

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
54th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON AGRICULTURE, LIVESTOCK & IRRIGATION

Call to Order: By **CHAIRMAN JOE BARNETT**, on February 28, 1995, at 3:00 P.M.

ROLL CALL

Members Present:

Rep. Joe Barnett, Chairman (R)
Rep. John "Sam" Rose, Vice Chairman (Majority) (R)
Rep. Don Larson, Vice Chairman (Minority) (D)
Rep. Jon Ellingson (D)
Rep. Dick Green (R)
Rep. Harriet Hayne (R)
Rep. Rick Jore (R)
Rep. Gay Ann Masolo (R)
Rep. Judy Murdock (R)
Rep. Karl Ohs (R)
Rep. George Heavy Runner (D)
Rep. William M. "Bill" Ryan (D)
Rep. Dore Schwinden (D)
Rep. Robert R. Story, Jr. (R)
Rep. Jay Stovall (R)
Rep. Lila V. Taylor (R)
Rep. Cliff Trexler (R)
Rep. Kenneth Wennemar (D)

Members Excused: Rep. Robert Story

Members Absent: None

Staff Present: Connie Erickson, Legislative Council
Jaelene Racicot, Committee Secretary

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

Committee Business Summary:

Hearing: SB 207, SB 319, SB 289
Executive Action: SB 319 BE CONCURRED IN
SB 289 BE CONCURRED IN

HEARING ON SB 319Opening Statement by Sponsor:

SEN. JOHN HERTEL, SD 47, stated SB 319 was a simple bill and the Department of Livestock had been doing these procedures for many years. This bill would make the beef check-off a legal process. He said the statement of intent had been added to allow the Department of Livestock to implement the provisions of the bill. At the present time, they do not anticipate that additional rulemaking would be necessary to carry out the duties to run the program.

He stated the Department of Livestock would collect the \$1 assessment of each Montana livestock sold. They would collect these check-off dollars and turn the money over to the national beef council for the promotion of beef products. He said the Department of Livestock was reimbursed by the Beef Council and was not liable for the collection of the assessment if the money could not be collected. **SEN. HERTEL** wanted to assure the committee that no state money would be used to fund the Department of Livestock's administrative duties.

Proponents' Testimony:

Les Graham, Montana Beef Council Member, stated they were fully aware of and supported this bill and he urged the committee to support it.

Cork Mortensen, Executive Secretary to the Board of Livestock, urged the committee to support SB 319. **Mr. Mortensen** handed in written testimony. **EXHIBIT 1**

John Bloomquist, Montana Stockgrowers Association, stated the purpose of the bill was to correct a discrepancy caught by the Legislative Auditor to give the Department the authority to do this. The Montana Stockgrowers supported this bill as amended.

Candace Torgeson, Women Involved In Farm Economics and Montana Cattlewomen's Association, urged the committee's support of the bill.

Lorna Frank, Montana Farm Bureau, supported the bill in its amended form from the Senate.

Opponents' Testimony: None

Questions From Committee Members and Responses:

REP. GEORGE HEAVY RUNNER told **Les Graham** this has been in place for ten years and asked what the program effectiveness has been. **Mr. Graham** stated this has been on going for many years. There used to be a check off for .25 cents. He said when the Department receives the money, they send approximately 80% to the

Beef Council National Program. He said these activities are much more effective on the national level than in a state like Montana, that has traditionally eaten meat. He stated the remaining 20% goes to state activities. Then, at the end of the year, the remaining state balance goes to the National Beef Council.

REP. KARL OHS asked **SEN. HERTEL** to address the amendments that were adopted by the Senate. **SEN. HERTEL** said some senators were not comfortable with the promotional and marketing aspect in the bill and the part that was struck contained language dealing with promotional and marketing concepts. He said they didn't want the Department of Livestock involved in the selling of livestock and the marketing of beef.

