

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE, LIVESTOCK AND IRRIGATION

Call to Order: By Chairman Bob Bachini, on March 10th 1989, at
4:00 p.m.

ROLL CALL

Members Present: All with exception of:

Members Excused: Rep. Francis Koehnke, Rep. Bob Ream

Members Absent: none

Staff Present: Connie Erickson, Legislative Council and Maureen
Cleary, Committee Secretary

Announcements/Discussion: none

HEARING ON SENATE BILL 387

Presentation and Opening Statement by Sponsor:

Sen. Thayer: Senate District #19. This bill would give the Department of Agriculture tools to deal with problems arising from one party buying receipts in another party's grain elevator. Currently, the Dept. does not have authority to assist these persons that have conflict. As a practical matter this rarely happens, but does occasionally. This would allow the Dept. to require some specifications in working with these types of problems.

Testifying Proponents and Who They Represent:

none

Proponent Testimony:

none

Testifying Opponents and Who They Represent:

none

Opponent Testimony:

none

Questions From Committee Members: none

Closing by Sponsor: waived

DISPOSITION OF SENATE BILL 387

Motion: Rep. Kasten: made the motion to "do pass"

Discussion: none

Amendments, Discussion, and Votes: none

Recommendation and Vote: THEREFORE, THE COMMITTEE RECOMMENDS
THIS BILL "BE CONCURRED IN".

HEARING ON SENATE BILL 432

Presentation and Opening Statement by Sponsor:

Sen. Bengtson: Senate District #49. This bill revises the current irrigation laws. There are some suggested amendments for this bill. (See Exhibit #1) This act makes technical changes to the irrigation district laws.

Testifying Proponents and Who They Represent:

Ms. Jo Brunner/ Executive Secretary, Montana Water Resources Association, Helena

Proponent Testimony:

Ms. Brunner: Reviewed the proposed amendments.

Testifying Opponents and Who They Represent:

none

Opponent Testimony:

none

Questions From Committee Members:

REP. PATTERSON: Wouldn't requiring the voter to list the number of acres they own violate their right to privacy? MS.

BRUNNER: I am not certain that this is a secret ballot.

Presently, some of the districts voters list the number of acres on the ballot.

REP. GUTHRIE: Is there any particular date when the water assessment is due? MS. BRUNNER: Not that I know of. I know of no penalty to the water assessment if they do not pay in November. REP. GUTHRIE: If a water user did not want to pay his water assessment in one particular year and did not want to use his water, he would not be forced to pay the assessment? MS. BRUNNER: If he did not pay his assessment,

he would not be able to receive water until that assessment was paid.

REP. KASTEN: Would you be amenable to an amendment that would correct some language in the bill that would update this to current voting law? SEN. BENGTON: There is alot about the irrigation laws that lend themselves to confusion. I certainly would not object to clarification.

REP. WESTLAKE: How is the county reimbursed? Is there a fee to help set up the assessments and collect taxes? MS. BRUNNER: After the assessments are prepared, they are transferred onto the county tax roll. I am not aware that the county treasurer is given any money for this service. The only financial aid is when the county invests the districts money and then they charge one and one-half percent for that investment.

REP. STEPPLER: Are there any other statutes that allows these districts to work under other laws? MS. ERICKSON: Read text of 85-7-17-02, 13-1-1-04 and 12-1-1-401. Clarified the laws to the Committee.

REP. PATTERSON: Has your associations had a chance to look over these amendments and come to agreement? MS. BRUNNER: Yes, I have called all of the people concerned and they were in agreement. REP. PATTERSON: If we should pass this bill, we won't get alot of calls in opposition? MS. BRUNNER: No, but I would ask that you do not make an effort to amend this until we can check with our people.

Closing by Sponsor: Closed briefly to the Committee.

HEARING ON SENATE BILL 386

Presentation and Opening Statement by Sponsor:

Sen. Gault: Senate District #13. This bill will revise the state water plan.

Testifying Proponents and Who They Represent:

Ms. Jo Brunner/ Executive Secretary, Mont. Water Resources Association, Helena

Mr. Andy Neal/ Executive Vice-President, Montana Farm Bureau Federation, Helena

Proponent Testimony:

Ms. Brunner: (See Exhibit #2)

Mr. Neal: (See Exhibit #3)

Testifying Opponents and Who They Represent:

none

Opponent Testimony:

none

Questions From Committee Members:

none

Closing by Sponsor: waived

DISPOSITION OF SENATE BILL 386

Motion: Rep. Linda Nelson: made the motion "do pass"

Discussion: none

Amendments, Discussion, and Votes: none

Recommendation and Vote: THEREFORE, THE COMMITTEE RECOMMENDS
THIS BILL "TO BE CONCURRED IN".

