limit would be enough. The directors of each district are liable to the people they represent. Senator Eck stated there was nothing in the bill referring to emergency uses, and inquired whether this amount would be above and beyond normal budgeting. Senator Manning spoke about procedure during emergencies, noting this is expected, and the irrigation laws date back to 1919 and have been working. Senator Keating noted that any emergency spending or amounts over the budget are being made by people who are also paying assessments, and they would be holding the line on costs. Senator Dover inquired if this is for all contracts and leasing, Mr. Ellis stated it is for amounts beyond the budget. Senator Story stated some small operators in the district might rather go out of business rather than have their land indebted, and small owners deserve a break also from someone indebting their property to the point where they would be forced to sell. There were no other comments and hearing was closed on SB 278.

SENATE BILL 279: Senator Dover called on Senator Ochsner, sponsor, who stated this bill is to allow the District Judge to give the opportunity and to allow the water commissioner to file receipts at the end of the season rather than every month, and is to eliminate administrative costs.

Senator Dover called for proponents. Dick Kennedy of Dillon spoke stating he has a water company, and in some cases they have actual delivery of water by the water commissioner. He puts in a bill for his expenses every month. To reduce the cost of administration it would help to have them at the end of the season. Some of the bills are only .50¢ or \$1.50.

Ken Kelly spoke in support of the bill and felt it should be considered.

Senator Dover called for opponents, there were none. Hearing was closed on Senate Bill 279.

ACTION ON SENATE BILL 279: Senator Halligan moved Do Pass Senate Bill 279, vote was called, all voted "aye" and motion carried.

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SENATE BILL 280: Chairman Dover called on the sponsor, Senator Dave Fuller, Dist. 15. Senator Fuller stated he would call on Bob Ellis to explain the bill. Mr. Ellis stated the need of the bill is explained on page 1, line 12, where it states a majority of those voting on an election would be required for approval of contracts with the U.S. Government. This would make less expense. At the present time they have to petition 60% of the land owners that are water users, and usually have to hire someone to carry petitions. When a contract is entered into with the U.S. Government, they do have to have approval of the district judge, and couldn't put something over on the water users.

PROPONENTS: Chairman Dover called for further proponents. Ken Kelly stated the Water Development Association supports the bill and urged a do pass.

OPPONENTS: Chairman Dover called for opponents, there were none.

Committee members had several questions. Senator Mohar noted this deals with Sec. 85-7-1710, on Bill 276 as well. Senator Eck inquired if they could hold elections with general elections? Mr. Ellis stated they can at the option of the board. The Helena Valley district holds their elections with school elections. Senator Eck inquired what percentage vote? Mr. Ellis stated it depends on the questions. Some draw a small amount of voters, something major draws a large majority of voters. Senator Fuller, sponsor, had no other comments and hearing was closed.

The Committee then went into executive session.

ACTION ON SENATE BILL 276: Senator Shaw moved that Senate Bill 276 do pass. There was short discussion as to whether subdivisions could control elections. It was noted that if an area in an irrigation district is subdivided, they still have to pay off the assessments. Vote was called, all voted "aye" and motion carried that SB 276 Do Pass.

ACTION ON SENATE BILL 277: Senator Keating moved that SB 277 Do Pass, duly seconded. Vote was called, all voted 'aye' and motion carried that SB 277 Do Pass.

ACTION ON SENATE BILL 278: Senator Keating moved that SB 278 Do Pass, noting this is to raise from \$50,000 to \$125,000 for contracts. Senator Story stated he felt he had to enter his comment again that this might cause assessments against a large landowner, or even a small landowner, that they couldn't pay. Senator Eck pointed out testimony stated this would be in emergency situations, however the bill didn't say so, and wondered if this would also apply to installing water lines. Senator Keating stated this is asking for additional authority, that the boards already have authority to do all these things, this is for additional amounts. Two years ago there was an increase and no one was in opposition. Senator Halligan stated he felt the bill should say in emergency situations they have authority to spend over budget, otherwise they would be back in another two years for another increase.

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SB 278 (cont.)

Senator Eck suggested placing the bill in subcommittee and made a substitute motion to do so. There was further discussion, Senator Etchart stated if there had been objections, we would have heard about them by now. Senator Story stated he felt it was the Senators duty to represent all of the people, including those who couldn't come or didn't get represented. Vote was called on the substitute motion, roll call was taken, motion failed. Vote was then taken on the original motion Do Pass SB 278, roll was taken, and passed 11 to 1.

ACTION ON SENATE BILL 280: Senator Story stated that this could cause problems, perhaps for a large landowner who didn't want to have any more assessments. If they found out he was gone an election could be held without him, he could come back and find out he was out of business, where previously this couldn't happen to him. Senator Tveit moved that SB 280 Do Not Pass. There was further discussion, Senator Etchart stated he thought Senator Story might be under the wrong impression. It was pointed out by Mr. Ellis that working with the bureau of reclamation, there are many guidelines that have to be met, and they keep close track of all that is happening. He stated everyone has to be notified of an election. If a person were being left out, they can protest before a district judge. Vote was then called on the motion Do Not Pass, roll call was taken, motion failed.

Senator Van Valkenburg suggested perhaps turning some of the language around would help, and moved that SB 280 be amended, Page 1, line 10, Following "85-7-1956, insert: "Majority vote or", and to have Petition read in lower case letter. Vote was called on the amendment. A majority voted aye and amendment carried. Senator Van Valkenburg then moved that SB 280 Do Pass as Amended, duly seconded. The Committee recessed for a moment to let Mr. Kennedy speak to the bill. He stated the Federal Government looks at elections by what the state law says,

If it currently says they have to have petitions, then that must be done. In Wyoming they have a majority vote, and that is what the federal contracts allow. Each is watched separately. Senator Dover noted that the way the bill is being worded now, then Montana would come under the majority vote provision for these elections. There was discussion that a majority of those voting in some cases could mean a small percentage of the landowners. Mr. Kennedy pointed out that in terms of federal contracts, they are dealing with large sums and he would be amazed at a small turnout at any such election. All of them would have knowledge of the benefits and assessments. Vote was then called on the motion that SB 280 do pass as amended, roll was taken, motion passed 6 to 5.

There being no further business to come before the committee the meeting was duly adjourned at 2:45 p.m.


SENATOR HAROLD L. DOVER, CHAIRMAN
NATURAL RESOURCES COMMITTEE


Patricia Hatfield

ROLL CALL

SENATE NATURAL RESOURCES COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date 1-31-83

NAME	PRESENT	ABSENT	EXCUSED
ECK, Dorothy (D)	✓		
HALLIGAN, Mike (D)	✓		
KEATING, Thomas F. (R)	✓		
LEE, Gary P. (R)	✓ <i>left early</i>		
MANNING, Dave (D)	✓		
MOHAR, John (D)	✓		
SHAW, James N. (R)	✓		
STORY, Pete (R)	✓		
TVEIT, Larry J. (R)	✓		
VAN VALKENBURG, Fred (D)	✓ <i>arrived late</i>		
ETCHART, Mark (R) Vice Chairman	✓		
DOVER, Harold L. (R) Chairman	✓		

DATE

1-31-83

COMMITTEE ON

NATURAL RESOURCES

VISITORS' REGISTER

WIFE Women Involved in Farm Economics



NAME JO BRUNNER BILL. NO. SB276

ADDRESS 563 3rd St. Helena DATE Jan 31

REPRESENT WOMEN INVOLVED IN FARM ECONOMICS

SUPPORT X OPPOSE AMEND

COMMENTS:

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, MY NAME IS JO BRUNNER AND I SPEAK TODAY FOR THE MEMBERS OF THE WOMEN INVOLVED IN FARM ECONOMICS ORGANIZATION.

WE WISH TO SPEAK IN SUPPORT OF SB 276. IT IS OUR OPINION THAT SUCH LEGISLATION WILL BE FOR THE BENEFIT OF AGRICULTURE FAMILIES WHO LIVE ON IRRIGATION PROJECTS AND WHO ARE RESPONSIBLE FOR THE MAJORITY OF THE FUNDING OF OUR PROJECTS, AND WHO IN TURN ARE THE BENEFICIARIES OF THE PROGRAMS INSTIGATED BY SUCH FUNDING AND BY ELECTIONS. WE ARE AWARE THAT THE TIME MAY SOON COME WHERE SMALL ACREAGES OWNERS COULD OUTNUMBER THE VALID AGRICULTURE INTERESTS AND WE HOPE THAT THIS BILL WILL ENSURE AGRICULTURE'S CONTROL OVER THEIR OPERATIONS WHERE IRRIGATION DISTRICTS ARE CONCERNED.

NAME: Jo Brunner DATE: 1/31/93

ADDRESS: 563 3rd st. Palace

PHONE: _____

REPRESENTING WHOM? W.H.E.

APPEARING ON WHICH PROPOSAL: 513277 LSB276

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Richard H. Kennedy DATE: 1/31/83

ADDRESS: 1100 Hwy 41 Dillon, MT.

PHONE: 683-2307

REPRESENTING WHOM? East Bench Irr. District

APPEARING ON WHICH PROPOSAL: SB 276, 277, 278, 279, 280

DO YOU: SUPPORT? ✓✓ AMEND? _____ OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

WIFE Women Involved in Farm Economics



NAME JO BRUNNER BILL. NO. SB 277
ADDRESS 563 3rd St. Helena DATE January 31
REPRESENT WOMEN INVOLVED IN FARM ECONOMICS
SUPPORT X OPPOSE AMEND

COMMENTS:

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, MY NAME IS JO BRUNNER AND I REPRESENT THE MEMBERS OF THE WOMEN INVOLVED IN FARM ECONOMICS ORGANIZATION.

WE WISH TO GOON RECORD TODAY AS IN SUPPORT OF SB 277 WHICH WIL ALLOW OUR IRRIGATION DISTRICTS TO COLLECT MONIES OWED THE DISTRICTS, FOR THE MOST PART, FOR WORK DONE TO THE INDIVIDUAL LANDOWNERS AND THEN WHO DID NOT PAY THEIR BILLS. AS YOU HAVE HEARD, THIS DOES NOT APPLY TO LATE WATER TAXES, AS THEY ARE ALREADY COVERED BY LAW, BUT MANY OF OUR DISTRICTS DO MACHINERY WORK, BACK_HOE, ECTERA, PUT IN PIPE OR HEADGATES AND THEN THE BILLS DO NOT GET PAID. THIS APPLIES NOT ONLY TO THE AGRICULTURE INTERESTS BUT TO SMALL LANDHOLDER. CONSEQUENTLY, OUR DISTRICTS HAVE TO MAKE UP THAT MONEY ELSEWHERE, AND TO THE DETRIMENT OF THE REST OF THE TAXPAYERS.

WE ASK A DO PASS ON SB 277

Bill 274

85-7-1902. Management of district by board.

(4) The changes in this would require payment of all taxes and assessment and other financial obligations to the District as a prerequisite to water service.

The two year delinquency would be deleted.

Bill 278

85-7-1904. Acquisition of water and waterworks by board.

(3) This amendment would allow the Board of Commissioners to make an expenditure up to \$150,000.00 instead of the present \$125,000.00. The purpose would be to cover inflation of the last two years.

NAME: K.M. Kelly DATE: 4/31/83
ADDRESS: Helena

PHONE: 458-5861

REPRESENTING WHOM? Mont. Water Develop. Assn.

APPEARING ON WHICH PROPOSAL: SB 276 thru 280

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: _____

We support SB 276 thru 280 because the proposed amendments to title 85 should make the administration of Irrigation Districts more orderly and with as minimum of controversy.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Robert A. Ellis DATE: 1/31/83

ADDRESS: 1736 Sierraville

PHONE: 498-5586

REPRESENTING WHOM? Mount wafer Development Association

APPEARING ON WHICH PROPOSAL SB276 thru 280

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

STANDING COMMITTEE REPORT

January 31

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MR. **PRESIDENT:**

We, your committee on **NATURAL RESOURCES**

having had under consideration **SENATE** Bill No. **276**

Respectfully report as follows: That **SENATE** Bill No. **276**

DO PASS

STANDING COMMITTEE REPORT

January 31

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MR. PRESIDENT:.....

We, your committee onNATURAL RESOURCES.....

having had under considerationSENATE..... Bill No. 277.....

Respectfully report as follows: That.....SENATE..... Bill No. 277.....

DO PASS

STATE PUB. CO.
Helena, Mont.


SEN. HAROLD L. DOVER,

Chairman.

STANDING COMMITTEE REPORT

.....January 31.....19 83.....