Closing by Sponsor:

SEN HERTEL stated the Department of Agriculture and the Department of Livestock were in support of SB 319 and urged the committee's passage of it. He asked **REP. ROSE** to carry the bill on the floor.

HEARING ON SB 289

Opening Statement by Sponsor:

SEN. VIVIAN BROOKE, SD 33, stated this bill was the direct result of a problem of leakage from an underground storage tank in her district. On page 1 of the bill, they added language to the agricultural chemical act. She said the bill directs that when chemical spills occur, the clean-up would fall under the authority of the Department of Health and Environmental Sciences (DHES) rather than the Department of Agriculture. She stated this bill was the result of collaborative efforts between the DHES and the Department of Agriculture.

Proponents' Testimony:

Leo Giacometto, Director of the Department of Agriculture, stated he worked with **SEN. BROOKE** while he served in the House in the 1989 Legislative session on the Ag Chemical Underground Protection Act. The DHES and the Department of Agriculture came to an understanding that they would work together whenever there was potential for agricultural chemicals to adversely affect public water supplies. This bill would create a partnership between the two agencies to oversee the process of taking care of these problems, but since the Department of Agriculture is a much smaller department and doesn't have the staff or expertise that the Department of Health does, the DHES would have the authority to oversee clean-up of an agricultural chemical spill. He stated the Department of Agriculture and the Ag Chemical Underground Protection Act should focus their main attention on prevention.

Whenever there is a chemical spill from an underground tank, the Department of Health should handle the cleanup.

Maureen Cleary-Schwinden, Women Involved In Farm Economics, stated they wanted to go on record in support of SB 289. She said they appreciated **SEN. BROOKE'S** efforts working with the DHES and the Department of Agriculture to come up with a compromise.

Bob Robinson, Director, Department of Health and Environmental Sciences, stated together with the Department of Agriculture they had worked these issues out to clearly define the responsibilities and roles of the DHES and the Department of Agriculture. He said not only does the Department of Health have more physical resources, but the law gives them more tools to use to handle these things than the Department of Agriculture has.

Lorna Frank, Montana Farm Bureau, stated they supported SB 289 because should be the Department of Health's responsibility to city municipal water supply rather with than with the Department of Agriculture.

Bob Stephens, Montana Grain Growers, stated they supported SB 289.

Larry Brown, Agricultural Preservation Association, stated he was a reluctant proponent because of the lack of clarification on lines 24 and 25 of page 1. He said he would like to see more clarification on what constitutes ag chemicals. In terms of the public water supply watershed in the northern part of the state that supplies water to Chinook and Conrad, he wondered if ag chemicals could mean fertilizer, and he thought a better definition was needed to define what an ag chemical is.

Opponents' Testimony: None

Questions From Committee Members and Responses:

REP. ROSE referred to line 24 and asked **SEN. BROOKE** if ag chemicals included hog manure. **SEN. BROOKE** stated in chapter 80 agriculture chemicals were defined and asked **Leo Giacometto** to elaborate on the definition.

Mr. Giacometto said ag chemicals would not include hog manure, but it would deal with all ag chemicals and ag commercial fertilizers. He said their point for their definition is that under current law, anything that affects public water supply, whether it's an ag chemical or not, is covered under the law by the Department of Health.

REP. ROSE asked **Mr. Giacometto** if they had the "means" to tell the difference between the nitrates of natural fertilizers and the nitrates of commercial fertilizers. **Mr. Giacometto** referred to **Gary Gingery** to answer the question. **Mr. Gingery** stated analytically they could not tell the difference. Then **Mr.**

Giacometto stated under current law, regardless if the source was natural or not, it would come under the Department of Health. He said all this bill did was to clarify in the Ag Chemical Groundwater Protection Act as to what the responsibilities were for the departments involved.

