

MINUTES OF THE MEETING  
LONG RANGE BUILDING SUBCOMMITTEE  
MONTANA STATE SENATE

April 8, 1977

Chairman Larry Fasbender called the meeting of the Long Range Building Subcommittee to order on the above date in Room 331 of the State Capitol Building at 5:03 p.m.

ROLL CALL: Senator Roberts was absent. All other members were present.

Chairman Fasbender stated that in this work session, the subcommittee would cover the Department of Highway and the Fish and Game requests.

DEPARTMENT OF HIGHWAYS:

The first request of the DOH requests \$150,000 out of earmarked revenues for miscellaneous repairs and improvements to the more than 400 buildings owned by the department across the state and to make improvements required by OSHA. There being no objection to this appropriation, it shall be left in HB 144 on page 3.

The next DOH request for highway maintenance is contingent on the passage of HB 769. Mr. Phil Hauck stated that HB 769 added 260 miles to the primary system that the DOH is required to maintain. This will require nine new maintenance section divisions at a cost of \$317,500. Senator Himsl noted that HB 769 had passed the Senate on second reading the 80th legislative day. There being no objection to this appropriation, it shall be left in HB 144, page 10.

Chairman Fasbender continued with the next DOH request for \$100,000 to remodel the old Highway Building. Chairman Fasbender asked if the building would be empty. Mr. Hauck responded that when the DOH moves into the new Highway complex the Department of Natural Resources, Agriculture and Livestock will be moving into the vacated building. Representative South asked if this money would be spent in 1979. Mr. Hauck stated that the money is for planning and would be spent near the end of the biennium. Chairman Fasbender noted that the original request was for \$200,000 and that had been amended to \$100,000 in order to help fund the prison wing. Representative South asked if this money was for planning only. Mr. Hauck answered that because of the time element involved here, if the planning could be done and the contracts let before the end of the biennium, it would facilitate the movement of other departments into the vacated building when the new Highway complex is completed. It would cost more to wait until the next biennium for the planning.

Representative Kvaalen asked how they could get along on half of the original request. Mr. Hauck stated that with half of the original money, the departments would just be forced to accept

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more of the existing space. A large percentage of the building is already office space. Representative Kvaalen asked if this additional money would be required at a future date. Mr. Hauck responded that it is possible that there will be a future request, depending on how satisfied the departments are with the facility. Representative South moved to amend page 7, line 18, striking \$200,000 and inserting \$100,000. The motion carried unanimously with Senator Roberts absent.

#### FISH AND GAME:

Chairman Fasbender stated that the first area of Fish and Game appropriation is the fishing access development on page 4, lines 2, 3, and 4. A mistake has been made in the figures that are printed in HB 144. The figures is ERA and FPRA is \$900,000 and it should be \$110,000 in both instances. Tom O'Connell commented that these funds are for development only. The acquisition funds have been broken off. Representative South asked if the total amount of money is the same. Senator Fasbender stated that more was added. Senator Himsl asked why these were split into different categories. Mr. Hauck answered that these were separated because the DOA prefers that the acquisition funds be handled by the Fish and Game, not by the DOA as it now is. Senator Etchart noted that the acquisition funds are now found in the added portion on page 10. Representative South commented that in both cases part of the money came from ERA and part from Rec. FPRA. Mr. Hauck stated that actually the fishing access development was a total appropriation of \$220,000 with 50% of that total being a federal match. Representative South asked if these were BOR funds. Mr. Hauck answered that the earmarked funds were matched with BOR funds. Representative South asked why these two were broken apart. Mr. Hauck indicated that these are two different accounts. Representative Halvorson moved to amend page 4, lines 3 and 4, striking \$900,000 and inserting \$110,000. The motion carried unanimously with Senator Roberts absent.

