

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION

Call to Order: By Senator Greg Jergeson, on February 22, 1991,
at 3:00 P.M.

ROLL CALL

Members Present:

Greg Jergeson, Chairman (D)
Francis Koehnke, Vice Chairman (D)
Gary Aklestad (R)
Thomas Beck (R)
Betty Bruski (D)
Gerry Devlin (R)
Jack Rea (D)
Bernie Swift (R)
Bob Williams (D)

Members Excused: None

Staff Present: Doug Sternberg (Legislative Council).

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Announcements/Discussion: Chairman Jergeson announced that Vice-
Chairman Koehnke would take over the Chair while Senator
Jergeson presented a bill in another committee.

HEARING ON SENATE BILL 434

Presentation and Opening Statement by Sponsor:

Senator Tom Beck, Senate District 24, stated SB 434 would
provide a temporary closure of the Upper Clark Fork River. This
bill is a result of some agreements made between various parties
in the past two to three weeks. He requested a fair hearing on
the bill, and handed out a proposed amendment (Exhibit #1) and a
fact sheet pertaining to SB 434 (Exhibit #2).

Proponents' Testimony:

OLE UELAND, Silver Bow County, advised that he is a lifetime
rancher and irrigator. He stated he wished to speak in behalf of
the Headwaters Resource Conservation Development, Incorporated,
and its Agriculture Water Committee. This is an area
organization of County Commissioners, cities and towns, and

conservation districts in eight counties. He stated as their name indicates, they are for conservation and development of natural resources. Regarding water, they have objected to Fish, Wildlife and Parks' application for water reservations on which contested case hearings are scheduled for July of this year. They are now involved in negotiations with various water interest groups to see if differences can be resolved. SB 434 will help develop a comprehensive plan for the Upper Clark Fork and fairly represent agriculture issues as related to instream flows. The opportunity exists to follow the three Cs - communication, cooperation and coordination among the various water interest groups, rather than the three Ls - lawyers, litigation and legal fees. Although the approximately 2000 water right holders in Upper Clark Fork may have various apprehensions about closing the Basin for four years, he believes most of the agriculture people support their efforts. He urged support of SB 434.

PAT GRAHAM, Deputy Director, Fish, Wildlife and Parks, advised that group participated in the negotiations which led to SB 434, and strongly support its passage. He added this bill is part of negotiations that resulted in an agreement, copies of which have been distributed to the committee (Exhibit #3). He emphasized one feature of the negotiations is in the agreement but is not in the bill. In Article II of the agreement, page 4, the department has stipulated that it will file no more objections to irrigation claims in the adjudication process now before the Water Court in basins where a temporary preliminary decree has been issued. This stipulation came as a result of concerns expressed by the agricultural representatives in the negotiations that the department might interfere with existing water holders through the adjudication process. Mr. Graham furnished his written testimony (Exhibit #4).

HOLLY FRANZ, representing Montana Power Company, stated that company was also involved in negotiations that resulted in this bill. They strongly support the bill, particularly because it is developing a process in which the water users in the Basin themselves can determine the future use and management in the Basin. She urged the support of the committee for SB 434.

JO BRUNNER, Executive Secretary, Montana Water Resources Association, stated that this group was asked to participate in the effort since their membership includes water user organizations and individual members within the Basin. Their association has participated in numerous efforts along this line in the past and they have found that participation is beneficial in development of trust, understanding and education for all of those involved. She provided her written testimony to the committee members (Exhibit #5).

STAN BRADSHAW, Montana Trout Unlimited, stated he did not believe when this process started that he could find common ground with other proponents, but he stated he was wrong. It is his opinion this bill represents the start of a broader process

that they hope will bring more people to the table to talk. It is his hope the planning process will develop trust between divergent interests. The bill provides that the steering committee shall report back to the Legislature by December 31, 1994. This would hold them accountable to the commitment expressed in the bill towards embarking on a good planning process. He urged support of SB 434.

REED LOMMEN, Washington Water Power Company, advised that they have a substantial water right at the lower end of the Clark Fork River and he urged support of this bill. He added that when they all sat down six months ago, they were in a contest for the allocation of that water. He believes SB 434 provides an opportunity to avoid future contests.

JIM DINSMORE, Chairman of the Conservation District of Granite County, stated they are applicants for reserved water within the Basin. He stated he sat on the task force for the Clark Fork. He stated he wished to make two points: (1) the steering committee that would be required by the bill would allow participation by those people in the Basin and in effect would give people in the Basin some determination as to what happens to that resource within the Basin; (2) he wished to identify others who were part of the task force: Department of Health, Clark Fork Coalition; Montana Association of Conservation Districts, and the City of Missoula, which sent a letter that he asked to be submitted as testimony (Exhibit #6).

The following person submitted written testimony in support of SB 434:

KIM WILSON, Clark Fork Coalition (Exhibit # 7)

Opponents' Testimony:

RON KELLEY, irrigator in the Deer Lodge Valley, stated that there are some 2000 agriculture irrigators who use water out of the Basin that this bill would close. He stated he is concerned that very few are aware that this bill is sitting here today. He advised that a week ago SB 212 was heard, and it was obvious the agriculture users came out in force opposed to it when they knew it was taking place. He believes SB 434, as written, does much the same as SB 212 - allows instream flow running in the river. He believes the Fish, Wildlife and Parks does not have the right to object to changes of use in the Basin. If this bill is passed, they will have that right. He suggested that the word "do not" be inserted on line 13, Page 2, after the word "applicants". He pointed out that there are two parts to this legislation - the bill, and the agreement which was distributed. It is his understanding there are parts in the agreement which are not in the bill, and the bill is the part that becomes law. The only persons who have to abide by the agreement are those who sign it, and some 2000 water users have not signed that agreement, and he believes they would have strong reservation in

doing so. This agreement calls for a steering committee and it is to be facilitated by the Northern Lights Educational Institute. He believes the committee should take a look at who the Northern Lights Educational Institute is, and where they come from and where they get their money. It is his belief that they would not be acting in the best interest of agriculture. He stated the committee would be told that no money would be requested to do this additional study; however, it will cost money and those who have the money can afford to fund it. According to Mr. Kelley, agriculture cannot afford to defend themselves. This bill would close the entire Basin, including ground water. It is not stated specifically in the bill, but it is in the agreement. He does not feel that ground water has been an issue and it should be excluded from the bill. He stated this bill is closing the Basin with less than a week's notice to the majority of people whom it will affect, and is the first step in granting an instream flow. He feels they should go to the contested case hearings and let the Board of Natural Resources determine whether the instream flow should be granted or not. He urged opposition to SB 434.

BILL MURPHY, rancher from Garrison, stated he has many of the same concerns voiced by Mr. Kelley. His biggest concern is the reservation request by Fish, Wildlife and Parks. He also has concerns about the agreement because it is just an agreement between those who signed it. He is not convinced the provisions of the agreement would be legal.

JACK PERKINS stated he had no objections to the bill except for the ones mentioned by Mr. Murphy. He feels at the present time the Fish, Wildlife and Parks does not have the right to object to changes in points of diversion, and he would like to see it stay that way. He added that at the end of four years they have to have their water rights adjudicated and finalized, and at that time they would know how much water is left and then they can talk about instream flow. He added this would be a good bill if that part was taken out.