REP. JAY STOVALL asked **Bob Robinson** if agricultural contamination came under the Superfund Program. **Mr. Robinson** stated it depended on the extent. He said it would be a discharge permit under water quality and that it would not come under Superfund. He said they had an incidence where an agribusiness stored large amounts of hog manure in tanks and then spread it on the ground for fertilizer. He said the problem that arose was that there could have been some discharge from underground holding tanks into the groundwater. He said that was not happening anymore and that they were putting it into a vertical harvest storage tank and injecting it into the ground before the ground froze.

REP. STOVALL asked if this bill would not change the way things were handled now. **Mr. Robinson** stated that was correct. He said all the bill did was classify when a pesticide would have the potential to impact a public water supply, then the Department of Health would work on the cleanup of the site. He said all agricultural-related issues would stay with the Department of Agriculture.

REP. ROSE asked **Mr. Robinson** what the results were of nitrates found in the water in Conrad and Valier. **Mr. Robinson** stated there were no calculable impacts to the water supply. He said there were high nitrate concentrates in the area. At the present time the standards under which the business is now operating are probably the most stringent standards applied to any agricultural operation in the state of Montana. He said there was a high level of naturally-occurring nitrates in the area.

REP. ROSE asked **Mr. Robinson** about the nitrates that occurred naturally on the irrigation districts because oftentimes the agricultural community would be blamed for polluting the groundwater. **Mr. Robinson** stated that nitrates were occurring in the general area **REP. ROSE** had referred to.

Mr. Giacometto assured **REP. ROSE** that this bill would not change anything in current law, but would clarify whose responsibility it would be if there was a problem with contamination of an underground water supply.

CHAIRMAN BARNETT asked **Larry Brown** if the concern he expressed during his testimony could be answered under 75-6-102 in MCA and if he had problems with it. **Mr. Brown** stated there were a number of municipal public water supplies out there. He asked, in terms of the way a water supply system is written in the bill, "does that mean a watershed, or does that mean a diversion facility or does that mean the area where a chemical can be placed, could cause pollution of a diversion point?" He felt the definition was too broad.

Closing by Sponsor:

SEN. BROOKE said this bill would clarify what responsibilities the Department of Health and the Department of Agriculture would have. She said, "We are concerned about harboring our resources. We don't want all departments descending upon a particular site to do the same thing." This would provide more tools to help clean up the site.

SEN. BROOKE stated **REP. KADAS** would carry the bill on the House floor.

HEARING ON SB 207**Opening Statement by Sponsor:**

SEN. KEN MESAROS, SD 25, stated some individuals perceived this bill as a right to farm bill. This was an act providing protection from agricultural activities and governmental zoning. He said due to Montana's population growth, a problem exists within the state. The problem occurred as a result of more and more people moving from urban areas to rural areas. Therefore, farms and ranches were being subdivided. This bill would protect existing farming, ranching or timber operations from zoning and nuisance restrictions.

SEN. MESAROS briefly explained Section 1 and 2. Section 1 describes agricultural activities and Section 2 outlines normal activities associated with farming, ranching and timber harvest. He said page 2, line 9, is a major change within the bill. If people move in and there's no major change within an agricultural activity, this bill simply states that the conversion of one activity to another does not adversely impact the property owners. He said amendments added addressed burning of stubble and timber slash. He stated at the present time, this was allowed and this bill would not change it.

On page 3, Section 3, **Alec Hanson, League of Cities and Towns**, had a concern with this part and suggested an amendment. **SEN. MESAROS** stated that an amendment to address **Mr. Hanson's** concerns was drafted. **EXHIBIT 2**

Proponents' Testimony:

Al Kington, Montana Tree Farm System in Helena, handed out testimony for **Bruce Maclay** who could not attend the meeting. **EXHIBIT 3** **Mr. Kington** then explained a definition to agricultural activity and offered a change to the bill for the committee's consideration. **EXHIBIT 4** **Mr. Kington** stated they supported the amendments by **SEN. MESAROS**.

John Youngberg, Montana Farm Bureau, stated there was a different need for SB 207. He stated examples to the committee on why SB

207 was needed. Some people moved from the east and bought land next to a hog farm. These people built a house and the wind came from the west that fall and the man wanted zoning to get the animals away from the area. He said a farmer from Billings had a beet farm. A subdivision was built next to it. A family built a house in the subdivision and the wind blew that fall after the beets were harvested and the dirt sandblasted the family's house and now the family has filed suit against the beet farmer. He said this year people in Gallatin County were trying to get an air pollution ordinance passed in that part of the country.

He said "People that have moved into the Gallatin Valley area see this smoke coming up from stubble fields being burned. ... Now people have developed a serious allergy to the smoke and we have got to stop that burning." He said there is tremendous growth within the state. He urged the committee to pass SB 207 to support agriculture in Montana.

Bob Stephens, Montana Grain Growers, urged the committee to support the bill.

John Bloomquist, Montana Stockgrowers Association, stated that North Dakota, Idaho, Oregon, and Colorado have similar provisions in their law. He stated that this bill does not allow ag activities to be conducted in violation of environmental laws or other laws. He said he would support the bill with the amendments.

Don Allen, Montana Wood Products Association, stated he agreed with the amendments **SEN. MESAROS** presented to the committee. He urged the committee to pass this bill.

Maureen Cleary-Schwinden, Women Involved In Farm Economics, asked the committee to support SB 207.

Candace Torgeson, Montana Cattlewomen's Association, urged the committee to support the bill.

Mike Murphy, Montana Water Resources Association, stated that this was an exceptional bill and he wanted to go on record as supporting the bill.

Larry Brown, Agricultural Preservation Association, urged the committee to support the bill.

Les Graham, Montana Dairy Association and the Montana Livestock Auctions, stated they strongly supported this bill.

Ronald Buentemeier, F. H. Stoltze Land and Lumber Company sent written testimony in support of this bill. **EXHIBIT 5**

Opponents' Testimony: None

Questions From Committee Members and Responses:

REP. JAY STOVALL told **SEN. MESAROS** he didn't understand on page 3, lines 8 and 9, where agricultural activities were annexed. **SEN. MESAROS** said what the bill did was protect existing farming and ranching operations outside of the city limits. The people moving from the urban area to the rural area could not petition a nuisance ordinance against a true farming or ranching operation.

REP. STOVALL asked **SEN. MESAROS** even if the land was annexed if the city couldn't prosecute, even if it was annexed into the city. **SEN. MESAROS** replied there are other parts of the statute that refer to annexation of farming activities and it was his understanding they could not annex farming operations. **REP. STOVALL** asked if a municipality could not annex a farm operation. **SEN. MESAROS** asked **John Bloomquist** to respond. **Mr. Bloomquist** stated there was one section that states if there is agricultural land that is fully surrounded by a municipality they cannot annex without the owner's permission.

REP. DON LARSON asked **SEN. MESAROS** about page 2, line 9. He provided a scenario whereby someone has a cow-calf ranching operation, cow prices decrease dramatically, so he decides he's going to harvest the timber off of it. A neighbor from California has an 80 acres spread and all of a sudden this rancher clear-cuts the land while waiting for the cattle prices to go up. He asked if that would be considered a "takings" for that neighbor and would the bill adversely affect that neighbor's property right? **SEN. MESAROS** stated he would not interpret this as a takings and that it would not directly affect the neighbor's property.

REP. LILA TAYLOR asked **SEN. MESAROS** because of the additional amendments did he need to change the title of the bill to consider forestry.

SEN. MESAROS yielded the question to the council to decide if the title needed to be changed or not.

REP. TREXLER commented on the question by **REP. TAYLOR**. He stated that it would be considered tree farming and not to confuse forestry with tree farming.

Connie Erickson addressed the question by **REP. TAYLOR**. She said the first amendment including forest as an agricultural activity, would not require a change to the title.

REP. TAYLOR asked **SEN. MESAROS** why he wanted to include forestry in the bill. **SEN. MESAROS** stated that not including forestry to begin with was an oversight on his part.