ADJOURNMENT

Adjournment At: 4:40 p.m.



REP. BOB BACHINI, Chairman

BB/mc

5601.MIN

DAILY ROLL CALL
AGRICULTURE COMMITTEE

50th LEGISLATIVE SESSION -- 1989

Date 3/10/89

| NAME | PRESENT | ABSENT | EXCUSED |
|--------------------------------|---------|--------|---------|
| Rep. Bob Bachini, Chairman | ✓ | | |
| Rep. Francis Koehnke, Vice Ch. | | | ✓ |
| Rep. Gene DeMars | ✓ | | |
| Rep. Jerry Driscoll | ✓ | | |
| Rep. Jim Elliot | ✓ | | |
| Rep. Linda Nelson | ✓ | | |
| Rep. Bob Ream | | | ✓ |
| Rep. Don Steppler | ✓ | | |
| Rep. Vernon Westlake | ✓ | | |
| Rep. Duane Compton | ✓ | | |
| Rep. Orval Ellison | ✓ | | |
| Rep. Bert Guthrie | ✓ | | |
| Rep. Marian Hanson | ✓ | | |
| Rep. Harriet Hayne | ✓ | | |
| Rep. Betty Lou Kasten | ✓ | | |
| Rep. Vernon Keller | ✓ | | |
| Rep. John Patterson | ✓ | | |
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STANDING COMMITTEE REPORT

March 11, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Agriculture, Livestock, and Irrigation report that SENATE BILL 387 (first reading copy -- white) be concurred in.

Signed: Bob Bachini
Bob Bachini, Chairman

[REP. HAYNE WILL CARRY THIS BILL ON THE HOUSE FLOOR]

STANDING COMMITTEE REPORT

March 11, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Agriculture, Livestock, and Irrigation report that SENATE BILL 386 (third reading copy -- blue) be concurred in.

Signed: _____

Bob Bachini
Bob Bachini, Chairman

[REP. IVERSON WILL CARRY THIS BILL ON THE HOUSE FLOOR]

EXHIBIT #1
DATE 3/10/89
HB SB 432

Senate Bill no. 432--An act making technical changes in Irrigation District laws

Bill originally came about because some of the irrigation districts were having trouble with the problems addressed within the bill:

No. 1: Commissioners are not now required to own irrigable land within the division of the district they are elected to represent.

Amendment in Section 1, line 15-18 will require the commissioner to own land within the division of the district he will represent.

No.2: The existing law requires only residence in the county where the districts are situated.

Amendment in Section 1, lines 18-21 [gray bill] requires that a least a portion of the division of the district the commissioner represents must lie within the county of his residence.

No.2: Amendment in Section 2, [gray bill], page 1 lines 29, through lines 7 on page 2, [gray bill] allows for the appointment of a commissioner in case of a vacancy, or if all seats vacated, allowing the same provisions as No. 1--that the commissioner/s must own irrigable land within the division of the district he will represent and must live within a county that contains a portion of the division of the district.

No.3: As explained to the committee by Mr. Nypen, the law now requires unnecessary and extensive preparation and voting procedure for the elections.

The amendment in Section 3, page 3 [gray bill] lines 18-20, allows the ballot to be printed in a form which would require the voter to enter the acres he is eligible to vote on, and the number of votes he will then cast.

NO. 4: The existing law mandates that irrigation districts prepare all assessment materials, which includes the acres owned, the acres irrigable, the assessment for the acres, etcetera and submit that information to the County Treasurers. The treasurer then mails out the assessments to the water users. When irrigation season begins, the district must contact the treasurer and request information whether or not the water user who has requested water delivery has paid their assessment. The first time every water user requests water, this procedure is followed, and since all taxes are not paid at the same time, it is an ongoing procedure.

The amendment in Section 4, page 4 [gray bill] lines 5-12 allows the districts, in a voluntary procedure, to have appointed within its office, by the County Treasurer a person who will then, after the district has prepared the assessments, be responsible for the mailing of the assessments to the water users. The districts would stand the expense of the mailings. The water users will mail the monies owed to the district office, the district would record the payments, and then forward the monies on to the Courthouse.

All would be done under the auspices of the Treasure, under practices and procedures established by the Treasurer and is up to the separate districts to decide if they wish to participate or not.

No.5: Up until now, there has been no definition of 'irrigable land' to base decisions on.

New section 5, page 4 and 5, lines 33 through 1 of the gray bill, gives that definition.

The word 'irrigable' is a consistency with the language used in the Federal Reclamation Act.