The next Fish and Game request is for the Pictograph Caves State Monument. Again a change in the figure is needed from the \$43,000 figure in the bill to \$10,000. Representative Kvaalen asked what would be done with the monument. Senator Fasbender answered that this money was for preservation work. Representative Kvaalen commented that most of the problem there was with vandalism and asked how that would be prevented. Mr. Hauck answered that fences would be put up. Gene Huntington added that there are artifacts under the ground and that sand would be hauled in and poured over the area to protect what the archeologists haven't gotten to as yet. Representative Kvaalen asked why a change was needed from \$43,000 to \$10,000. Mr. Hauck answered that there had been a printing error and that the FPRA funds should be the same as the LRBP funds. Representative Halvorson commented that there are only 2 or 3 sites in the state that Indian pictographs are found and they should be preserved. Representative Halvorson moved that HB 145 be amended on page 4, line 11, striking \$43,000 and inserting \$10,000. The motion carried unanimously with Senator Roberts absent.

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The next area of consideration was the Bannack State Monument. Chairman Fasbender commented that the Fish and Game Rec FPRA should be changed to State Parks. Gene Huntington noted that there were about 10 areas in the bill that would need the same type of amendment because the Fish and Game had provided the wrong account information that the committee might want to consider all at once. Chairman Fasbender noted that the book is in error on this also. Representative Lund moved to strike Fish and Game Rec. on line 16, page 4, and insert State Parks. The motion carried unanimously with Senator Roberts absent. Chairman Fasbender stated if there was no objection to the amount of money in this appropriation, it would be considered accepted. Mr. Hauck noted that the total amount of money for this project is \$80,000. Representative South asked what would be done with this project. Mr. Hauck explained that this was a continuing program to restore the historic town of Bannack.

The next area of consideration was Browne's Lake Road Construction. Senator Etchart moved to amend page 4, line 25, striking Recreation FPRH and inserting ERA. The motion carried unanimously with Senator Roberts absent.

Representative Lund moved to amend all necessary changes from Fish and Game Recreation to State Parks. The motion carried unanimously with Senator Roberts absent.

The next area of consideration was Cooney Reservoir, page 5, lines 6, 7, and 8. Representative Kvaalen asked what was being done with this project. Mr. Hauck answered that this area received very heavy use and the funds would be used to expand camping facilities and to put in boat ramps. Mr. Hauck clarified that this project has nothing to do with Representative Burnett's bill. Of the \$200,000 total, the federal government was picking up half of the total. There being no objection, the appropriation was approved to be left in HB 144.

The next area of the Fish and Game appropriation was Giant Springs State Park on page 5, lines 14 and 15. Representative Kvaalen asked for clarification about the involvement of the city of Great Falls in this project. Chairman Fasbender stated that the money raised by Great Falls was being used to expand the park while the money considered here was for security purposes. Mr. Hauck added that the \$140,000 of federal funds was being matched by the Great Falls money. Senator Himsl asked if this was a soft match. Mr. Hauck answered that some of it was a soft match. Mr. O'Connell added that the soft match land has fallen through. The \$140,000 includes the city match plus the BOR funds for a total of \$140,000. Chairman Fasbender asked if the exchanges for additional land were the parts that fell through. Mr. O'Connell responded that the land offer from Montana Power didn't happen. The dump exchange may still happen, however. Chairman Fasbender commented that it was his understanding that the state trade of land for the dump did happen. Representative Kvaalen asked where it was provided that

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the match had to be provided. Chairman Fasbender stated that the BOR funds are not available unless the match is there. Mr. Hauck stated that the city required match was implied because there were no state funds requested. Mr. O'Connell commented that \$68,000 had been raised so far and that \$140,000 was needed to expend the BOR match. There being no objection, the Giant Springs appropriation was considered accepted for inclusion in HB 144.

The next Fish and Game appropriation was for the Tongue River Reservoir Recreation Area on page 5, lines 18 and 19. Chairman Fasbender asked where the match was coming from. Mr. Huntington responded that one of the coal companies was donating the other half of the match. Representative Kvaalen stated that he realized that this was Decker Coal Company matching money, but that there were only 100 Montanans down there and we would be funding a recreation area for the people of Wyoming. Chairman Fasbender asked if this passed if the Decker area would still succeed. Representative South commented that this was federal money and the state was not losing anything. Representative Kvaalen responded that those federal funds could be spent in other places. Chairman Fasbender asked if there was any limit to the amount of BOR funds available for matching. Mr. Hauck answered that as far as he knew it was a bottomless pit. If we provide the match, they come up with the funds. Chairman Fasbender commented that here the coal company was doing the job for the state of matching the federal funds. It is a cost generally to the taxpayers of the country, but not to the state per se. Senator Etchart commented that he didn't think we could go wrong here. There being no objection, this appropriation was accepted.