DAN KELLEY, Rancher from the Deer Lodge Valley, stated his biggest concern is that out of the 1700 water users in the area, he does not believe 1% of the people have been notified of this bill. It is the unknown that he is opposed to. The other comments regarding giving FWP the right to object also concerns him. He believes it should be left status quo.

Questions From Committee Members:

Senator Swift asked how much is involved when they talk about the upper Clark Fork. Senator Beck said it involves 76 G of the adjudication process, everything above the Mill Creek Dam, and the main Blackfoot is included. He said the closure would include ground water other than domestic use.

Senator Swift asked if the specific purpose of this is just

the reservation request. Senator Beck responded that the moratorium would allow time to see where they are going with the reservation and adjudication process. They are in the middle of the preliminary temporary decrees at the present time; the second portion of it is that there is a major reservation filed on this stream. The moratorium would put everything on hold until it is determined what the volume of water is in the Basin and find out the justification of the reservation. Senator Swift asked if they have an inventory now, is there a surplus. Senator Beck said they do not know if there is a surplus. They have a general idea that there is probably not a surplus. Senator Swift believed that they could get a good general idea through the filings. He also asked if this would affect the adjudication process. Senator Beck stated it was his understanding that it should not affect that process.

Senator Devlin asked what purpose the amendment served. Pat Graham, Department of Fish, Wildlife and Parks, advised that the negotiations have gone on for about six months and it has come out at such a late date because it has taken that long to get all parties to agreement. There was a lot of give and take through that process. What the FWP gives up is that they don't continue to pursue the reservation process, which is scheduled to go to hearings this summer. One of the key concerns raised by the agricultural community was that they did not want FWP to interfere in the ongoing adjudication process, and in the agreement FWP has stipulated they would not do that. That was their concession, and FWP asked that FWP have the ability to object to change of use.

Senator Rea asked for a little information regarding the Northern Lights Research and Education Institute. Gerald Mueller advised that this is a non-profit organization, the primary purpose of which is to try to facilitate disputes in natural resource areas. It provides an opportunity for people to avoid court cases by allowing them to get together, talk, and understand the various positions of the parties involved, and perhaps negotiate an agreement on a voluntary basis. This particular group of people were invited, came on their own and attempted to solve problems. This project is funded by a grant from Northwest Area Foundation, headquartered in Minneapolis. The Northern Lights Research Foundation has no affiliation with Northern Plains Resource Council or any other organizations which happen to have "Northern" in their name.

In response to a question by Senator Aklestad, Mr. Mueller advised that the Institute is located in Missoula and the source of funding was the Northwest Area Foundation, which grants funds to states in the Northwest part of the United States. Funding for their everyday operation comes from other grants such as Hewitt Foundation. The Institute also receives donations from readers of their magazine. Senator Aklestad asked if most of their funding is from out of state. Mr. Mueller replied that the two grants he mentioned are from out of state.

Senator Devlin asked what other projects has the Institute been involved in recently. Mr. Mueller stated that the other project in which he participated was an attempt to facilitate some sort of an agreement in the Missouri Basin regarding the water problems in a ten-state area. The Institute convened a Missouri River assembly and brought people together from ten states. He stated their focus has been on water, but it also contemplates projects in other natural resource areas.

In answer to questioning by Senator Williams, Stan Bradshaw stated the bill was only recently submitted because of the time involved in coming to agreement, even though they had been meeting for approximately six months. What they discussed went way beyond putting a hold on the reservation or protecting FWP.

Senator Aklestad asked Mr. Kelley if he has filed rights on portions of this water, and would those rights be adversely affected by this bill. Mr. Kelley stated he does have filed rights, and he did feel they would be adversely affected. Giving the FWP the right to object to any movement of water on the stream adversely affects the users, according to Mr. Kelley.

Senator Aklestad asked Senator Beck for clarification regarding filed rights that are being contested. He asked what status does that put them in now. Senator Beck stated he does not believe it will affect anything filed on before this moratorium.

Regarding the status of filings, Holly Franz of the Montana Power Company informed that what this bill affects is new permits that are filed for after the effective date of the act. If this act is passed, people can still apply for new water use permits but no action will be taken on them during this management planning process. In the meantime the adjudication will go forward. Regarding the disputes before the water court, she stated those disputes would go on since this bill has no affect on the water court's proceedings. This bill protects water rights holders so that no new uses come onto the streams while they are determining what the existing water rights are.

Responding to Senator Rea, Ms. Franz advised that the concern of the irrigators of having the FWP object to changes should not affect existing water rights. What it does is prevent new water users from coming on the stream and prevents the water reservation process from going forward.

Senator Swift asked if every activity on those streams would be prohibited by this bill. Ms. Franz stated changes could still go on. She advised there is a provision in Montana Water Law that if the stream is over-appropriated, no more permits can be given in that area. The agricultural people, the Power people and others think this is a highly appropriated area and there may not be enough water to take care of existing rights and new rights. Senator Swift said he sees no names of irrigators appear as being involved in the negotiations. Ms. Franz stated the

Basin water users were represented through the participation of the Granite Conservation District and through Ole Ueland of the Headwaters RCD, which represents irrigators in an eight-county area, including the Upper Clark Fork drainage.

Senator Swift asked Mr. Kelley if there had been any approach to get the irrigators involved, and questioned if the Conservation District speaks for him. Mr. Kelley advised the Conservation District does not speak for him. He added that no one was aware of this bill until the past few days, and he does not believe they represent the interest of the irrigators. He said he would feel better about the bill if the changes he mentioned in his testimony were incorporated.

Senator Jergeson asked if there is a parallel between the closure on the Milk River and this proposed closure. Mr. Ted Doney, an attorney in private practice specializing in water law, stated that there is a parallel except the Milk River is a permanent moratorium, and this is temporary. Senator Jergeson asked if that moratorium was surrounded with this type of apparent controversy. Mr. Doney stated as he recalled there was no controversy; there were no water users who came in and opposed the moratorium. He added there is a mechanism in the law to allow water users to petition the Department to close a basin.

Closing by Sponsor:

Senator Beck stated he wished to ask the representative from Fish, Wildlife and Parks if these amendments were put into the bill, what objections the FWP might have. Mr. Graham stated the FWP would be willing to consider it between now and Executive Action on this bill, but his initial inclination is that to give that up they might as well proceed with the reservation. If that is done, the agreement would be terminated, according to Mr. Graham. Senator Beck referred to Mr. Kelley's comment about the lateness of the bill, advising that the agreements were not struck until approximately ten days previously. The bill was put in immediately and the process started. Senator Beck stated he was concerned about a number of people in the Basin not being aware of what is happening. He also emphasized the importance of this legislation. He stated he would like the opportunity to look at the proposed amendments.

HEARING ON SENATE JOINT RESOLUTION 23

Presentation and Opening Statement by Sponsor:

Senator Betty Bruski, District 12, stated Senate Joint Resolution 23 is a joint resolution of the Senate and the House urging the Montana Congressional delegation to call on the U. S. Congress to reconsider certain sections of the Federal Food, Agriculture, Conservation and Trade Act of 1990 for the purpose of improving net farm income. She stated that whereas agriculture is Montana's largest industry and provides a reliable

tax base, supporting this Resolution supports net farm income, and not supporting this Resolution does just the opposite. Reducing net farm income below cost of production is counterproductive to the entire state of Montana, not just to the agricultural community. She stated help is needed, and she urged support of SJR 23.

