

MINUTES OF THE MEETING
LONG RANGE PLANNING SUBCOMMITTEE
50TH LEGISLATIVE SESSION

The meeting of the Long Range Planning Subcommittee was called to order by Chairman Rep. Robert Thoft on February 20, 1987 at 7:30 a.m., in Room 202B of the State Capitol.

ROLL CALL: All members of the Long Range Planning Subcommittee were present except Rep. Donaldson who was excused.

Tape 84:A:000

RIT PROJECTS

Grant #30 Ground Water Information Center:

Discussion: Chairman Thoft asked if the Water Resources Center and the Ground Water Information Center are the same. Sara Parker, Montana Library, said the two centers have different purposes.

Grant #26 DNRC:

Action: Rep. Bardanouve MOVED to NOT APPROVE grant #26. The MOTION CARRIED unanimously.

Grant #27 Fort Peck Assiniboine & Sioux Tribes: (130)

Action: Rep. Bardanouve MOVED to NOT APPROVE grant #27. The MOTION CARRIED unanimously.

Grant #29 Montana State University: (142)

Action: Sen. Aklestad MOVED to NOT APPROVE grant #29. The MOTION CARRIED unanimously.

Grant #30 Ground Water Information Center: (169)

Action: Rep. Bardanouve MOVED to APPROVE grant #30 for \$155,950 as recommended. The MOTION CARRIED unanimously.

Grant #31 University of Montana, Biology Department:

Action: Sen. Van Valkenburg MOVED to APPROVE grant #31 for \$26,638 as recommended. The MOTION CARRIED with Sen. Aklestad voting no.

Grant #33 Butte Silver Bow Government: (275)

Department of Education:

Action: Sen. Walker MOVED to APPROVE the project to improve handicapped accessibility at the School for the Deaf and Blind as recommended. The MOTION CARRIED unanimously.

Department of Fish Wildlife and Parks: (372)

Action: Rep. Bardanoue MOVED to amend the funding for FWP property development from \$400,000 to \$379,000. The MOTION CARRIED unanimously.

Rep. Bardanoue MOVED to amend line 8 page 3 from "Develop Property" to "Develop Wildlife Improvement Property". The MOTION CARRIED unanimously.

Sen. Van Valkenburg MOVED to amend \$650,000 for improving fowl habitat to \$425,000. The MOTION CARRIED unanimously.

Sen. Walker MOVED to amend the funding for improvement of Big Horn Sheep Habitat from \$100,000 to \$179,000. The MOTION CARRIED unanimously.

(499) Sen. Van Valkenburg MOVED to amend the funding for fishing access site acquisition from \$414,500 federal to \$409,000, and from \$300,000 private to \$50,000 private and the appropriation for land transfer at the Region 3 Headquarters in Bozeman from \$145,000 to \$108,700. The MOTION CARRIED unanimously.

Sen. Van Valkenburg MOVED to authorize FWP to accept the donation of Labor and materials for the Finley Point project. The MOTION CARRIED unanimously. (566)

(85:A:000)

Rep. Bardanoue MOVED to APPROVE \$250,000 for Wildlife Habitat Acquisition. Rep. Bardanoue withdrew his motion.

Discussion: Sen. Aklestad asked which headquarters is their priority for a new headquarters. Jim Flynn, FWP, said the Billings' headquarters is their priority because of the Billings higher staffing priority.

Action: Rep. Bardanoue MOVED to APPROVE the FWP portion of the bill as amended. The MOTION CARRIED unanimously. Sen. Walker MOVED the Ashley Creek Head Gate spending authority for \$31,500 of FWP license fees (Insert on page 3, line 19). The MOTION CARRIED unanimously.

WATER DEVELOPEMENT PROJECTS

Action: Rep. Bardanouve MOVED to NOT APPROVE grant #33. Sen. Van Valkenburg made a substitute motion to APPROVE \$100,000 for grant #33. The MOTION CARRIED with Sen. Aklestad voting no.

Grant #34 Lewis and Clark County: (407)

Action: Rep. Bardanouve MOVED to NOT APPROVE grant #34. The MOTION CARRIED with Sen. Walker and Sen. Van Valkenburg voting no.

Grant #35 Montana State University:

Action: Sen. Aklestad MOVED to NOT APPROVE grant #35. The MOTION CARRIED unanimously.

Grant #36 Environmental Quality Council: (474)

Action: Sen. Walker MOVED to APPROVE grant #36 as recommended. The MOTION FAILED. Sen. Aklestad made a substitute motion to NOT APPROVE grant #36. The MOTION FAILED.

Montana Bureau of Mines and Geology: (567)

Action: Sen. Walker MOVED to APPROVE \$57,820 for low grade bentonite for shot hole plugging, with the contingency that they have to do an economic study. The MOTION CARRIED with Sen. Van Valkenburg and Sen. McLane voting no.

(84:B:000)

Grant #16 Water Resources Center, UM: (100)

Action: Sen. Walker MOVED to reconsider action on grant #16. The MOTION FAILED with Sen. Van Valkenburg and Sen. Walker voting yes.

Grant #19 Butte Silver Bow Government: (182)

Action: Sen. Van Valkenburg MOVED to reconsider action on grant #19. The MOTION CARRIED with Sen. Aklestad and Rep. Bardanouve voting no. Sen. Walker MOVED to APPROVE \$150,000 for grant #19. The MOTION CARRIED with Rep. Bardanouve voting no.