REP. LARSON asked if he could redirect the question to **Don Allen**. **REP. LARSON** asked **Mr. Allen** to give the committee a concrete example of how the bill would apply to a forest operation. **Mr.**

Allen stated the idea they had earlier was to include forestry. He said there were times they had overlapping activities of farming and forestry. They would protect one activity and not the other even though both are on the same land.

REP. LARSON asked **Mr. Allen** about the Flathead area and if the Plum Creek lands were within city limits. **Mr. Allen** stated it was common in the Lake Mary area of Ronan and around Columbia Falls where zoning impacted 20 to 40 acre tracts.

REP. LARSON asked **Mr. Allen** if those lands were in the county or city. **Mr. Allen** replied they were in the county.

CHAIRMAN BARNETT asked **SEN. MESAROS** about page 3, lines 8 and 9. He said if an incorporated city extended and included an agricultural activity, would there be anything that would prevent a person from selling the agricultural activity? Could they sell it and be grandfathered in? **SEN. MESAROS** replied if there was a change in ownership, they would be treated accordingly.

CHAIRMAN BARNETT asked if this could involve the taking of one's rights and if he could not sell his operation. If the city grew up around his farming operation, and he was not able to sell his agricultural operation and chose to sell out, would this jeopardize his right to sell. **SEN. MESAROS** replied he did not see how it would jeopardize his right. **CHAIRMAN BARNETT** stated this legislation wouldn't jeopardize it, but city ordinances could be passed that would jeopardize it. He said this would not give him protection to sell in the future.

John Bloomquist stated they were protecting the activity to change from one ownership to another. But if this land was changed into a subdivision there would be no protection.

REP. LARSON asked **John Bloomquist** if there was anything to prohibit that agricultural owner to sell it for the purposes of a subdivision. **Mr. Bloomquist** stated that it did not.

REP. TREXLER asked **SEN. MESAROS** about the amendment he wanted that would go in page 2, line 18, and said it does not indicate if it had been taxed in a manner that suppresses it. Is that what you were trying to do there. **SEN. MESAROS** replied the amendment would clarify the timber interest.

REP. ROSE asked **John Bloomquist** about the zoning in the Choteau area where they zone in five-acre tracts. He stated five acres was the minimum a person could put a home on because it was within the area of the city water supply. He asked if this would be a takings. **Mr. Bloomquist** replied that zoning of that kind would probably not be affected, because it would be under existing takings law.

Closing by Sponsor:

SEN. MESAROS stated there was major problem in certain areas within the state affecting farming and ranching operations and that was why he had the bill drafted. He urged the committee to pass the bill and asked REP. ROSE to carry the bill on the House floor.

EXECUTIVE ACTION ON SB 289

Motion: REP. LARSON MOVED SB 289 BE CONCURRED IN.

Vote: The motion carried unanimously. REP. ROSE gave an oral proxy from REP. ROBERT STORY indicating a yes vote.

EXECUTIVE ACTION ON SB 319

Motion: REP. RYAN MOVED SB 319 BE CONCURRED IN.

Vote: The motion carried unanimously. REP. ROSE gave an oral proxy from REP. ROBERT STORY indicating a yes vote.

Executive action on SB 207 was deferred until a later date.

ADJOURNMENT

Adjournment: 4:17 P.M.



JOE BARNETT, Chairman



JAELENE RACICOT, Secretary

JB/jr

HOUSE OF REPRESENTATIVES

Agriculture

ROLL CALL

DATE 2/28/95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Sam Rose Vice Chairman, Majority	✓		
Rep. Don Larson, Vice Chairman, Minority	✓		
Rep. Jon Ellingson	✓		
Rep. Dick Green	✓		
Rep. Harriet Hayne	✓		
Rep. George Heavy Runner	✓		
Rep. Rick Jore	✓		
Rep. Gay Ann Masolo	✓		
Rep. Judy Rice Murdock	✓		
Rep. Karl Ohs	✓		
Rep. Jay Stovall	✓		
Rep. Bill Ryan	✓		
Rep. Dore Schwinden	✓		
Rep. Robert Story	<i>[Signature]</i>		<i>[Signature]</i>
Rep. Lila Taylor	✓		
Rep. Cliff Trexler	✓		
Rep. Ken Wennemar	✓		
Rep. Joe Barnett, Chairman	✓		