EXHIBIT # 2
DATE 3/10/89
HB SB 386

SB386 GALT MARCH 10, 1989
MONTANA WATER RESOURCES ASSOCIATION, JO BRUNNER, EXEC. SEC.
HOUSE AGRICULTURE SUPPORT X AMEND OPPOSE

Mr Chairman, members of the committee, _____

for the record, the Montana Water Resources Association wishes to support Senate Bill 386, in its amended form. We had concerns with the bill in its original form, the portion that would have allowed the governor make revisions to the plan, but that was amended out, and we offer our complete support in the form it now has.

Thank you.

**MONTANA FARM BUREAU FEDERATION**502 South 19th • Bozeman, Montana 59715
Phone: (406) 587-3153EXHIBIT #3
DATE 3/10/89
HB SB 386BILL # SB 386 TESTIMONY BY: Andrew C. Neal
DATE 3/10/89 SUPPORT yes; OPPOSE _____

Mr. Chairman, members of the Committee, for the record, my name is Andy Neal, Executive Vice-President of the Montana Farm Bureau Federation. I speak today representing over 3600 Farm Bureau members from throughout the state.

Mr. Chairman, Farm Bureau supports Senate Bill 386 which gives the Legislature the authority to revise the State Water Plan. We feel this is one more way for the people of Montana to have some input into the State Water Plan. Perhaps the critical issue of water storage would have been addressed in the current water plan if the Legislature or the Governor would have had this power in the beginning.

Farm Bureau urges your support of Senate Bill 386.

Thank you for the opportunity to address the Committee.

SIGNED: _____

VISITORS' REGISTER

Agriculture

COMMITTEE

BILL NO. _____

DATE March 10, 1989

SPONSOR _____

PLEASE INDICATE BILL NUMBER

| NAME (please print) | RESIDENCE | SUPPORT | OPPOSE |
|---------------------|-------------|--------------------------------|---------------|
| <i>J. Brunner</i> | <i>MURA</i> | | <i>HB 754</i> |
| <i>J. Brunner</i> | <i>MURA</i> | <i>SB 386</i> <i>SB 432</i> | |
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IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

ROLL CALL VOTE

AGRICULTURE, LIVESTOCK & IRRIGATION

COMMITTEE

DATE _____ BILL NO. SB 387 NUMBER _____

| NAME | AYE | NAY |
|--------------------------------|-----|-----|
| BOB BACHINI, CHAIRMAN | ✓ | |
| FRANCIS KOENIKE, VICE CHAIRMAN | ✓ | |
| GENE DE MARS | ✓ | |
| JERRY DRISCOLL | ✓ | |
| JIM ELLIOT | ✓ | |
| LINDA NELSON | ✓ | |
| BOB REAM | ✓ | |
| DON STEPPLER | ✓ | |
| VERNON WESTLAKE | ✓ | |
| DUANE COMPTON | ✓ | |
| ORVAL ELLISON | ✓ | |
| BERT GUTHRIE | ✓ | |
| MARIAN HANSON | ✓ | |
| HARRIET HAYNE | ✓ | |
| BETTY LOU KASTEN | ✓ | |
| VERNON KELLER | ✓ | |
| JOHN PATTERSON | ✓ | |
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Mary Lou Schmitz

Secretary

BOB BACHINI, Chairman
Chairman

MOTION: rep. kasten "do pass"

Hayne

ROLL CALL VOTE

AGRICULTURE, LIVESTOCK & IRRIGATION

COMMITTEE

DATE 3/10/89 BILL NO. SB 386 NUMBER _____

rep. dennis Iversen

| NAME | AYE | NAY |
|---------------------------------|-----|-----|
| BOB BACHINI, CHAIRMAN | ✓ | |
| FRANCIS KOENIGKE, VICE CHAIRMAN | ✓ | |
| GENE DE MARS | ✓ | |
| JERRY DRISCOLL | ✓ | |
| JIM ELLIOT | ✓ | |
| LINDA NELSON | ✓ | |
| BOB REAH | ✓ | |
| DON STEPPLE | ✓ | |
| VERNON WESTLAKE | ✓ | |
| DUANE COMPTON | ✓ | |
| ORVAL ELLISON | ✓ | |
| BERT GUTHRIE | ✓ | |
| MARIAN HANSON | ✓ | |
| HARRIET HAYNE | ✓ | |
| BETTY LOU KASTEN | ✓ | |
| VERNON KELLER | ✓ | |
| JOHN PATTERSON | ✓ | |
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Mary Lou Schmitz
Secretary

BOB BACHINI, Chairman
Chairman

MOTION: rep. nelson (to be concurred)

(to be concurred)