Proponents' Testimony:

GEORGE PAUL, Executive Director of Montana Farmers Union, a farm organization of some 4,000 rural families across Montana, stated he speaks on their behalf. Gross farm income approaches two billion dollars annually, nearly twice that of the next highest industry in the state. He provided figures supporting the importance of the agriculture industry in Montana. It is his belief when the farm community is strong, so, too, are our other communities. Agriculture is a pillar of the Montana economy. It is in this light that Montana Farmers Union supports SJR 23, encouraging improvement of net farm income for Montana farmers and ranchers. He stated it does not re-open the 1990 Farm Bill; it pursues improved net farm income through improvement of the Food, Agriculture Conservation and Trade Act of 1990. As the farm bill stands now, farm incomes will be reduced by a minimum of 25% this year alone. He feels it is incumbent upon Montanans to speak out for their constituencies, for industry, and SJR 23 does that. Montana Farmers Union thanked Senator Bruski for her efforts in regard to this Resolution, and he urged support for SJR 23.

Mr. Paul advised that representatives of Women Involved in Farm Economics had previewed the Farmers Union Testimony, and WIFE wished to go on record in support of SJR 23.

HELEN WALLER, farmer-rancher from McCone County, advised that she wished to present written testimony from DON JUDGE, Executive Secretary, Montana State AFL-CIO. She read a portion of his statement and presented copies to the committee members (Exhibit #8).

Ms. Waller informed that she is representing the McCone Agriculture Protection Organization and the Northern Plains Resource Council, which is a member of the National Family Farm Coalition. She stated she is testifying in support of SJR 23. She added the economic well-being of the state is driven by national agriculture policy. She believes it is appropriate to give support to our Congressmen and Senators in encouraging them to address the net farm income question. She urged passage of SJR 23.

CHUCK MERJA, President of the Montana Grain Growers Association, stated he is a farmer from the Sun River area just west of Great Falls. The Grain Growers support resolutions that would increase farm income. He cautioned the committee as to how that is done and what message is sent because he is fearful about

re-opening the Farm Bill. As a suggestion, he discussed moving the GATT triggers in the Farm Bill to a date earlier than June 30, 1992 and June 30, 1993. If they were moved to a point closer in time, it would indicate the U. S. Government is interested in getting an agreement with other countries, but if they do not agree then the United States is willing to stand behind agriculture.

Opponents' Testimony:

CAROL MOSHER, speaking for the Montana Cattle Women and also the Montana Farm Bureau, stated she has a national interest in this as she also serves as National Legislative Chairman for the American National Cattle Women. She advised those groups do not think this legislation is needed at this time by the Montana Congressional delegation. The entire delegation voted against the 1990 Farm Bill, and they thank them for that. However, she stated the Farm Bill was not the problem. The problem was in the federal budget agreement; therefore, the Farm Bill had to fit into that agreement. She does not believe that budget agreement can be changed at this time. The new Secretary of Agriculture is not inclined to re-open the debate on the 1990 Farm Bill. She received that message this morning when she talked to their national office in Washington, D.C. She stated it would be difficult, if not impossible, to address just one subject in the bill. Re-opening that bill would give every interest a chance to add or delete from that debate, and she feels they could very well end up a bigger loser than they are now. SJR 23, regrettably, would send the wrong message to the Montana delegation, and she urged a do not pass recommendation.

Questions From Committee Members:

Senator Jergeson asked that if the good judgment of the Congressional delegation determined that re-opening the Farm Bill may not be risky, would SJR 23 provide the encouragement from Montana that they need to move forward. Mr. Paul stated that is precisely the thinking of the Farmers Union, and that faith must be placed in the delegation that they will not do something irresponsible. A resolution such as this bolsters their position in having opposed the Farm Bill.

Senator Devlin asked if there is some way it can be established as to what should be looked at rather than the whole act. Mr. Paul stated it is his opinion that there will be so much pressure in Washington to not do anything, for a variety of reasons, that no one is going to open an issue that a large constituency does not want opened.

Additional dialogue was had concerning the 25% figure given as a projected loss for farmers in the coming year.

Closing by Sponsor:

Senator Bruski stated this resolution is not dictating to the federal government, but acts more like a cheering section back in Montana hoping they will follow the lead of the Legislature and look into the matter to see how they can help.

HEARING ON SENATE BILL 402Presentation and Opening Statement by Sponsor:

Senator Bill Yellowtail, District 50, advised that Senate Bill 402 is an act requiring the Montana members of the Pacific Northwest Electric Power and Conservation Planning Council to hold at least one public hearing in a geographic area affected by the proposed acquisition of major resources from that area. Washington state is planning to develop coal related resources in Eastern Montana to help meet some of their needs. He indicated people in eastern Montana are excited that they might find a new market for some of their coal. However, their plan calls for public hearings, participation and comment in the Columbia Basin, but there is no provision for hearings in the affected region, and that is the fundamental concern. People in the area want to be told what the thought process is because they are facing substantial impact if this kind of development comes to pass. Senator Yellowtail feels it would be best to have this provision in statute because with the resources that eastern Montana has, they will have more and more opportunity to contribute to the energy needs of the Northwest region of the country. He concluded by stating the bill needs an effective date.

Proponents' Testimony:

CLYDE DAILY, Montana Senior Citizens Association, a grassroots group that covers the state of Montana, stated that any time the energy future of Montana is under consideration that they would like to participate in that process. Senior citizens are interested in energy decisions and how those decisions would affect utility bills. As it stands now, they support SB 402.

GERALD MUELLER, appearing as a citizen, advised that he was a member of the Northwest Power Planning Council for seven years and during that period of time they did attempt to hold hearings where people would be interested. He stated he has held hearings in Billings, Great Falls, Havre, Chinook and several places outside the BPA service territory. He believes this should be done, and people should have an opportunity to participate in the process. He urged favorable consideration of SB 402.

HELEN WALLER, Northern Plains Resource Council and McCone Agriculture Protection Organization, stated she rises in support of SB 402. She stated any time there is potential of affecting the local community, there needs to be hearings so the people

affected have an opportunity to be part of the process.

JIM JENSEN, representing Montana Environmental Information Center, stated that in the past discussions about where to hold hearings concerning eastern Montana often centered around Billings. He stated he wished to congratulate Senator Yellowtail for realizing that Billings is not in eastern Montana. He encouraged the idea of hearings being held nearer the coal fields in eastern Montana.

JO BRUNNER, Executive Secretary, Montana Water Resources Association, submitted written testimony in support of SB 402 (Exhibit #9).

Opponents' Testimony:

None.

Questions From Committee Members:

Terry Wilner, Administrator of the Northwest Power Planning Council office, advised that she was available to answer questions.

Senator Beck asked if the official name of their council was Pacific Northwest Electric Power and Conservation Planning Council. Ms. Wilner answered in the affirmative. Senator Beck further asked if that group has any authority over the private power companies. She advised they do not have direct authority over investor-owned utilities. Their authority is over the Bonneville Power Administration and utilities which purchase power from them. However, they have indirect authority over the investor-owned utilities because they design a plan to meet all the electricity needs of the Northwest. The way that authority is exercised is through their plan that is submitted to and read by the Public Service Commissions.

