

MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE

Call to Order: By Chairman Tom Beck, on March 31, 1989, at
1:00 P.M.

ROLL CALL

Members Present: Senator Hubert Abrams, Senator Gary Aklestad, Senator Esther Bengtson, Senator Gerry Devlin, Senator Jack Galt, Senator Greg Jergeson, Senator Gene Thayer, Senator Bob Williams, and Senator Tom Beck

Members Excused: None

Members Absent: None

Staff Present: Doug Sternberg, Legislative Council

Announcements/Discussion: None

DISPOSITION OF HOUSE BILL 462

Discussion: Jerry Jack submitted to the committee a sheet of questions his committee had about HB 462. See exhibit 1.

Senator Aklestad - "What would this high level policy commission do that is more beneficial than the Advisory Council that we now have? The only thing I can see this bill--it places them at a higher level. I wouldn't say they would dictate to the Governor--they would advise the Governor."

Senator Williams - "If the chairman of that Drought Task Force Committee is here, I would like to have him speak on how this bill would differ to what they did."

George Ochenski - "This bill differs from the Drought Task Force because the Drought Task Force had no structure. It was not formal. We had no mandate or structure that allowed them to take action on the motions. This bill is an attempt to provide structure and formality."

Senator Thayer - "You can't expect to have an advisory council to have the power to dictate to the Governor

what steps he is going to take. It is not even reasonable."

Senator Williams - "I know it cost the state a lot of money to tourism because we didn't know if we were going to shut it down or not."

Senator Beck - "If you want me to send a letter to Governor on the Drought Task Force, I can do that. I will let him know what we did with this bill and suggest that something should be done within the Governor's office to take care of this problem. Let's take a vote." The consent was unanimous.

Amendments and Votes: Senator Aklestad moved to amend HB 462 on page 4, delete lines 14 - 17. Senator Aklestad withdrew his motion

Recommendation and Vote: Senator Devlin moved to TABLE HB 462. The motion carried. Senator Williams, Senator Bengtson, and Senator Jergeson voted no on the motion.

DISPOSITION OF HOUSE BILL 463

Discussion: Doug Sternberg explained the amendments submitted to the committee by Jo Brunner (see exhibit 2) and Ted Doney (see exhibit 3).

Senator Aklestad - "I have a problem with amendment #5 (see exhibit 2) "or a majority of". I think you have to distinguish how much they are going to pay. I think you will have an argument...I think Representative Thoft made reference to #7 (see exhibit 2) that he didn't want that in the bill."

Amendments and Votes: Senator Bengtson moved to amend HB 463 (HB046301.ADS). The motion failed with Senator Aklestad, Senator Jergeson, Senator Thayer, Senator Beck, and Senator Williams voting no.

Senator Aklestad moved to amend HB 463 (HB046302.ADS). The carried unanimously.

Senator Galt moved to amend HB 463 on page 12, sub-section (c), strike lines 14 and 15. The motion carried with Senator Bengtson voting no.

Senator Jergeson moved to amend HB 463 on page 13, line 9 strike "10-3-312" and insert "75-1-1101". The motion carried unanimously.


Senator Beck asked if adding 75-1-1101 eliminates the emergency fund. Senator Jergeson indicated that it was.

Recommendation and Vote: Senator William moved HB 463 TO BE CONCURRED IN AS AMENDED; Senator Aklestad seconded the motion. The motion carried with Senator Galt and Senator Thayer voting no.

Senator Jergeson was assigned to carry HB 463.

ADJOURNMENT

Adjournment At: 2:16 P.M.


SENATOR TOM BECK, Chairman

TB/jj

ROLL CALL

AGRICULTURE COMMITTEE

DATE 3/31/89

51st LEGISLATIVE SESSION 1989

NAME	PRESENT	ABSENT	EXCUSED
SENATOR HUBERT ABRAMS	✓		
SENATOR GARY AKLESTAD	✓		
SENATOR ESTHER BENGTSO	✓		
SENATOR GERRY DEVLIN	✓		
SENATOR JACK GALT	✓		
SENATOR GREG JERGESON	✓		
SENATOR GENE THAYER	✓		
SENATOR BOB WILLIAMS	✓		
SENATOR TOM BECK	✓		

Each day attach to minutes.

MONTANA STOCKGROWERS ASSOCIATION, INC.