[Handwritten scribble]



HOUSE STANDING COMMITTEE REPORT

February 28, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Agriculture, Livestock, and Irrigation report that Senate Bill 289 (third reading copy -- blue) be concurred in.

Signed: Joe Barnett
Joe Barnett, Chair

Carried by: Rep. Kadas

Committee Vote:
Yes 18, No 0.

471640SC.Hdh



HOUSE STANDING COMMITTEE REPORT

February 28, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Agriculture, Livestock, and Irrigation report that Senate Bill 319 (third reading copy -- blue) be concurred in.

Signed: Joe Barnett
Joe Barnett, Chair

Carried by: Rep. Rose

Committee Vote:
Yes 18, No 0.

471637SC.Hdh

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Agriculture Committee

DATE 2/28/95 BILL NO. SB289 NUMBER _____

MOTION: Larson Be Concurred

NAME	AYE	NO
Rep. Sam Rose, Vice Chairman, Majority		
Rep. Don Larson, Vice Chairman, Minority		
Rep. Jon Ellingson		
Rep. Dick Green		
Rep. Harriet Hayne		
Rep. George Heavy Runner		
Rep. Rick Jore		
Rep. Gay Ann Masolo		
Rep. Judy Rice Murdock		
Rep. Karl Ohs		
Rep. Jay Stovall		
Rep. Bill Ryan		
Rep. Dore Schwinden		
Rep. Robert Story		
Rep. Lila Taylor		
Rep. Cliff Trexler		
Rep. Ken Wennemar		
Rep. Joe Barnett, Chairman		

Unanimous

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Agriculture Committee

DATE 2/28 BILL NO. B319 NUMBER _____

MOTION: _____

Rep Ryan Be Conceded

NAME	AYE	NO
Rep. Sam Rose, Vice Chairman, Majority		
Rep. Don Larson, Vice Chairman, Minority		
Rep. Jon Ellingson		
Rep. Dick Green		
Rep. Harriet Hayne		
Rep. George Heavy Runner		
Rep. Rick Jore		
Rep. Gay Ann Masolo		
Rep. Judy Rice Murdock		
Rep. Karl Ohs		
Rep. Jay Stovall		
Rep. Bill Ryan		
Rep. Dore Schwinden		
Rep. Robert Story		
Rep. Lila Taylor		
Rep. Cliff Trexler		
Rep. Ken Wennemar		
Rep. Joe Barnett, Chairman		

Carried
Unanimous

EXHIBIT 1
DATE 2/28/95
HB SB 319

SENATE BILL 319

Mr. Chairman and members of the committee, for the record my name is Cork Mortensen and I am Executive Secretary to the Board of Livestock. The Board and Department of Livestock support this legislation and urge you to support Senate Bill 319 as well.

This legislation would allow the department to assist in the Beef Promotion and Marketing activities. This department currently assists the Beef Council by collecting a fee assessed by the Beef Council under the Beef Promotion and Research Act. This is done contractually, but we feel there may be an unacceptable liability factor here. The legislative auditor concurs on this point and suggests that we make this statutory as well.

Thank you for your time and consideration in this matter. Once again, the Board and Department of Livestock urge you to support this legislation. If you have any questions or need more information, I should be happy to respond.

Thank you.

Cork

E.E. "Cork" Mortensen, Executive Secretary
To the Board of Livestock

Montana League of Cities and Towns



February 20, 1995

MEMORANDUM

To: Senator Ken Mesaros
From: Alec Hansen
Re: SB-207

As previously indicated, cities do have concerns about the effects of Senate Bill 207 within urban and densely populated areas of our state.

We anticipate problems with aerial spraying, roadway movement of livestock, and conversion of land from one agricultural activity to another within the incorporated boundaries of cities and towns. I understand that the sections dealing with these issues are important to your purpose, but I believe that they could be retained if the bill did not apply to properties located within the boundaries of cities and towns.

There are very few legitimate agricultural operations inside cities, and I am not sure that you intended to exempt horse pastures, open fields, green houses and street vendors from all municipal ordinances.

The simplest way to answer our concerns would be to amend Section 3 to provide that the bill does not apply to municipal ordinances.

Thank you for the opportunity to comment and offer suggestions on SB-207.

SUGGESTED AMENDMENT

Page 2, line 28, following "activities."

Insert: outside the boundaries of an incorporated city or town.

Strike: ~~the remainder of Section 3.~~

H. BRUCE MACLAY
17015 OLD HIGHWAY 93
FLORENCE, MONTANA 59833
February 21, 1995

HOUSE AGRICULTURAL COMMITTEE:

I welcome this opportunity to comment on Senate Bill 207. I am H. Bruce Maclay, a third generation cattle rancher in the Bitterroot Valley of Western Montana, and I am also a tree farmer of more than 15 years standing. Currently I am Chairman of the Montana Tree Farm System. The Montana Tree Farm System is an organization of non-industrial private forest owners, many of whom are Montana ranchers. This organization has been in existence for over 50 years. The members have an approved plan for their practices and goals.

Senate Bill 207 is a wise move to put Montana agriculture ahead of the curve in dealing with some of the upcoming problems with governmental zoning and nuisance restrictions. I think forestry needs to be included as well as agriculture in this proposal. The Bill attempts to do this under Section 2, O, which includes as an "activity" ... "timber harvesting, thinning, and timber regeneration", and under Section 3, J, which, under commercial production of farm products includes "trees - including commercial timber".

However, in order to accomplish the intent of those Sections, Section 2 (1) needs to be changed to read "land classified as agricultural and forest land for tax purposes", and wherever "farm products" is stated needs to be changed to "farm and forest products".

Thank you for your consideration of these comments.

H. Bruce Maclay

*Proposed
at Kingston*

EXHIBIT 4
DATE 2/28/95
HB SB 207

AMENDMENT TO SB 207

SEC.2 DEFINITIONS

(1) " Agricultural activity " means a condition or activity that occurs on land classified as agricultural or **forest** land for taxation purposes and that occurs in connection with the commercial production of farm **and forest** products and includes but is not limited to:

EXHIBIT 5
DATE 2/28/95
HB SB207



F.H. STOLTZE LAND & LUMBER CO.

Lumber Manufacturers
Box 1429 • COLUMBIA FALLS, MONTANA 59912
PHONE (406) 892-3252 • FAX (406) 892-1612

FACSIMILE TRANSMITTAL

Date: February 21, 1995

To: (Firm Name) House Agriculture Committee (Rm 420)

(Attn): Jailene Racicot Secretary

From: Ronald H. Buentemeier

Message: Today you are considering Senate Bill 207. As a manager of 34,000 plus acres of forest land in Northwestern Montana, much of it in the urban interface area, this bill will help insure that our lands can continue to be managed for forest products. The bill should also include "or Forest" inserted in lines 22 & 23 as I have indicated on the attached sheet. We must provide Farming and Forestry operations with the tools they need to continue their operations without local conflicts

Sincerely yours

Ronald Buentemeier

Ronald H. Buentemeier
Land Manager

Number of Pages to follow: 4

FAX NO. 406-892-1612

SENATE BILL NO. 207

INTRODUCED BY MESAROS, ROSE, ~~HARR~~ HOLDEN, EMERSON, COLE, ~~MOHL~~ HARGROVE, TVEIT,
MILLER, HERTEL, STOVALL, MERCER, KNOX, ~~WAGNER~~ BAER, AKLESTAD, ~~CRISMORE~~ ~~BENEDICT~~,
DEBRUYCKER, JENKINS, GROSFIELD, KEATING, TOEWS

