

MINUTES OF THE MEETING  
AGRICULTURE COMMITTEE  
MONTANA STATE  
HOUSE OF REPRESENTATIVES

February 18, 1985

The meeting of the Agriculture Committee was called to order by Chairman Schultz on February 18, 1985 at 5:50 p.m. in Room 317 of the State Capitol.

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE JOINT RESOLUTION NO. 32: Representative Switzer, sponsor of the bill, stated this resolution will keep the grazing fees as they are. Several droughts are on record for the Charles M. Russell Wildlife Refuge. He asked the committee to pass the resolution.

PROPOSERS: Stuart Doggett, representing the Montana Stockgrowers Association, testified that the fear is; grazing fees will be great and by raising the fee it will not help the cause on the national level. He would like to see more backing for the area.

Representative Cody, District 20, wanted to go on record as a proponent to the resolution.

Representative Compton, District 17, which is located in the Charles M. Russell Wildlife Refuge, wanted to go on record that he supports HJR 32.

Representative Jenkins, District 13, also wanted to go on record as a proponent to the resolution.

Representative Schultz, District 30, stated that Fergus County borders the entire area and he is in support of the resolution.

There being no further proponents and no opponents to the resolution, Representative Switzer closed.

DISCUSSION OF HOUSE JOINT RESOLUTION NO. 32: Representative Ellerd asked how big of an area is the game refuge. Mr. Stuart Doggett replied saying that it is approximately one million acres. Representative Ellerd asked where does the area run from. Representatives Switzer and Compton informed Representative

Ellerd that it runs from the Fort Peck Dam to just about the Fred Robison Bridge.

Representative Fritz asked how they arrived at the fee figures. Representative Schultz explained that first they determine the number of plants in site and then they determine how much that plant can carry. Representative Switzer explained that it depends on the entity making the lease. It is based on cattle and figured on rate.

There being no further questions from the committee, the hearing on House Joint Resolution No. 32 was closed.

#### EXECUTIVE SESSION

DISPOSITION OF HOUSE JOINT RESOLUTION NO. 32: Representative Switzer made a motion to DO PASS House Joint Resolution No. 32. A question was called for and the resolution PASSED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 682: Representative Rapp-Svrcek moved to amend the bill. Representative Ellerd questioned if it would be up to the secretary of state making the decision as to whether a person is eligible to purchase the land. Dave Cogley, who is the committee researcher, replied that the secretary of state function would be limited to seeing whether it is an agricultural purpose.

A question was called for and the amendment PASSED.

Representative Rapp-Svrcek moved to DO PASS AS AMENDED House Bill No. 682. Representative Bachini asked if the bill would prevent the Hutterites from buying any more land. Dave Cogley replied "no".

Representative Ellerd made a substitute motion to DO NOT PASS AS AMENDED House Bill No. 682. He stated that this bill is limiting those people who can buy land. He feels that it will hurt financing. By passing this, it means you cannot sell your home to just anyone. He feels that you cannot tell a person who he can or cannot sell his land to. It is unconstitutional.

Representative Cody stated that in the next 5 years corporations will be able to come into the state and

buy land because the prices will be deflating. There are other factors to take into consideration.

Representative Fritz stated that he values the family farm and small communities, not one big agricultural corporation. We have no public policy to keep the rapid movement continuing. He believes we need to make a statement on behalf of the family farms.

Representative Jenkins said this will drop land prices, and when land depreciates people will be dumping their land for less than it is worth.

Representative Devlin made a motion to TABLE all pending motions. The roll call vote, which is attached, shows 8 yes and 10 no. The motion FAILED

Representative Rapp-Svrcek restated his motion to DO PASS AS AMENDED House Bill No. 682.

Representative Ellerd restated his motion to DO NOT PASS AS AMENDED House Bill No. 682. The roll call vote to DO NOT PASS AS AMENDED House Bill No. 682 FAILED with a 8 yes and 10 no vote. The roll call vote is attached. The vote was reversed and House Bill No. 682 PASSED.

Representative Spaeth moved to TABLE House Bill No. 512 and House Bill No. 659. The motion PASSED UNANIMOUSLY.

ADJOURN: There being no further business before the committee, the meeting was adjourned at 6:30 p.m. The Agriculture Subcommittee on weeds met immediately following the meeting.

  
JAMES SCHULTZ, Chairman

DAILY ROLL CALL

Agriculture COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 2-18-85

| NAME                     | PRESENT | ABSENT | EXCUSED |
|--------------------------|---------|--------|---------|
| James Schultz, Chairman  | X       |        |         |
| Gay Holliday, V-Chairman | X       |        |         |
| Bob Bachini              | X       |        |         |
| Dorothy Cody             | X       |        |         |
| Duane Compton            | X       |        |         |
| Gerry Devlin             | X       |        |         |
| Robert Ellerd            | X       |        |         |
| Orval Ellison            | X       |        |         |
| Harry Fritz              | X       |        |         |
| Ramona Howe              | X       |        |         |
| Loren Jenkins            | X       |        |         |
| Vernon Keller            | X       |        |         |
| Francis Koehnke          | X       |        |         |
| John Patterson           | X       |        |         |
| Bing Poff                | X       |        |         |
| Paul Rapp-Svrcek         | X       |        |         |
| Gary Spaeth              | X       |        |         |
| Dean Switzer             | X       |        |         |
|                          |         |        |         |
|                          |         |        |         |
|                          |         |        |         |

# STANDING COMMITTEE REPORT

February 19

35

19.....

MR. Speaker.....

We, your committee on Agriculture.....

having had under consideration House Joint Resolution..... Bill No. 32.....

First reading copy ( White )  
color

REQUESTING THAT LIVESTOCK GRAZING FEES CHARGED ON THE  
CHARLES M. RUSSELL WILDLIFE REFUGE BE MAINTAINED AT THE  
CURRENT RATE.

Respectfully report as follows: That House Joint Resolution..... Bill No. 32.....

DO PASS

# STANDING COMMITTEE REPORT

February 18 19 35

Page 1 of 2  
HB 682

MR. Speaker

We, your committee on Agriculture

having had under consideration House Bill No. 682

First reading copy ( White )  
color

## FAMILY FARM PRESERVATION ACT - PROHIBITING CERTAIN CORPORATE FARM OWNERSHIP

Respectfully report as follows: That House Bill No. 682  
**BE AMENDED AS FOLLOWS:**

1. Page 4.  
Following: line 3  
Insert: "(11) religious or apostolic corporations wherein  
no member holds any property rights in the  
corporation and the corporation is not conducted  
for the profit of any of the individual members  
thereof;  
(12) the location or operation of any equipment  
or facility by a corporation providing utility service;"  
Renumber: subsequent subsections
2. Page 5, line 14.  
Following: "state"  
Strike: remainder of line 14 through line 17

XXXXX  
DO PAGE

February 18

19 85

Insert: "may not receive for filing any articles of incorporation or certificate of limited partnership expressing as an authorized purpose the conduct of any agricultural activity in violation of [section 4]. The secretary of state may prescribe on the annual corporation report form, pursuant to 35-1-303 and 35-2-1102, affirmation of whether the corporation or entity, or any partnership of which it is a partner, is or is not engaged in agricultural activity, and shall monitor corporate agricultural activities to the extent possible from information required to be filed on reports submitted to that office. The secretary of state shall notify the appropriate county attorney of any possible violations of [section 4].

(2) A county clerk and recorder may not receive for filing any instrument purporting to convey agricultural land to a corporation prohibited from acquiring such land by [section 4] and shall immediately notify the county attorney of such instance."

AND AS AMENDED,  
DO PASS

# ROLL CALL VOTE

HOUSE COMMITTEE Agriculture

DATE 2-18-85 House Bill No. 682 Time 6:10

| NAME                     | YES | NO |
|--------------------------|-----|----|
| James Schultz, Chairman  | ✓   |    |
| Gay Holliday, V-Chairman |     | ✓  |
| Bob Bachini              |     | ✓  |
| Dorothy Cody             |     | ✓  |
| Duane Compton            | ✓   |    |
| Gerry Devlin             | ✓   |    |
| Robert Ellerd            | ✓   |    |
| Orval Ellison            |     | ✓  |
| Harry Fritz              |     | ✓  |
| Ramona Howe              | ✓   |    |
| Loren Jenkins            |     | ✓  |
| Vernon Keller            | ✓   |    |
| Francis Koehnke          |     | ✓  |
| John Patterson           | ✓   |    |
| Bing Poff                |     | ✓  |
| Paul Rapp-Svrcek         |     | ✓  |
| Gary Spaeth              |     | ✓  |
| Dean Switzer             | ✓   |    |
|                          |     |    |
|                          |     |    |
|                          |     |    |

Lita Buck  
Secretary

James Schultz  
Chairman

Motion: Representative Devlin moved to  
table all pending motions.

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



# ROLL CALL VOTE

HOUSE COMMITTEE Agriculture

DATE 2-18-85 House Bill No. 682 Time 6:20

| NAME                     | YES | NO |
|--------------------------|-----|----|
| James Schultz, Chairman  | ✓   |    |
| Gay Holliday, V-Chairman |     | ✓  |
| Bob Bachini              |     | ✓  |
| Dorothy Cody             |     | ✓  |
| Duane Compton            | ✓   |    |
| Gerry Devlin             | ✓   |    |
| Robert Ellerd            | ✓   |    |
| Orval Ellison            |     | ✓  |
| Harry Fritz              |     | ✓  |
| Ramona Howe              |     | ✓  |
| Loren Jenkins            | ✓   |    |
| Vernon Keller            | ✓   |    |
| Francis Koehnke          |     | ✓  |
| John Patterson           | ✓   |    |
| Bing Poff                |     | ✓  |
| Paul Rapp-Svrcek         |     | ✓  |
| Gary Spaeth              |     | ✓  |
| Dean Switzer             | ✓   |    |
|                          |     |    |
|                          |     |    |
|                          |     |    |

Lita Buck  
Secretary

James Schultz  
Chairman

Motion: Representative Ellerd moved to

Do Not Pass House Bill No. 682.

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