Senator Beck asked if she was aware of the Bonneville Power Administration moving farther east. She stated on Page 31 of the plan, section on coal, it states specifically that the Council is not recommending construction of large-scale new coal-fired power plants. However, because of rapid load growth, this is a possibility for the future. This plan does not recommend acquisition, but it does recommend that within the next five years Bonneville and the utilities cite and license three sites that could support coal-fired plants.

Senator Swift asked if it is not the policy of the committee to make every effort to hold meetings. He asked if anyone actually requested a hearing outside of the western area. Ms. Wilner informed that they have sought contact in eastern Montana. When they advertised the availability of the draft plan, they put an ad in 25 newspapers statewide. That brought about 135 requests for the plan, forty of those outside the Bonneville

service territory; 15 of those requests were in eastern Montana. The council members have been out visiting the rural electric co-ops and utilities in eastern Montana; met with the Billings Gazette reporter; talked with the Western Area Power Administration, which is Bonneville's counterpart; had discussions with the tribal planner from Crow Agency and they have also talked directly with Northern Plains Resource Council. She added that they are open to having a hearing in eastern Montana if there is a request.

Senator Bruski asked where the sites for coal development might be located. Ms. Wilner stated they are looking at the Colstrip area, but she could not be more specific.

Closing by Sponsor:

Senator Yellowtail referred to the fiscal note and stated that in view of the technical suggestions, strike the "whereas" sections and the intent of the bill would be the same. In regard to informing interested parties, he believed the advertising of public hearings would be beneficial.

EXECUTIVE ACTION ON SENATE BILL 402

Discussion:

Senator Aklestad stated that he questioned whether this type of activity should be put in statute. He added that if there was a problem of access to hearings, it would be a different story.

Senator Jergeson stated that if the Northwest Power Planning Council proceeds with plans, they are going to have major impacts, and that it should be in the statute to guarantee to people in the affected area that there will be a hearing.

Senator Beck said he did not understand the need for this legislation. Senator Devlin pointed out that they have never had a request per se for a hearing in eastern Montana; and they have advertised in newspapers all over eastern Montana for proposals to meet, and these have met with limited response.

Senator Jergeson asked Terri Wilner if she knew of any efforts to eliminate the Power Planning Council. She knew of no such efforts.

Recommendation and Vote:

Senator Aklestad made a motion that Senate Bill 402 DO NOT PASS. In favor - 7; opposed - 2 (Williams, Jergeson). MOTION CARRIED.

Chairman Jergeson announced that Senator Aklestad will explain the action of the committee on the floor.

EXECUTIVE ACTION ON SENATE BILL 434

Motion:

Senator Beck made a motion that SB 434 BE TABLED. In favor - 7; opposed - 2 (Devlin, Jergeson). MOTION CARRIED.

Senator Beck made a motion that SB 434 be taken off the table. In favor - 9; opposed - 0. MOTION CARRIED.

Discussion:

Senator Beck advised that he would take the recommendation mentioned in discussion and would attempt to have this go to the floor in order to have more time to formulate amendments.

Senator Jergeson advised he would ask the Majority Leader to schedule this for second reading on Tuesday in order to give more time to Senator Beck.

Recommendation and Vote:

Senator Beck made a motion that SB 434 DO PASS. Those in favor - 9; opposed - 0. MOTION CARRIED.

EXECUTIVE ACTION ON SENATE JOINT RESOLUTION 23

Recommendation and Vote:

Senator Bruski made a motion that SJR DO PASS. In favor - 8; opposed - 0. MOTION CARRIED.

EXECUTIVE ACTION ON SENATE BILL 19

Discussion:

Senator Jergeson advised that he had come upon an article in the February, 1991 issue of the Farm Journal concerning the bankruptcy petition of Des Moines Grain Company in the apparent loss of 4.1 million dollars of grain by farmers in Iowa in eight locations who had grain in that elevator complex under no-price established contracts (price-later contracts). He said there is some question as to whether the committee would want to take another look at SB 19. Senator Jergeson said he contacted the Iowa Bankers Association and talked to their lobbyist who in turn gave the name of a banker in Aplington, Iowa. This is a town of 1,000 people, and apparently the elevator located in Aplington incurred a loss for farmers with price-later contracts of 1.1 million dollars. They are unsecured creditors and there is no

likelihood that any of them will recover, despite the article having company people say that these people would be paid. These kind of contracts are not covered by their indemnity fund, and the loss of 4.1 million would have wiped out fifty percent of the indemnity fund in any case. Mr. Larson, the banker at Aplington, said it was interesting to him that Des Moines Grain was a strong company up until October 1, when between October 1 and December 1, 1990, they lost 4.1 million dollars on the Chicago Board of Trade, which is exactly equal to the amount of price-later contract grain. He said he did not know how much of that was coincidence and how much was a problem. In talking to the various groups who opposed SB 19, Senator Jergeson stated that he told them he would ask the committee to pull SB 19 off the table and to send it over to the House. He stated the Iowa Legislature is considering a number of bills, one of which is exactly like SB 19 simply making n-p contracts not possible. They faxed another bill to Senator Jergeson which bill would set up a system of regulating use of these contracts. The Chairman stated he would like to get all interested persons together to analyze and determine if a regulatory scheme like Iowa is considering would be appropriate for Montana.

Senator Aklestad pointed out that at the hearing most of the major farm organizations were opposed to SB 19. It was his recollection that those groups were concerned about the negative effect it could have on Montana.

Senator Jergeson advised that he did not wish to suggest to the committee that those groups have changed their position in any way, but they recognize the problem with transmittal if, in fact, after analyzing the information from Iowa, there was some desire on the part of the legislature to try and prevent Montanans from facing the same kind of loss.

Recommendation and Vote:

Senator Williams made a motion that SB 19 be taken from the table. In favor - 6; opposed - 3 (Aklestad, Devlin, Swift).
MOTION CARRIED.

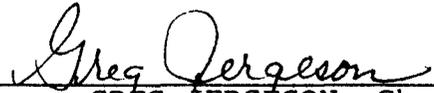
Senator Williams made a motion that SB 19 DO PASS. Those in favor - 4; opposed - 5 (Aklestad, Beck, Bruski, Devlin, Swift).
MOTION FAILED.

Senator Bruski made a motion that the committee reconsider action having not adopted a Do Pass motion. Those in favor - 9; opposed - 0. MOTION CARRIED.

Senator Williams made a motion that SB 19 DO PASS. Those in favor - 5; opposed - 4 (Aklestad, Beck, Devlin, Swift). MOTION CARRIED.

ADJOURNMENT

Adjournment At: 6:15 P.M.



GREG JERGESON, Chairman



DOROTHY QUINN, Secretary

GJ/dq

ROLL CALL
AGRICULTURE COMMITTEE

DATE 2/22/91

52nd
LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
SEN. JERGESON	X		
SEN. KOEHNKE	X		
SEN. AKLESTAD	X		
SEN. BECK	X		
SEN. BRUSKI	X		
SEN. DEVLIN	X		
SEN. REA	X		
SEN. SWIFT	X		
SEN. WILLIAMS	X		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

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February 22, 1991

MR. PRESIDENT:

We, your committee on Agriculture, Livestock, and Irrigation having had under consideration Senate Bill No. 402 (first reading copy -- white), respectfully report that Senate Bill No. 402 do not pass.

Signed: _____

Greg Jergeson
Greg Jergeson, Chairman

191 2-22-91
And. Coord.

SB 2-23
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

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February 22, 1991

MR. PRESIDENT:

We, your committee on Agriculture, Livestock, and Irrigation having had under consideration Senate Bill No. 434 (first reading copy -- white), respectfully report that Senate Bill No. 434 do pass.

Signed: Greg Jeygesoh
Greg Jeygesoh, Chairman

AM 2-27-91
Amd. Coord.

RP 2-23 8:40
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

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February 22, 1991

MR. PRESIDENT:

We, your committee on Agriculture, Livestock, and Irrigation having had under consideration Senate Joint Resolution No. 23 (first reading copy -- white), respectfully report that Senate Joint Resolution No. 23 do pass.

Signed: Greg Jergeson
Greg Jergeson, Chairman

2-22-91
Amd. Coord.

2-23 6:20
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 22, 1991

MR. PRESIDENT:

We, your committee on Agriculture, Livestock, and Irrigation having had under consideration Senate Bill No. 19 (first reading copy -- white), respectfully report that Senate Bill No. 19 do pass.

Signed: Greg Jergeson
Greg Jergeson, Chairman

198 2 22-4
Amd. Coord.

SB 2-22
Sec. of Senate

6:20

SPONSOR AMEMDMENT TO
SB 434
AS INTRODUCED

SENATE AGRICULTURE

EXHIBIT NO. #1

DATE 2/22/91

BILL NO. SB434

1. Page 1.

Following: line 21.

Insert: "(3) "Domestic use" means the uses common to family houses including culinary purposes, washing, drinking water for humans and domestic pets, and lawn and garden irrigation less than 1 acre, not to exceed a total of 3.5 acre-feet per year, and for the purposes of this section, domestic uses includes municipal uses for expanded domestic uses but not commercial or industrial uses."

Dick

SENATE AGRICULTURE

EXHIBIT NO. 2

DATE 2/22/91

BILL NO. #434

SENATE BILL 434 FACT SHEET

Senate Bill 434 does four things:

- 1) It establishes a moratorium on the processing and granting of applications for permits to appropriate water (except for domestic use or municipal use for domestic purposes) from the upper Clark Fork basin until June 30, 1995 or whenever a comprehensive basin management plan is completed, whichever is later;
- 2) It establishes a priority date for the pending reservation applications;
- 3) It puts the processing of the pending reservation applications on hold for the duration described in section (1).
- 4) It establishes a steering committee representative of the diverse water interests in the basin and charges that committee with the responsibility for developing a comprehensive basinwide management plan.

BACKGROUND

This proposed legislation arises from negotiations that have taken place between reservation applicants and other parties who have an active interest in the reservation applications.

There have been three reservation applications filed on the upper Clark Fork basin. The Department of Fish, Wildlife, and Parks has filed one for instream flows, and the Granite Conservation District has filed two for prospective storage projects. There has been significant disagreement about what the effect that these various applications, if granted, would have on water use in the basin.

In late 1989, in an effort to resolve some of the disagreement, the Northern Lights Institute, a private, nonprofit group from Missoula, convened meetings between various interested water users in the basin to discuss those disagreements. Over the course of several months and several meetings, the group convened by Northern Lights discussed the various interests represented at the table, and began to identify some ideas for cooperative effort.

One point of universal agreement was that there is a great deal that we still do not know about water use in the basin. Everyone agreed on the need to gather more information about what the effects of additional water use might be and what some possible solutions might be.

The scheduling of proceedings on the reservation applications, however, and the continued issuance of permits in the basin were added pressures on the group's attempts to identify mutually acceptable solutions to water use problems within the basin. As a result, the group agreed on the need for a moratorium on most new permits and on the reservation proceedings in order to provide some additional space, and to develop a comprehensive management plan for the basin.

Senate Bill 434 provides that breathing space and the charge to develop a management plan.

UPPER CLARK FORK RIVER AGREEMENT

This Agreement is made following negotiations among the parties, which were pursued under the auspices of Northern Lights Institute in an attempt to reach agreement on issues of water use and management on the Clark Fork River, including issues relating to water reservation applications currently pending. This Agreement reflects the results of those negotiations. Parties to those negotiations and this Agreement are:

Headwaters Resource Conservation & Development Area, Inc.

Granite County Conservation District

The Montana Water Resources Association

Trout Unlimited

Clark Fork Coalition

The Montana Power Company

The Washington Water Power Company

Montana Department of Fish, Wildlife and Parks

Montana Department of Health and Environmental Sciences

City of Missoula

The parties understand that they do not represent all of the interests in the Upper Clark Fork Basin; the parties intend to seek out those other interests to participate in the planning process outlined in this Agreement.

PURPOSE OF THE AGREEMENT

A. This Agreement covers activities of the parties on the Clark Fork River and its tributaries from the Milltown Dam to the river's headwaters.

B. The parties, who are interested in water reservations applications currently pending before the Montana Board of Natural Resources and Conservation, desire to work cooperatively on issues raised by those applications, future storage projects, future irrigation use, future industrial development, instream flows and water quality.

C. The parties believe that a temporary basin closure is necessary in order to permit a period when a comprehensive planning effort can be completed while maintaining the status quo.

D. The parties believe that development of a comprehensive plan completed under the auspices of the state water plan will provide all persons interested in the upper basin with valuable information not currently available, as well as policy choices on the future use of the water.

AGREEMENT

I. LEGISLATION

A. All parties agree to actively support passage of legislation in the 1991 session of the Montana Legislature that contains the following provisions:

1. Surface and groundwater permits except for domestic use will be accepted by the Department of

Natural Resources and Conservation, but not processed or granted during the temporary basin closure.

2. For the two pending reservation applications, the priority dates will be the date of passage of the legislation, contingent upon final approval of the reservations by the Board of Natural Resources and Conservation.

3. The temporary basin closure will begin upon passage and approval of the legislation and will extend until June 30, 1995, unless the state water plan does not include a comprehensive management plan for the upper Clark Fork Basin. In this circumstance, temporary basin closure will continue until the upper Clark Fork Basin management plan is completed.

4. Parties agree to use their best efforts to complete recommendations to the Director of the Department of Natural Resources and Conservation and the 1995 Montana legislature regarding the temporary basin closure and resolution of water issues before December 31, 1994, through the upper Clark Fork Basin steering committee, which will be established under the state water planning process.

5. Pending reservation applicants have standing to object to applications for proposed changes of appropriation rights during the temporary basin closure if the proposed changes would adversely affect the purposes of the pending reservation applications.

6. The processing of the pending upper Clark Fork basin water reservation applications would be suspended during the temporary basin closure.

7. The temporary basin closure would encompass the entire upper Clark Fork Basin from Milltown Dam, east of Missoula, to the river's headwaters. The temporary basin closure would encompass the Blackfoot River and Rock Creek; however, the Blackfoot River and/or Rock Creek Basins should be excluded if their inclusion would threaten passage of the temporary basin closure legislation.