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING PROTECTION FOR AGRICULTURAL ACTIVITIES FROM GOVERNMENTAL ZONING AND NUISANCE RESTRICTIONS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Agricultural activities -- legislative finding and purpose. (1) The legislature finds that agricultural lands and the ability and right of farmers and ranchers to produce a safe, abundant, and secure food and fiber supply have been the basis of economic growth and development of all sectors of Montana's economy. In order to sustain Montana's valuable farm economy and land bases associated with it, farmers and ranchers must be encouraged and have the right to stay in farming.

(2) It is therefore the intent of the legislature to protect agricultural activities from governmental zoning and nuisance ordinances.

NEW SECTION. Section 2. Definitions. As used in [sections 1 through 3], the following definitions apply:

(1) "Agricultural activity" means a condition or activity that occurs on a farm ^{OR FOREST} LAND CLASSIFIED AS AGRICULTURAL LAND FOR TAXATION PURPOSES AND THAT OCCURS in connection with the commercial production of farm ^{OR FOREST} products and includes but is not limited to:

- (a) produce marketed at roadside stands or farm markets;
- (b) noise;
- (c) odors;
- (d) dust;
- (e) fumes;
- (f) operation of machinery and irrigation pumps;
- (g) movement of water for agricultural activities, including but not limited to use of existing county

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Agriculture-Livestock COMMITTEE

BILL NO. SB319

DATE 2/28/95 SPONSOR(S) Hertel

PLEASE PRINT

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
<u>Les Graham</u>	<u>MDA</u>			<input checked="" type="checkbox"/>
<u>Mauden Cleary-Schwinkel</u>	<u>WIFE</u>	<u>SB319</u>		<input checked="" type="checkbox"/>
<u>Lorna Frank</u>	<u>MT. Farm Bureau</u>	<u>SB319</u>		<input checked="" type="checkbox"/>
<u>John Bloomquist</u>	<u>MT. Steeplechases</u>	<u>319</u>		<input checked="" type="checkbox"/>
<u>Carla Torgerson</u>	<u>MT. Cattlemen Ass</u>	<u>319</u>		<input checked="" type="checkbox"/>
<u>Larry Brown</u>	<u>Ag Pros. Assoc.</u>	<u>319</u>		<input checked="" type="checkbox"/>
<u>Cork Mortensen</u>	<u>Brd. of Livestock</u>	<u>319</u>		<input checked="" type="checkbox"/>

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Agriculture/Livestock

COMMITTEE

BILL NO. SB 289

DATE 2/28/95

SPONSOR(S) Brooke

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Maureen Cleary-Schwinder	WIFE	SB289		✓
Bob Stephens	Mt. Grain Growers	289		✓
Lorna Frank	MT. Farm Bureau	289		✓
Larry Brown	Ag Pres. Assoc.	289	✓	

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HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Agriculture-Livestock COMMITTEE BILL NO. SB 207
 DATE 2/28/95 SPONSOR(S) Mearns

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
John Semple	Assoc. of Montana Aerial Applicators	207		✓
Pam Langley	Montana Agri-Business Assoc.	207		✓
Al Kingston	Montana Tree-Farm System	207		✓
Margreen Cleary-Schwinden	WIFE	207		✓
MICHAEL MURPHY	MT. WATER RES. ASSN	207		✓
Les Graham	MJA-MAMA			✓
Lorna Frank	MT. Farm Bureau	SB 207		✓
Bob Stephens	mt Grain Growers	SB 207		✓
Larry Brown	Ag. Pres. Assoc	207		✓
CAVOKA Torgerson	Mont. Cattle Assn	207		✓
John Blomquist	MT Stockgrowers	207		✓
Don Allen	Mont. Livestock Producers Assn	207		✓

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