MR. **PRESIDENT:**

We, your committee on **NATURAL RESOURCES**

having had under consideration **SENATE** Bill No. **278**.....

Respectfully report as follows: That **SENATE** Bill No. **278**.....

DO PASS

SENATE COMMITTEE SENATE NATURAL RESOURCESDate 1-31-83 Bill No. 278 Time 2 pm

NAME	YES	NO
ECK, Dorothy (D)	✓	
HALLIGAN, Mike (D)	✓	
KEATING, Thomas F. (R)		✓
LEE, Gary P. (R)		✓
MANNING, Dave (D)	✓	
MOHAR, John (D)	✓	
SHAW, James N. (R)		✓
STORY, Pete (R)	✓	
TVEIT, Larry J. (R)		✓
VAN VALKENBURG, Fred (D)		✓
ETCHART, Mark (R) Vice Chairman		✓
DOVER, Harold L. (R) Chairman		✓

Secretary

Patricia A. Hatfield

Chairman

Harold L. Dover

Motion: Eck sub flat f/sib comm. 278

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE SENATE NATURAL RESOURCESDate 1-31- Bill No. 278 Time 2:30

NAME	YES	NO
ECK, Dorothy (D)	✓	
HALLIGAN, Mike (D)	✓	
KEATING, Thomas F. (R)	✓	
LEE, Gary P. (R)		
MANNING, Dave (D)	✓	
MOHAR, John (D)	✓	
SHAW, James N. (R)	✓	
STORY, Pete (R)		✓
TVEIT, Larry J. (R)	✓	
VAN VALKENBURG, Fred (D)	✓	
ETCHART, Mark (R) Vice Chairman	✓	
DOVER, Harold L. (R) Chairman	✓	

Secretary

Patricia A. Hatfield

Chairman

Harold L. Dover

Motion: 278 - Do Pass

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

.....January 31.....1923.....

MR. PRESIDENT.....

We, your committee on.....NATURAL RESOURCES.....

having had under consideration.....SENATE.....Bill No. 279.....

Respectfully report as follows: That.....SENATE.....Bill No. 279.....

DO PASS

STANDING COMMITTEE REPORT

January 31

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19

MR. PRESIDENT:

We, your committee on NATURAL RESOURCES,

having had under consideration SENATE Bill No. 280.....

Respectfully report as follows: That SENATE Bill No. 280.....

introduced bill, be amended as follows:

1. Page 1, Line 10.
Following: "85-7-1956."
Insert: "Majority vote or"
Strike: "Petition"
Insert: "petition"

And as so amended,

DO PASS

SENATE COMMITTEE SENATE NATURAL RESOURCESDate 1-31 Bill No. 280 Time 2:30

NAME	YES	NO
ECK, Dorothy (D)		✓
HALLIGAN, Mike (D)	✓	
KEATING, Thomas F. (R)		✓
LEE, Gary P. (R)	—	
MANNING, Dave (D)		✓
MOHAR, John (D)		✓
SHAW, James N. (R)		✓
STORY, Pete (R)	✓	
TVEIT, Larry J. (R)	✓	
VAN VALKENBURG, Fred (D)		✓
ETCHART, Mark (R) Vice Chairman		✓
DOVER, Harold L. (R) Chairman		✓

Secretary

Patricia A. Hatfield

Chairman

Harold L. Dover

Motion: 280 Do Not Pass

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE SENATE NATURAL RESOURCESDate 1-31 Bill No. 280 Time 2:36

NAME	YES	NO
ECK, Dorothy (D)	✓	
HALLIGAN, Mike (D)		✓
KEATING, Thomas F. (R)	✓	
LEE, Gary P. (R)	—	
MANNING, Dave (D)	✓	
MOHAR, John (D)		✓
SHAW, James N. (R)		✓
STORY, Pete (R)		✓
TVEIT, Larry J. (R)		✓
VAN VALKENBURG, Fred (D)	✓	
ETCHART, Mark (R) Vice Chairman	✓	
DOVER, Harold L. (R) Chairman	✓	

Secretary

Patricia A. Hatfield

Chairman

Harold L. Dover

Motion: 280- Do Pass As Amended. line 10 insert majority vote or
Passed 6 yes 5 No 1 absent following 85-7-1956.

(include enough information on motion--put with yellow copy of committee report.)