The next area of consideration was Sluice Box State Monument, page 5, lines 24 and 25, page 6, line 1. Mr. Huntington commented that this appropriation would be used to fence and preserve the canyon area and later develop it. This is an existing state owned area that needs fencing to keep out cattle and motorcycles and provide for walking and hiking into the area. Representative Kvaalen asked if the Fish and Game already managed the area what the appropriation was for. Mr. Hauck stated that this money was for fencing and protection of the natural area. Chairman Fasbender asked what kind of fence this was for that price. Mr. O'Connell stated that this was a huge area that follows the creek bottom. Mr. Hauck stated that this would simply be a barbed wire fence.

The next area of Fish and Game appropriation was the Nelson Creek Recreation Area on page 6, lines 4 and 5. Senator Etchart commented that this was a good project and was located on Fort Peck Lake. Representative South asked where the match came from on this project. Senator Etchart stated that he thought this was being matched by BN-Arde West.

The next consideration was the Natural Bridge State Monument on page 6, lines 19, 20, 21. Chairman Fasbender said that this site was southwest of Big Timber on the Boulder River near McCloud.

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The money would be used for security fencing as a girl had fallen to her death there. The area needs access also. Representative Kvaalen agreed that the area was scary without fences, but that was a lot of money for fences. Chairman Fasbender stated that this appropriation also covered access. There being no objection to this appropriation it was considered accepted.

The next Fish and Game appropriation was for the Placid Lake Recreation area on page 7, lines 4 and 5. Chairman Fasbender noted that this match was being donated by Champion International. There being no objection, the appropriation was deemed accepted.

Representative South asked if the Legislature ever turned down any of these. He stated that it was silly to be approving these things they'd never seen. Mr. Hauck stated that the only limit on these areas was the amount of money available. Chairman Fasbender added that the Legislature last session did make a cut to match Mekosheka State Park. Usually the committee just takes the word of the F&G. Chairman Fasbender asked if the DOA ever checks into these requests. Mr. Hauck stated that this was a developing project that was continuing over the years so that usually the department was familiar with them.

The next area of consideration was the Chinamen's Gulch Recreation Area on page 7, lines 11, 12, and 13. There was no discussion.

The next area was the Beartooth Recreation Area on page 7, lines 20, 21, 22. Mr. Hauck stated that a ranch had been purchased on Holter Lake as game range and recreation areas. This appropriation would be to expand those areas. Chairman Fasbender commented that this is a heavily used area where it is difficult to find camping areas on the lakeshore. Nothing has been developed further back and this appropriation would allow them to develop it further in. Mr. Hauck stated that the camping development would be primarily on the lake, not on the range.

The next consideration was the Regional Fish and Game Headquarters Maintenance on page 8, lines 17 and 18. Mr. Hauck stated that the F&G has nine regional headquarters and this appropriation was for maintenance of those headquarters.

The next area of consideration was the Warm Springs Machine Shed Supplement to be added on page 9. Mr. Huntington stated this was for the bird farm operation. He noted that this was part of the supplement to HB 144 and must be amended in. Representative South asked why this was a 2 to 1 match. Mr. Huntington responded that this was a supplemental to existing program balances that are being transferred over from the left over funds in other programs. The total needed to make up the difference is \$15,000. Chairman Fasbender asked if this would be needed before July 1st. Mr. Hauck said that it would and that was why he had requested that the bill be amended to become effective on passage. Senator Himsl moved that the Warm Springs Machine Shed Supplement be amended into the

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bill. The motion carried unanimously with Senator Roberts absent.

The next area of consideration was the Site Improvements at the Helena Office to be added on page 9. Chairman Fasbender asked if this originally was for landscaping. Mr. Hauck stated that this provides for landscaping as well as the completion of parking lots, the pavement of the Helena warehouse lot, and to hook the warehouse up to city water for fire protection. Representative South asked if this was the landscaping in HB 143. Mr. Hauck responded that there was some duplication of the landscaping but that HB 143 does not include landscaping anymore. He stated that there were some big items besides landscaping. There is paving in this also. HB 143 had some money in for remodeling the basement but that the landscaping in HB 143 was not intended. The \$109,000 in this bill does not include that remodeling. Senator Himsl asked if the \$35,000 was being pulled out of this for remodeling. Mr. Hauck stated that the \$35,000 for remodeling should be here, not in HB 143. Senator Himsl asked if this was different funding. Mr. Hauck stated this was all earmarked revenue and he didn't know why those projects weren't submitted together. Representative Kvaalen asked if the \$109,000 was needed. Mr. Hauck stated those funds were for both landscaping and paving. Chairman Fasbender asked where the landscape architect was from. Mr. Hauck answered he was out of Fish and Game.

Senator Etchart suggested that \$3,750 was available in federal funds if a match of the same amount were made from state funds for the Rock Creek Recreation Area that had been deleted from the executive requests. This state match could possibly be squeezed out of the Site Improvements if the total earmarked funds there were reduced. Senator Etchart commented that the boat tax provided a lot of money for the earmarked account and that he felt it was only right that this prime boating area deserve some funds from that account. He referred to page 282 of the LRP books. Senator Himsl moved that \$3750 be taken out of the \$109,000 for the Helena Site Improvement, reducing that figure to \$105,250. The motion carried unanimously with Senator Roberts absent.

The next F&G appropriation was the Dewey Bay Development project. Mr. Huntington noted that this is another land grant on the part of Champion International for the match. Representative Halvorson moved that the Dewey Bay project be added on page 9. The motion carried unanimously with Senator Roberts absent.

The next area of consideration was the Ponderosa State Monument. Mr. Huntington stated that Champion owns the timber and would give the timber to the state as a match. Representative Halvorson noted that this was a unique stand of Ponderosa Pine. Representative Kvaalen asked what would be done at this location. Mr. Hauck stated that more land would be purchased. Representative Kvaalen asked who would take care of this land. Mr. Hauck stated that Champion donated the unique stand of timber which would be used

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as the match to buy the land from the county. Mr. O'Connell added that he thought the land would be designated as a game range. Mr. Huntington stated that this is the same type of stand as is found near Troy. There are giant Ponderosa Pines that have grown this way because of the unique soil and climatic conditions. Representative Halvorson moved that the Ponderosa State Monument be added to HB 144 on page 9. Representative Kvaalen asked what kind of development was planned. Representative Halvorson answered that no development was planned, it would be continued as a primitive type area. The motion carried unanimously with Senator Roberts absent.

The next F&G appropriation was Salmon Lake. Mr. Hauck said that this was another Champion donation of kind for a match. Mr. Huntington stated that Champion has been having some problems with the maintenance of some of these heavily used areas and that in addition to tax breaks is the reason for the donations to the state.

Senator Himsl asked if this was across the lake and if so how the access would be gained. Representative Halvorson stated that there would be access by cross country means. Senator Himsl moved that the Salmon Lake project be added to HB 144 on page 9. The motion carried unanimously with Senator Roberts absent.

Chairman Fasbender said that he would now entertain a motion to add the Rock Creek Recreation Area that was discussed earlier. Senator Himsl moved that the Rock Creek Recreation Area on page 9 with the first line reading F&G ERA \$3750 and the second line reading Fish and Game FPRA \$3750. The motion carried unanimously with Senator Roberts absent.

The next area of consideration was Fishing Access Acquisition for the acquisition of fishing accesses across the state for \$790,000. Senator Himsl moved that this be added to HB 144 on page 9. The motion carried unanimously with Senator Roberts absent.