B. All parties agree to actively oppose any legislation introduced in the 1991 Montana legislature that adversely affects the legislation outlined in this section.

II. ADJUDICATION PROCEEDINGS

The Montana Department of Fish, Wildlife and Parks stipulates that it will file no further objections to irrigation claims submitted as a part of the SB 76 adjudication process during the period of the temporary basin closure for those rivers in the Basin in which a temporary preliminary decree has been issued by the Water Court as of the effective date of this Agreement. Neither mining claims nor objections filed prior to the effective date of this Agreement are subject to this stipulation.

III. STEERING COMMITTEE

The parties agree to recommend to the Director of the Department of Natural Resources and Conservation that the steering committee for the comprehensive plan for the upper Clark Fork Basin should include but not be limited to the following interests: Headwaters Resource Conservation and Development Area, Inc.; conservation districts, utilities, Department of Fish, Wildlife and Parks; Department of Health and Environmental Sciences; industry; municipalities; environmental organizations, agricultural organizations; and water resources associations.

IV. NORTHERN LIGHTS RESEARCH AND EDUCATION INSTITUTE

The parties will request that the Northern Lights Research and Education Institute facilitate the comprehensive planning process described above.

V. EFFECTIVE DATE

This Agreement is effective upon signature of the authorized representatives of all parties. However, this Agreement is contingent upon adoption by the Montana legislature, in its 1991 session, of legislation described in Article I and upon signature of such legislation into law by the Governor. If the legislation described in Section I does not become law, this Agreement shall terminate on the last day on which the Governor is authorized to sign bills submitted by the 1991 legislature.

VI. DURATION

This Agreement shall remain in effect until June 30, 1995, or until completion of a comprehensive plan for the upper Clark Fork Basin, whichever date occurs later.

VII. DISPUTE RESOLUTION

A. Right to Mediate and Arbitrate. All disputes between the parties that cannot be resolved informally and which concern the interpretation, application, or violation of this Agreement shall be resolved through arbitration as provided in this Article.

B. Procedure: Parties and Appointment of Arbitrators.

The party desiring to initiate arbitration shall serve on the other party, by certified mail, return receipt requested, a written demand for arbitration setting forth (1) the nature of the dispute to be resolved, (2) the claim of the party initiating arbitration with respect to such dispute, and (3) the name and address of one arbitrator selected by the party initiating arbitration. The other party has five days after receipt of such demand to select a second arbitrator. If no second arbitrator is selected within the five-day period, then the sole arbitrator shall be the one selected by the party initiating the demand for arbitration. If within the five-day period the party receiving the demand for arbitration selects a second arbitrator by giving written notice of the arbitrator's name and address to the party initiating arbitration and to the first arbitrator by certified mail, then the two arbitrators so selected shall choose a third arbitrator within five days after the receipt by the first arbitrator of notice of the

selection of the second arbitrator. The third arbitrator shall be chosen from a pool of ten possible arbitrators, such list to consist of the names of five persons chosen by each arbitrator. If the two arbitrators cannot agree upon one of the listed arbitrators they shall each strike one arbitrator's name from the list and shall repeat this procedure with the remaining name being the duly selected third arbitrator. A flip of the coin shall determine which party strikes the first name.

C. Procedure: Discovery. As promptly as practicable after their appointment, the arbitrators shall hold a preliminary meeting with the parties to determine the most expeditious method of assembling all pertinent evidence. The arbitrators, in their discretion, may require the parties to appear for depositions and produce documents, answer interrogatories and make admissions in accordance with the discovery procedure specified in the Montana Rules of Civil Procedure. Should any party fail to comply with any procedural order or requirement of the arbitrators, such failure may be given such weight as the arbitrators deem appropriate in the determination of the issue presented for arbitration.

D. Procedure: Decision. After presentation of the evidence, the matters in dispute shall be arbitrated by the three arbitrators, and the decision of the arbitrators, or a majority of them, shall be final. Prior to making of the award by the arbitrators, neither party to this Agreement shall commence any lawsuit or other proceeding against the other party if the subject of the lawsuit or proceeding arises out of any dispute of

disagreement between parties relating to the matters set forth in this Agreement.

E. Costs. Each party shall bear its own expenses associated with any arbitration proceeding and a pro rata share of the fees and costs of the arbitrators.

VIII. NONSEVERABILITY

In the event this Agreement or any portion of this Agreement or any portion of the legislation enacted pursuant to this Agreement is found to be illegal or unconstitutional by a court of competent and final jurisdiction this Agreement shall be deemed to be terminated.

This agreement may be signed in separate counterparts.

IN WITNESS WHEREOF, the parties hereby execute this Agreement.

UPPER CLARK FORK RIVER AGREEMENT

Date

Headwaters Resource and
Conservation and Development
Area, Inc.

Date

Granite County Conservation
District

Date

Montana Water Resources
Association

UPPER CLARK FORK RIVER AGREEMENT

Date

Trout Unlimited

Date

Clark Fork Coalition

Date

The Montana Power Company

Date

The Washington Water Power
Company

Date

Montana Department of Fish,
Wildlife and Parks

Date

Montana Department of Health
and Environmental Sciences

Date

City of Missoula

agreement.02

Northern Lights Institute
Clark Fork Project
Water Allocation Task Force

Reed Lommen
Washington Water Power
P.O. Box 3727
Spokane, WA 99220
(509)482-4783

Leiter Spence
MT DFWP
1420 East Sixth Ave.
Helena, MT 59620
444-3888

Eileen Shore
MT DFWP
1420 East Sixth Ave.
Helena, MT 59620
444-4594

Wayne Wetzel
MT DNRC
1520 East Sixth Ave.
Helena, MT 59620
444-6699

Dan Kemmis, Mayor
City Hall
435 Ryman
Missoula, MT 59802
523-4601

Mr. James Dinsmore
P.O. Box 224
Hall, MT 59858
288-3393

Holly J. Franz
Gough, Shanahan, et. al.
P.O. Box 1715
Helena, MT 59624-1715
442-8560

Ole Uleland
R.R. 3
Silver Bow, MT 59750
782-6190

Dr. Bob Whalen
540 E. Central
Missoula, MT 59801
549-9063

Blair Strong
Paine, Hamblin, et. al.
1200 Washington Trust
Financial Center
Spokane, WA 99224

Bruce Farling
Clark Fork Coalition
P.O. Box 7593
Missoula, MT 59807
542-0539

Abe Horpestad
MT DHES
Helena, MT 59620
444-2630

o Brunner
MT Water Resources Assoc.
501 N. Sanders
Helena, MT. 59601
442-9666

SB 434
February 22, 1991

Testimony presented by Pat Graham, Dept. of Fish, Wildlife & Parks

The Department of Fish, Wildlife and Parks participated in the negotiations which led to this bill, and therefore strongly supports its passage.

As has been mentioned, this bill is part of negotiations that resulted in an agreement, copies of which have been distributed to the committee. The agreement includes many, but not all, of the provisions of the bill and has been signed by representatives of all parties listed on the first page. Those representatives are listed in the material handed out by Senator Beck. The agreement is dependent on passage of this legislation. It also provides for resolution of any disputes that might arise between the parties.

I want to emphasize one feature of the negotiations that is in the agreement but is not in the bill, on the advice of lawyers involved in the negotiations. Some of those interested in this bill have been concerned about this situation. In Article II of the agreement, page 4, the department has stipulated that it will file no more objections to irrigation claims in the adjudication process now before the Water Court in basins where a temporary preliminary decree has been issued. This stipulation came as a result of concerns expressed by the agricultural representatives in the negotiations that the department might interfere with existing water holders through the adjudication process.

Brunner

MONTANA WATER RESOURCES ASSOCIATION

STATE AGRICULTURE
EXHIBIT NO. #5
DATE 2/22/91
BILL NO. #434

501 N. Sanders • Helena, Montana 59601 • (406) 442-9666

SB434

SENATE AGRICULTURE

FEBRUARY 22, 1991

SUPPORT

The Montana Water Resources Association was asked to participate in this effort because our membership includes water users organizations and individual members within the basin.

MWRA has participated in numerous efforts, much along this line in the past two/three years and we have found that participation is beneficial in the development of trust, understanding and education for all those who involved. And, as happened in this instance, it may take several meetings to develop from full fledged confrontations at the first meeting to beneficial discussions.

It was always the intent that other interests within and beyond the earlier group become active participants in the process. I was brought into the discussions, as was Stan Bradshaw in the third meeting. It is certain that now that the effort has developed to this point, and when this bill passes, others who wish to participate will take advantage of the opportunity. This hearing allows some of those concerns to be heard. It is probable that amendments will be offered here today, and we hope that you will study them seriously and judge them on the merits of beneficial contributions to the original bill.

Thank you.

Jo BRUNNER



OFFICE OF THE CITY ATTORNEY

435 RYMAN • MISSOULA, MT 59802-4297 • (406) 523-4614

February 21, 1991

SENATE AGRICULTURE

91-085

EXHIBIT NO. #6
DATE 2/22/91
BILL NO. SB 434

Senate Agriculture Committee
Montana State Legislature
Capitol Station
Helena, Montana 59620

RE: SUPPORT FOR SB-434

Honorable Senate Agriculture Committee Members:

The City of Missoula would like to express its support for SB-434 scheduled for Senate Agriculture Committee hearing on Friday, February 22, 1991. SB-434 is entitled "An Act Temporarily Closing the Upper Clark Fork River Basin to Further Applications for Reservations in the Upper Clark Fork River Basin; Modifying Priority Dates for Pending Water Reservations in the Upper Clark Fork River Basin; Creating and Establishing Duties for an Upper Clark Fork River Basin Steering Committee."

The City of Missoula is concerned about maintaining sufficient and adequate instream water flows in the Clark Fork River for fishery, wildlife and recreation purposes, aesthetics, and dilution of any Montana Health and Environmental Sciences Department permitted wastewater effluents discharges into the Clark Fork River.

The City of Missoula welcomes an opportunity to resolve these instream water reservation and pending future water use permit applications in a manner and process that does not involve an adversarial, confrontational, contested case or litigation setting.

Please support SB-434. Thank you.

Yours truly,

Jim Nugent
City Attorney

cc: Missoula County Senators; Mayor Dan Kemmis; City Council; Joe Aldegarie; Tim Hunter

4

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 22 day of February, 1991.

Name: Kim Wilson

Address: 405 N. Last Chance Gulch
Helena, Mt. 59601

Telephone Number: 442-3261

Representing whom?

Clark Fork Coalition

Appearing on which proposal?

~~SB~~ SB 434

Do you: Support? Amend? Oppose?

Comments:

The Clark Fork Coalition strongly supports
SB 434. The Clark Fork Coalition was involved in
the negotiations which led to this bill. Negotiations,
discussion and compromise are far preferable
to continued controversy and litigation over this
issue. We urge your support.



SENATE AGRICULTURE

EXHIBIT NO. #8

DATE 2/22/91

BILL NO. SJR 23

DONALD R. JUDGE
EXECUTIVE SECRETARY

110 WEST 13TH STREET
P.O. BOX 1176
HELENA, MONTANA 59624

(406) 442-1708

TESTIMONY OF DON JUDGE ON SENATE JOINT RESOLUTION 23 BEFORE THE
SENATE AGRICULTURE COMMITTEE, FEBRUARY 22, 1991.

Mr. Chair, members of the committee, for the record, my name is Don Judge, representing the Montana State AFL-CIO, and I'm here today to testify in favor of Senate Joint Resolution 23.

Trade union members believe that Montana farmers should get a decent price for their products in the same way that workers deserve a fair wage for their labor.

The 1990 Farm Bill was a disaster for the Montana Family Farmer. Congressman Pat Williams said that the Farm Bill would "carve the fate of the family farm in stone...a tombstone."

The 1990 Farm Bill put wheat producing states like Montana at a serious disadvantage and favors large producers over small and medium size farmers. The measure directs farmers to reduce subsidized acreage by 15%. According to a October 1990 Great Falls Tribune editorial, "more than 90% of Montana's wheat base has been under the umbrella of farm programs..." The 15% provision means a serious cut in income for Montana wheat farmers.

The Farm Bill also cuts farm subsidies, limits the number of payments each farmer can receive, and it freezes target prices. This isn't so bad for the large producer who can make up for the loses in sheer volume, but for the small Montana family farmer, it takes away their bread and butter.

Senate Joint Resolution 23 sends a clear message to Congress that the Montana legislature is going to stand up for Montana Family farmers. We're not going to accept a second rate solution to a first rate catastrophe for the family farmer, which also means a catastrophe for main street business and rural communities.

Page Two
Testimony of Don Judge
SJR 23

The AFL-CIO has always supported the family farmer because we recognize that farmers, ranchers, and workers have a shared stake in promoting sustainable economic growth. Workers understand the cost and quality of the food and clothing they purchase is dependent on the stability of family farms.

Workers feel that supporting the family farm just makes good sense. Passing Senate Joint Resolution 23 just makes good sense. We urge you to give SJR 23 a "do pass" recommendation.

Thank you.



SENATE AGRICULTURE
BILL NO. #9
DATE 2/22/91

501 N. Sanders • Helena, Montana 59601 • (406) 442-9666 BILL NO. SB402

SB402 SENATE AGRICULTURE FEB. 22, 1991

SENATOR YELLOWTAIL SUPPORT

The Montana Water Resources Association strongly supports SB402.

While it may be more costly for the Council itself to travel to the various communities for hearings, it is often impossible for those affected by its decisions to attend.

We agree with Section 1, (2) line 21, page 2 that not only should the council request the participation of other council members, but that it should be a priority for council members to attend, even though it may be in out of the way places.

And we support the necessity of notification, by newspaper at least two weeks prior to the meeting. It would be preferable if other means such as public announcements on radio and TV be accomplished also.

Thank you,

Jo Brunner, Executive Secretary
Montana Water Resources Association

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Holly Franz	MT Power Co.	434	✓	
Wayne Wetzel	DNRC	434		
Eve BERGAN	DNRC	434		
Reed Lommen	Washington Water Power Co.	434	✓	
Ken Fleming	Rancher	434	✓	
Darryl Mentzer	Rancher	434	✓	
James Duvorske	Granite Cons. Dist.	434	✓	
Ole Ueland	Hunter RCD, Butte	434	✓	
Ron Kelley	West Side Ditch Co. Deer Lodge	434		✓
Gerald Mueller	Northern Lights Int.	434		
Terri Wilner	Northwest Power	402		
John C Brender	Northwest Power	402		
Bob Ghorpester	Dept of Health & Envir	434	✓	
John Kivort	Rosebud High School			
Paul Bish	Rosebud High School			
Gordon CONRAD	Rosebud H.S. (School)			
John Waller	N.P.C. / Milwaukee Protection Pra	SJR 23	✓	
Sam Kendall	Northern Plains Resource ^{Child}	SJR 23	✓	
Helen Waller	NPRC	SB402	✓	
Lorna Frank	MT. Farm Bureau	SJR 23		✓
Kim Wilson	Clark Fork Coalib	434	✓	
John Brown	SNARA	434 434	✓	
Dan Kelly	Deer Lodge	434		✓
CAROL MOSHEA	MT. CATTLE WOMEN	SJR 23		✓
Stan Bradshaw	MTU	SB434	✓	
Don Judge	MT STATE AFF- (FO)	SJR 23	✓	

ROLL CALL VOTE

SENATE COMMITTEE

AGRICULTURE

Date 2/22/91

Bill No. SSR 23

Time 5:48

NAME	YES	NO
Sen. AKLESTAD	X	
Sen. BECK		
Sen. BRUSKI	X	
Sen. DEVLIN	X	
Sen. REA	X	
Sen. SWIFT	X	
Sen. WILLIAMS	X	
Sen. KOEHNKE	X	
Sen. JERGESON	X	

Dorothy Quinn
Secretary

Greg Jergeson
Chairman

Motion: Sen. Bruski made a
motion that SSR 23 DO PASS
In favor: 8 Opposed: 0
MOTION CARRIED.

ROLL CALL VOTE

SENATE COMMITTEE AGRICULTURE

Date 2/22/91 Bill No. SB 19 Time 6:00

NAME	YES	NO
Sen. AKLESTAD		X
Sen. BECK	X	
Sen. BRUSKI	X	
Sen. DEVLIN		X
Sen. REA	X	
Sen. SWIFT		X
Sen. WILLIAMS	X	
Sen. KOEHNKE	X	
Sen. JERGESON	X	

Dorothy Quinn
Secretary

Greg Jergeson
Chairman

Motion: Sen. Williams made motion
that SB 19 be taken from
the table. In favor - 6;
opposed - 3. MOTION CARRIED.
(Aklestad, Devlin, Swift)

ROLL CALL VOTE

SENATE COMMITTEE AGRICULTURE

Date 2/22/91 Bill No. SB 19 Time 6:01

NAME	YES	NO
Sen. AKLESTAD		X
Sen. BECK		X
Sen. BRUSKI		X
Sen. DEVLIN		X
Sen. REA	X	
Sen. SWIFT		X
Sen. WILLIAMS	X	
Sen. KOEHNKE	X	
Sen. JERGESON	X	

Dorothy Quinn
Secretary

Greg Jergeson
Chairman

Motion: Sen. Williams moved
that SB 19 DO PASS.
In Favor: 4; opposed - 5
MOTION FAILED.

ROLL CALL VOTE

SENATE COMMITTEE AGRICULTURE

Date 2/19 Bill No. SB 19 Time 6:2

NAME	YES	NO
Sen. AKLESTAD	X	
Sen. BECK	X	
Sen. BRUSKI	X	
Sen. DEVLIN	X	
Sen. REA	X	
Sen. SWIFT	X	
Sen. WILLIAMS	X	
Sen. KOEHNKE	X	
Sen. JERGESON	X	

Dorothy Quinn
Secretary

Greg Jergeson
Chairman

Motion: Sen. BRUSKI made a motion
that the committee reconsider
action on SB 19. In favor - 9;
opposed - 0. MOTION CARRIED.

ROLL CALL VOTE

SENATE COMMITTEE

AGRICULTURE

Date 2/22/91 Bill No. SB 19 Time _____

NAME	YES	NO
Sen. AKLESTAD		X
Sen. BECK		X
Sen. BRUSKI	X	
Sen. DEVLIN		X
Sen. REA	X	
Sen. SWIFT		X
Sen. WILLIAMS	X	
Sen. KOEHNKE	X	
Sen. JERGESON	X	

Dorothy Quinn
Secretary

Greg Jergeson
Chairman

Motion: Senator Williams made a motion that SB 19 DO PASS.

In favor - 5; opposed - 4. (Aklestad, Beck, Devlin, Swift)
MOTION CARRIED.

ROLL CALL VOTE

SENATE COMMITTEE AGRICULTURE

Date 2/22/91 Bill No. SB 434 Time 6:11

NAME	YES	NO
Sen. AKLESTAD	X	
Sen. BECK	X	
Sen. BRUSKI	X	
Sen. DEVLIN	X	
Sen. REA	X	
Sen. SWIFT	X	
Sen. WILLIAMS	X	
Sen. KOEHNKE	X	
Sen. JERGESON	X	

Dorothy Quinn
Secretary

Greg Jergeson
Chairman

Motion: Senator Beck made a
motion that SB 434 DO PASS.
In favor - 9; opposed - 0.
MOTION CARRIED.

ROLL CALL VOTE

SENATE COMMITTEE AGRICULTURE

Date 2/1 Bill No. SB 434 Time _____

NAME	YES	NO
Sen. AKLESTAD	X	
Sen. BECK	X	
Sen. BRUSKI	✓	
Sen. DEVLIN	✓	
Sen. REA	X	
Sen. SWIFT	✓	
Sen. WILLIAMS	X	
Sen. KOEHNKE	X	
Sen. JERGESON	X	

Dorothy Quinn
Secretary

Greg Jergeson
Chairman

Motion: Senator Beck made a motion
that SB 434 be taken off
the table. In favor - 9,
opposed - 0. MOTION CARRIED.

ROLL CALL VOTE

SENATE COMMITTEE AGRICULTURE

Date 2/22/91 Bill No. SB 434 Time 5:45

NAME	YES	NO
Sen. AKLESTAD	X	
Sen. BECK	X	
Sen. BRUSKI	X	
Sen. DEVLIN		X
Sen. REA	X	
Sen. SWIFT	X	
Sen. WILLIAMS	X	
Sen. KOEHNKE	X	
Sen. JERGESON		X

Dorothy Quinn
Secretary

Greg Jergeson
Chairman

Motion: Senator Beck made a
motion that SB 434
BE TABLED. In favor - 7
Opposed - 2
(Devlin, Jergeson)

ROLL CALL VOTE

SENATE COMMITTEE AGRICULTURE

Date 2/22/91 Bill No. SB 402 Time 5:35

NAME	YES	NO
Sen. AKLESTAD	X	
Sen. BECK	X	
Sen. BRUSKI	X	
Sen. DEVLIN	X	
Sen. REA	X	
Sen. SWIFT	X	
Sen. WILLIAMS		X
Sen. KOEHNKE	X	
Sen. JERGESON		X

Dorothy Quinn
Secretary

Greg Jergeson
Chairman

Motion: Sen. Aklestad made a
motion that SB 402 DO NOT PASS.
In favor - 7; opposed - 2.
MOTION CARRIED.