P.O. BOX 1679 - 420 NO. CALIFORNIA ST. - PHONE (406) 442-3420

SENATE AGRICULTURE
EXHIBIT NO. _____
HELENA, MONTANA 59624
DATE 3/31
BILL NO. HB 462

OFFICERS:

WM. J. BROWN, JR.	SAND SPRINGS	PRESIDENT
JAMES COURTNEY	ALZADA	FIRST VICE PRESIDENT
EDWARD J. LORD	PHILIPSBURG	SECOND VICE PRESIDENT
JEROME W. JACK	HELENA	EXECUTIVE VICE PRESIDENT
KIM ENKERUD	HELENA	NATURAL RESOURCES COORDINATOR



EXECUTIVE COMMITTEE:

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BILL CHRISTENSEN	HOT SPRINGS	KNUTE HEREIM	MARTINDALE
LYNN CORNWELL	GLASGOW	EARL LINDGREN	JOLIET
M.E. EDLEMAN	WORDEN	ROLAND MOSHER	AUGUSTA
NANCY ESPY	BOYES	GREG RICE	HARRISON

March 30, 1989

TO: SENATE AGRICULTURE COMMITTEE

SUBJECT: HB 462

HB 462

1. Page 2, Line 2 & 3. Requiring policy commission meetings by March 1 of every year may not always be necessary. IT is not sensible, time-wise or money-wise, to require a meeting when it is not needed, i.e., for example this year.
2. Page 2, Line 5 & 6. "SETS" priorities - this could seriously threaten decreed water rights.
3. Page 4, Lines 5-8. We question why there should be 2 Soil Conservation ex-officio members?
4. Page 4, Lines 13-17. The cost of this commission is not justified when most of those entities would or could serve on a drought-task force by volunteering their services. Federal and State employees will receive per diem for their travel and will be paid wages. Agriculturists are use to "volunteering" their services at no cost, particularly if the Governor requests their imput.
5. Page 5, Lines 21-22. Basins all could have experienced chronic water shortages through the years. This language would or could involve All basins in the state.
6. Page 6, Line 8. "Persons" means what? Anyone within a basin who petitions could cause unnecessary paper work-time-money.
7. Page 6, Line 14. We are not sure how much money could be used or how and when it can be appropriated.
8. Page 6, Line 17. Who are affected parties? Floaters, fishermen, swimmers - ? This needs to be further defined.

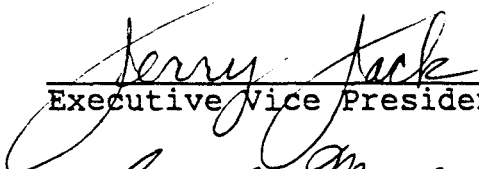
Ex. #1

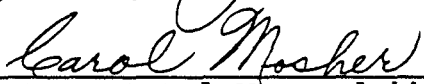
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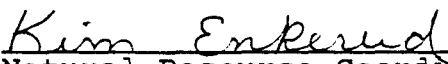
HB 462

9. Page 6, Lines 18-21. Tying this bill to HB 463 which requests the district court to appoint a mediator will seldom solve problems. Our state is in the adjudication process so that we all will have decrees. When that happens, a mediator will definitely not be useful because EACH water right will be by priority in use. (It is probably already that way on most streams.)

In summary - all of the necessary actions to implement a state drought task force can be accomplished adequately under present state law and can be done without costing money that could be better used in other areas. Time is of essence in all of our lives. It certainly is not necessary to tie up all of these people in commission meetings that would be required if this legislation passes. The whole purpose can be accomplished in a much simpler way, at the discretion of the Governor. We feel that this bill is solely a reaction to certain individuals being displeased with the way former Governor Schwinden responded to the drought during 1988. Personalities of individuals were at play during that time period. However, that is not ample reason to now pass this legislation.


Executive Vice President


Montana CattleWomen lobbyist


Natural Resource Coordinator
Montana State Grazing
Districts

Amendments to House Bill No. 463
Third Reading Copy

Requested by Jo Brunner
For the Committee on Senate Agriculture

Prepared by Doug Sternberg, Committee Staff
March 31, 1989

1. Page 12, lines 10 through 12.
Following: "BASIN" on line 10
Strike: the remainder of line 10 through "(B)" on line 12
2. Page 12, line 13.
Following: "RIGHTS"
Insert: ", including state agencies holding reservations,"
Following: "BASIN"
Strike: " : OR"
Insert: "."
3. Page 12, lines 14 and 15.
Strike: subsection (C) in its entirety
4. Page 13, lines 3 and 4.
Following: "(3)" on line 3
Strike: the remainder of line 3 through "AGENCY" on line 4
Insert: "Petitioners for a water mediator"
5. Page 13, line 5.
Strike: "OR A MAJORITY OF"
6. Page 13, line 17.
Strike: "and"
7. Page 13, line 18.
Following: "agencies,"
Insert: "one representative of the agriculture irrigation industry, and one representative of the agriculture livestock industry,"

Amendments to House Bill No. 463
Third Reading Copy

Requested by Ted Doney
For the Committee on Senate Agriculture

Prepared by Doug Sternberg, Committee Staff
March 31, 1989

1. Page 13, line 13.

Following: line 12

Insert: "(6) If an appropriator voluntarily ceases to use all or part of his appropriation right or voluntarily ceases to use his appropriation right according to its terms and conditions as a result of the efforts of a mediator appointed under this section, the appropriator may not be considered to have abandoned all or any portion of his appropriation right."