The next area of F&G appropriation was the Coal Tax Park Acquisition. Chairman Fasbender asked if this was coal tax money that they were planning to use to purchase the ranch on the Rosebud Battlefield. Mr. O'Connell stated that a list of possible sites that the state was interested in purchasing on page 40 of the LRP books. Senator Himsl said he thought that these appropriations were usually made blank without designated project use. Representative South answered that this was a blank appropriation. Chairman Fasbender stated this list was only those potential sites that the state was interested in purchasing. Mr. Hauck commented that the state was not sure that they could get all these sites and just had to be ready with the money when the sites became available. Representative Halvorson moved that the Coal Tax Park Acquisition be added to HB 144. Mr. Hauck stated that these funds are classified as earmarked revenue. Representative Kvaalen stated that the state was still required to maintain these areas once they were acquired.

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Chairman Fasbender responded that there were funds within the Coal Tax monies for maintenance of the state parks. It is an ongoing maintenance out of the coal tax funds which amount to \$450,000 now. Senator Etchart asked how much land the F&G acquired each year. Chairman Fasbender stated that he had seen the figure as a percentage of state lands. A lot of land is acquired in these big ranches that nobody else can buy. Representative Kvaalen stated that he was concerned about the costs of maintaining all the parks. Senator Etchart stated that some of the funds from the boat tax funds are used for maintenance. Chairman Fasbender added that the coal tax money was now coming in and that the interest from the trust fund can be drawn upon. He added that he agreed that we have to take a hard look at these acquisitions as the maintenance money was not unlimited. The motion of Representative Halvorson carried unanimously with Senator Roberts absent.

The next area of consideration was the Game Range Habitat Acquisition. Senator Etchart stated that as much land as was being purchased, there should be a stopping point at some time. Representative South asked how many years these purchase programs had been going on. Mr. Hauck answered that he had been with the State for 10 years and they had been acquiring land for that long. Representative South asked if the F&G would ever stop acquiring land. Mr. Hauck said that he honestly didn't know. Representative Halvorson stated that at least if these were public lands, subdivisions would not take place. Representative South asked what happened when the state purchased private land if there were payments in lieu of taxes made. Mr. Hauck answered that there were payments made in lieu of taxes. Senator Etchart commented that even though these payments were received, the cattle, buildings and machinery tax bases were lost. Chairman Fasbender noted that theoretically the loss of the tax base was offset by the fact that recreation was established for public use. Representative South stated that the tax base problem is still not solved and someone will have to say when to stop purchasing land. Senator Himsl stated that we should also be looking to the future and when these lands become available it might be a once in a lifetime chance. Representative South asked if there were long range plans or were the officials just stumbling along. Mr. Hauck responded that acquisition was a difficult thing and the state is never sure they can get the sites that they are interested in acquiring. Of the list of 40, the state will probably acquire 2 or 3. There is planning, but it is difficult to follow a set plan in this type of acquisition. Mr. Hauck stated that he would gather more information for the next meeting on the total amount of land acquisitions. Representative Kvaalen asked who pays the maintenance on these lands. Mr. Hauck said the F&G did. Representative Kvaalen asked if this money came from license fees. Mr. Hauck responded that the money also comes from camping fees and other earmarked revenue in addition to license fees. Representative South moved that the Game Range Acquisition be added to HB 144. The motion carried unanimously with Senator Roberts absent.

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Mr. Hauck asked also that the wording in section 8 be added. Section 8 appropriates the acquisition money to the Fish and Game and removes that responsibility from the DOA. Presently the DOA handles both acquisition and construction and would prefer not to have to deal with the F&G acquisition funds. Representative Lund moved that Section 8 be added to HB 144. The motion carried unanimously with Senator Roberts absent.

ADJOURNMENT: There being no further business, the meeting was adjourned at 6:20 p.m.



LARRY FASBENDER, CHAIRMAN

ROLL CALL

LONG RANGE BUILDING SUB-COMMITTEE

45th LEGISLATIVE SESSION 1977

Date 4/8

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NAME	PRESENT	ABSENT	EXCUSED
SENATOR ROBERTS		✓	
SENATOR HIMSL	✓		
SENATOR ETCHART	✓		
REPRESENTATIVE KVAALEN	✓		
REPRESENTATIVE LUND	✓		
REPRESENTATIVE HALVORSEN	✓		
REPRESENTATIVE SOUTH	✓		
SENATOR FASBENDER	✓		