CAPITAL CONSTRUCTION PROJECTS

Department of Commerce: (274)

Action: Sen. McLane MOVED to NOT APPROVE the Department of Commerce project to replace the roof at Yellowstone Airport. The MOTION CARRIED unanimously.

Discussion: Don Hyppa, FWP, said the Gartside Dam has to be under the jurisdiction of DNRC.

\$257,000	CST Loan (3 year repayment)
24,400	Interest
93,000	Federal Park Revenues
250,000	LWCF
<u>\$624,400</u>	Total

Action: Rep. Bardanoue MOVED approval to establish spending authority in HB5. APPROVE \$257,000 for a coal severance tax loan in the Water Development Bill. The MOTION CARRIED unanimously. (400)

CAPITAL CONSTRUCTION PROJECTS

Department of Highways: (419)

Action: Sen. Walker MOVED to APPROVE the Department of Highways portion of the Long Range Building Program bill. The MOTION CARRIED unanimously.

Department of Institutions: (510)

Discussion: Ellen Feaver, Department of Administration, submitted two proposed amendments (Exhibit #1, #2).

(85:B:000)

Ms Feaver said Montana is going to sue Volk Construction for damages relative to the prison expansion project.

Action: Rep. Bardanoue MOVED to APPROVE \$75,000 for Montana State Prison legal fees and costs. The MOTION CARRIED with Sen. Aklestad voting no.

Sen. Walker MOVED to APPROVE spending authority of \$200,000 for prison loss fees and expenses. The MOTION CARRIED unanimously.

Rep. Bardanoue MOVED to amend the Long Range Building Program bill to give authority to the Department of Institutions to demolish the same buildings as listed in HB 926 (L.1985). The MOTION CARRIED unanimously.

Sen. Aklestad MOVED to APPROVE the Department of Institutions portion of the bill. The MOTION CARRIED unanimously. (114)

Department of Justice: (188)

Action: Rep. Bardanouve MOVED to APPROVE the Department of Justice portion of the Long Range Building Program bill. The MOTION FAILED with Rep. Bardanouve voting yes.

Sen. Walker MOVED that line 7 and 8 on page 5 be deleted from the bill. The MOTION CARRIED unanimously. Sen. Walker withdrew his motion.

Department of Labor and Industry: (326)

Action: Rep. Bardnaouve MOVED to APPROVE line 10 of the Long Range Building Program bill. The MOTION CARRIED unanimously. Rep. Bardanouve MOVED to APPROVE line 11 of the Long Range Building Program bill. The MOTION CARRIED with Sen. Aklestad voting no. Sen. Van Valkenburg MOVED to APPROVE the addition to the Helena Job Service Building. The MOTION CARRIED with Sen. Aklestad voting no.

Department of Military Affairs: (475)

Action: Rep. Bardanouve MOVED to amend the Long Range Building Program bill to add \$300,000 of federal spending authority for the Department of Military Affairs.

Montana University System:

Action: Sen. Van Valkenburg MOVED the APPROVAL of steam and water main repairs at UM (page 6 line 3) for \$168,400 of capital project funds and \$15,600 of auxiliary funds.

(86:A:000)

Rep. Bardanouve made a substitute motion to insert the amendment on page 5 after line 23. The MOTION FAILED with Rep. Bardanouve voting yes. The original MOTION CARRIED with Rep. Bardanouve voting no.

Sen. Van Valkenburg MOVED to APPROVE the remainder of the University System's projects. The MOTION CARRIED unanimously.

Department of Fish Wildlife and Parks:

Action: Sen. Walker MOVED to APPROVE FWP's section of the Long Range Building Program bill as amended. The MOTION CARRIED unanimously.

Montana University System: (373)

Action: Rep. Bardanouve MOVED buildings that are built with student fees become part of the Long Range Building Program, also the Department of Administration prioritize student fee

buildings in with other buildings, and funds will be allocated according to the share that is allocated for instructional buildings.

ADJOURNMENT: There being no further business the Long Range Planning Subcommittee adjourned at 11:20 a.m.



Chairman Rep. Bob Thoft

law

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Proposed Amendment to House Bill #5B

Capital Projects
Fund

Montana State Prison Legal
Fees and Costs

\$75,000

Explanation

The State is a codefendant in a lawsuit brought by one of the prime contractors on Phase 3, Montana State Prison. The plaintiff is seeking unspecified damages under contract and tort theories.

This amendment allows the State to defend itself.

amend2.txt

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Proposed Amendment to the LRBP Cash Bill

"The Department has the authority to pay fees and expenses, not to exceed the amount recovered, associated with litigation to recover damages incurred by the State as a result of the December 30, 1985 explosion at Montana State Prison."

	Other Appropriated Funds
Prison Loss Fees & Expenses	\$200,000

Explanation

The State suffered some uninsured losses as a result of the 1985 explosion at Montana State Prison. This amendment allows the Department to enter a contingency fee contract with a law firm to recover those uninsured losses.

We expect that recovery may take as long as two years. The State would contract with the same firm utilized by its insurer and the other principals in the case. Any recovery, less litigation costs, would be used to offset the uninsured deductible losses experienced by the Tort Claims Division.

The Department will pursue legal remedies only if the potential recovery exceeds the estimated costs of litigation and if the State can reasonably expect a financial settlement. Generally accepted accounting principals require that any expenses incurred in the recovery be booked as expenditures; hence the need for an appropriation.

LRBPCASH/C: