

MINUTES OF THE MEETING OF THE APPROPRIATIONS COMMITTEE
March 24, 1983

The Appropriations Committee met at 8:05 a.m. on March 24, 1983, in Room 104, with Chairman Francis Bardanouve presiding. Representative Shontz was absent and all other members were present. Judy Rippingale, Legislative Fiscal Analyst, was also present. HOUSE BILLS 392, 471, 711, 785, 800, and 864 were heard. No EXECUTIVE ACTION was taken.

(Tape 8: Track 4:1723)

HOUSE BILL 471: A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE POSITION OF REFEREE IN CERTAIN JUDICIAL DISTRICTS; PROVIDING FOR THE APPOINTMENT, QUALIFICATIONS, TERM, AND SALARY OF A REFEREE; PROHIBITING A REFEREE FROM MEMBERSHIP IN THE JUDGES' RETIREMENT SYSTEM; DEFINING THE PROCEDURE FOR ASSIGNING CASES TO A REFEREE AND THE TYPES OF CASES THAT MAY BE ASSIGNED; PERMITTING LITIGANTS IN CONTESTED CASES TO REQUEST A REVIEW HEARING ON A REFEREE'S RECOMMENDATIONS; REQUIRING A DISTRICT COURT JUDGE TO REVIEW ALL RECOMMENDATIONS OF A REFEREE; AND PROVIDING AN EFFECTIVE DATE."

Representative TOM TOWE introduced this bill. This bill has already gone through both Judiciary committees. This bill was worked on by the judges in Yellowstone County because their workload is overwhelming and this bill would offer them legal and judicial services at less cost. The referee would be paid 80% of the salary of a judge and would be appointed by the judge to serve as an assistant judge. This procedure is used in a number of other states. The referee would make recommendations on a case and the judge would confirm or approve the recommendations if the case was challenged. It would be up to the Supreme Court to decide if a judicial district needs a referee where the total case filings exceed 1,200. At present, only Yellowstone County and Missoula County qualify but other counties are approaching the 1,200 case filings limit. It is not contemplated that the referee would require a new courtroom, a court reporter, nor a secretary. In most cases, he would use the courtroom and court reporter of the judge who he works for. The referee cannot try criminal cases.

Representative TOWE is convinced that this concept would save money and is really needed in Yellowstone and Missoula counties.

Proponents:

Representative KELLY ADDY, House District #62, co-sponsored this bill and supported this concept to alleviate the tremendous workload on district court judges. This will free up judges to concentrate on technical legal issues and it would allow more flexibility to the judiciary in the state to handle temporary overloads in case loads.

Opponents: None.

Discussion:

Representative PECK discussed the new judicial district. That district is almost eligible under this bill to appoint a referee with the number of case filings they have.

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The qualifications for a referee would be similar to that of a judge in that he would have to be an attorney at law. Representative TOWE said the referee would be a temporary position and would be appointed on a year to year basis. Referees are now being used in the federal court system.

Representative ADDY closed by stating that, if the referee is not suitable for the position, the judges have the discretion to find a new referee. He noted that the new judgeships will not be filled until January of 1985 and that leaves a long time for the present judges to be working under such tremendous workloads. This bill would go into effect July 1 of this year and would alleviate that problem. Representative BARDANOUE noted that, if the position is filled, it will be funded by a supplemental.

The hearing was closed to further testimony.

HOUSE BILL 800: A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A YOUTH CONSERVATION CORPS PROGRAM WITHIN THE DEPARTMENT OF LABOR AND INDUSTRY; PROVIDING THAT THE PROGRAM BE ADMINISTERED BY AN EXECUTIVE DIRECTOR; DEFINING THE EXECUTIVE DIRECTOR'S POWER AND DUTIES; PROVIDING AN APPROPRIATION FOR ADMINISTERING THE PROGRAM; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

Representative JOHN VINCENT, House District #78, introduced this bill which would create a Montana Youth Conservation Corps contingent upon the passage of federal legislation. This bill is introduced in the spirit of the old CCC. He noted that Washington state, which has more budgetary problems than Montana, is planning to spend \$12 million on a YCC program which would put 3,000 young people to work in public service endeavors. Representative VINCENT detailed the benefits of the old CCC program and provided statistics to show how this bill would alleviate some of the unemployment problems facing Montana youths (Exhibit 1). This program will alleviate some of the problems in maintaining Montana parks and wildlife refuges.

This program would be contingent upon passage of HR 999 which has passed the U.S. House of Representatives and looks like it will pass the U.S. Senate. It is more a question of whether the President will sign it into law. HR 999 would make \$674,000 available to Montana provided we can come up with a 15% match. He outlined possible funding choices (Exhibit 2). He then presented proposed amendments to the bill (Exhibit 3). If HR 999 does not pass, this appropriation will revert.

This is essentially a summer program because it fits the climate of Montana and the time when young people are out of school.

Proponents:

MIKE MALES, board member and treasurer of the Livingston Big Brothers and Sisters, voiced his support for this bill as a former YCC crew leader. This program would reduce the cost of maintaining public lands. He found members of the YCC improved their grades in school and developed

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better work skills and attitudes. It would cost 1/3 of the cost to complete trail projects if the work was done by the YCC instead of regular farm crews.

SUSAN COTTINGHAM, director of the Montana Environmental Information Center, voiced her support for this project.

STEVE MEYER, Montana Association of Conservation Districts, voiced his support for this project because he felt it would be important, if the states move away from a rural community to an urban setting, this would teach young people about natural resources and the importance of protecting them.

Representative BARDANOUVE wanted to note that there was once a CCC camp near his home and they built many reservoirs. They riprapped the dams with many rocks and, because of that riprapping, those dams are still in good repair.

Opponents: None.

Discussion:

Representative MENAHAN asked if this program is solely for lower income citizens. DAVE ROCKWELL, legislative employee who has done a lot of research in drafting this bill, said the federal bill does specify low income citizens but the state bill does not make that restriction. Representative MENAHAN objected to the fact that this restriction prevents children with working parents from participating. Representative VINCENT said the sponsors did not put the restriction in this bill and they don't want it in the bill.

Representative LORY objected to keeping corps leaders for only one year and he felt they should be kept on to help teach new recruits. Mr. ROCKWELL said the reason for the one year limit was to allow the program to serve more people. That change in the language was made in the Labor Committee.

Representative LORY also objected to the need to consult with labor organizations because he felt that would hamper the program. Mr. ROCKWELL said this change was also made in the Labor Committee.

Representative ROUSH wondered if having language in the federal bill specifying low income citizens would affect the state bill. Mr. ROCKWELL said he has worked closely with the person who drafted the federal bill and he did not find any problem with the income of parents.

Representative ROUSH asked about the cost per enrollee for travel, staff, food, and education and training. Mr. ROCKWELL stated that they used the federal figure of \$1,660 per enrollee.

Representative BARDANOUVE thought this bill may be trying to do too much at one time because it offered both on the job training and

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vo-tech training. Representative VINCENT thought it would be a good idea for the YCC camps that are close to cities with vo-techs to take advantage of it.

Representative BARDANOUE wanted to know how the youth would be housed. Mr. ROCKWELL said the federal YCC uses forest service camps and the Air Force base at Lakeside has been used in the past. Representative BARDANOUE asked how meals would be served. Mr. ROCKWELL explained that most of the facilities where these camps are located have kitchen facilities. Mr. MALE said the money for food and supplies in the YCC camp he was in came out of the enrollee's salaries. Enrollees make minimum wage. There was some discussion about this issue.

Representative STOBIE wondered why the administration of the program was changed from State Lands to Labor and Industry. Mr. ROCKWELL said the Department of Labor and Industry has more expertise and resources for administering youth programs.

Crew leaders are chosen by application screening and are paid 15% more than minimum wage. Representative BARDANOUE did not think they could get qualified crew leaders for only 15% over minimum wage and he was worried about the danger of an inexperienced crew leader leading the inexperienced enrollees. Representative DAN HARRINGTON said he was a supervisor on a crew and he noted that teachers who are off for the summer usually worked for these programs. Mr. ROCKWELL said, in addition to crew leaders, supervisors were also hired and their salaries would be set by the Department of Labor.

Representative DONALDSON asked if we need this bill to spend the money appropriated from the federal government. Representative VINCENT said this appropriation would have to be passed for the 15% match.

The hearing was closed to further testimony.

(Tape 8: Track 4:2161)

HOUSE BILL 711: A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION TO ASSESS AND COLLECT FEES FROM WATER USE CLAIMANTS TO PAY THE EXPENSES INCURRED BY THE STATE FOR ADMINISTERING CERTAIN WATER LAWS; AMENDING SECTION 85-2-241, MCA; AND PROVIDING AN EFFECTIVE DATE."

Representative DAN HARRINGTON, House District #88, introduced this bill at the request of the Office of Budget and Program Planning.

Proponents:

GARY FRITZ, administrator of the Water Resources Division, supported this bill because the water adjudication program has had a tremendous shortfall in fees collected and the program cannot be completed without more funding. He explained that the reason the program had the shortfall was due to an attachment to SB 76 which indicated that the claimant only had to pay for the first twelve claims for a maximum fee of \$480.

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Many people took advantage of that cap. For instance, the federal government submitted 33,000 claims and paid no more than \$10,000 and the state submitted 8,000 claims and did not have to pay very much. Instead of receiving \$40 per claim, this program actually received an average of \$18 per claim for the 200,000 claims received. The OBPP drew up amendments which would provide the water users to pick up 50% of the cost of the water adjudication project (Exhibit 4). Mr. FRITZ explained the intent of the amendments. Number 7 would not alleviate the problem because the majority of claims for the federal and state governments are for stock or domestic use. DNRC also presented some proposed amendments (Exhibit 5) which would require every claimant to pay an equal share.

Representative BARDANOUE turned the chair over to Representative MANUEL.

Representative BARDANOUE voiced his support for this bill. He said he was very disappointed and angry because he felt opposition to this bill is classical of pork barrel politics. He said agriculture needs the water and farmers have testified that they would be willing to pay \$35 an acre for water if it meant they would be guaranteed water rights. Representative BARDANOUE said he paid the \$480 limit but he would be willing to pay more for the guarantee of water rights for him and his heirs. He said it was a cheap investment for such an important and valuable item such as water. He felt the people who opposed this bill are being selfish and shortsighted. He noted that many of the opponents are the same people who say government costs too much. Well, this is one of the reasons government costs so much.

Opponents:

BILL ASHER, Agricultural Preservation Association, said their opposition to this bill is two-fold: this bill is a classic example of a breach of trust and there are many unanswered questions relating to this bill. Some of the questions are: What will the proposed fee be and how will it be handled? Will it be a one time charge or will it be an annual fee for the duration of the adjudication process? What will the state's alternatives be if the federal government refuses to pay its share of the cost? Would the state take the federal government to court? If we do take them to court, will the court costs then be placed on the backs of the water claimants? He closed by asking what the end result will be if claimants refuse to pay the fee? Will there be civil penalties? Will the state file legal action in district court?

In closing, Mr. ASHER felt passage of this bill would cause a loss of integrity and credibility to state government and would cause chaos and undermine the program completely.

JO BRUNNER, Women in Farm Economics and Farmers Union, voiced her opposition to this bill and provided written testimony (Exhibit 6). She then read a statement from the Montana Farm Bureau Federation (Exhibit 7).

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JIM KELLY, Montana Water Development Association and Montana Dairy Farmers Association, reiterated previous testimony that this bill should not pass.

WILL BROOK, Montana Stockgrowers and Montana Woolgrowers, and the Association of State Grazing Districts, reiterated opposition from previous testimony and stressed that this water adjudication project is on the backs of the farmers and ranchers and he felt it should be a statewide issue.

STEVE MEYER, Montana Association of Conservation Districts, voiced his opposition and provided written testimony (Exhibit 8).

Representative CONNELLY voiced her opposition to this bill because she felt the state should stand by what they said in SB 76.

Representative TOM HAGER, House District #30, said he has served on the Water Adjudication Oversight Committee for four years. The reason for the \$480 limit was to "sell" this program to the people. The problem with that limit was the elimination of two major water users, the federal and state governments. He felt the state should pick up the difference because it has a lot to gain from continuation of this program to find out just how much water Montana has. There are bills in the legislature now to sell water and he felt we should find out how much water we have available to sell.

Discussion: None.

The hearing was closed to further testimony.

(Tape 8: Track 4:2334)

HOUSE BILL 785: A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE DEPARTMENT OF ADMINISTRATION TO CONTRACT FOR ESTABLISHMENT OF THE MONTANA NATURAL HERITAGE PROGRAM; TO PROVIDE FOR COLLECTION AND USE OF NATURAL RESOURCE DATA; TO PROVIDE AN APPROPRIATION FOR THE CONTRACT TO ESTABLISH THE PROGRAM; TO PROVIDE FUNDING FOR THE PROGRAM; AMENDING SECTIONS 15-1-501, 15-31-107, AND 15-51-103, MCA; AND PROVIDING AN EFFECTIVE DATE."

Representative DAVE BROWN, House District #83, introduced this bill. This bill would set up a Heritage Program like 28 other states already have. The programs in other states have shown substantial savings to state and federal governments, and private industry. Essentially, this program would collect information from various state and federal agencies and from private corporations who have done extensive studies in Montana. This information would be compiled into the Heritage Program and could be easily retrieved for anyone needing the information. The bill provides for 80% state funding and a 20% match from the Nature Conservancy.

Proponents:

BOB KEISLING of the Nature Conservancy outlined what this program would do. The Heritage Program would compile all research and study data on

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Montana's flora, fauna, and resources. This information would be easily retrievable, manageable, nicely organized, and cost effective for everyone who is a potential user. The Governor's Council on Management recommended this kind of a program. The cost savings would far outweigh the initial cost.

TOM STAPLES, Montana Trade Commission, said the commission highly supports this program and encourages its funding. It would save industry a good deal of money as well as saving the state time costs from an administrative standpoint.

LARRY WEINBERG, Montana University System, said the System strongly supports the concept of this bill. They did, however, have some concern for the language and developed a proposed rewrite (Exhibit 9).

SUSAN COTTINGHAM, director of the Montana Environmental Information Center, voiced strong support for this bill because it eliminates duplication of information and study.

BOB KIESLING voiced the support of Gene Phillips of Pacific Power and Light who could not be at the hearing today but authorized Mr. KIESLING to speak on behalf of the company.

Representative BARDANOUVE asked Mr. KIESLING what he thought of the University System's proposed rewrite. Mr. KIESLING said the rewrite simply rearranges the order of things and, contrary to the original bill, this rewrite requires no new expenditures of agency or university money to supply data. He supports the rewrite and would prefer the rewrite over the original bill.

Opponents: None.

Discussion:

Representative BROWN said the agency funding in the original bill's fiscal note would not be necessary and the agencies involved said they could do the duties of this bill without additional funding.

The hearing was closed to further testimony.

HOUSE BILL 392: A BILL FOR AN ACT ENTITLED: "AN ACT ALLOCATING INDIRECT COST REIMBURSEMENT OF RESEARCH GRANTS RECEIVED BY THE UNIVERSITY SYSTEM; AND PROVIDING AN EFFECTIVE DATE."

Representative DAVE BROWN, House District #83, introduced this bill. This bill would change the indirect cost allocation for the University System. Presently, 85% of the indirect cost estimate as appropriated to the university units as part of the enrollment driven formula. This bill would provide only 25% of that indirect cost estimate is appropriated and the 60% difference would have to be made up out of the General Fund to meet the enrollment driven formula.

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Proponents:

IRVING DAYTON, Commissioner of Higher Education, voiced his support for this bill and said the principle of this bill is a sound one.

Opponents: None.

Discussion:

Representative DONALDSON said this is a complex problem and, sometime down the road, this problem should be addressed but he does not feel this is the time to do it. Representative BENGTON agreed with Rep. Donaldson and thanked Rep. Brown for bringing up this issue in the form of a bill.

Representative WALDRON said the legislature requires any federal program in any agency to negotiate for indirect cost reimbursements and that money is put into the General Fund to fund indirect costs. Why should the University System be treated differently? Dr. DAYTON responded that this is treated as a seed money proposition. He said the faculty of the universities go out of their way to find research funding and they should get something for their efforts. He felt agencies that seek this funding are merely fulfilling their job duties.

Representative BROWN said lines 16 through 21 on page 1 of the bill should be struck if this bill passes.

The hearing was closed to further testimony.

(Tape 8: Track 4:2533)

HOUSE BILL 864: A BILL FOR AN ACT ENTITLED: "AN ACT TO MAKE MANDATORY THE FOREST RESOURCE-RELATED ADVISORY FUNCTIONS OF THE DEPARTMENT OF STATE LANDS; APPROPRIATING MONEY THEREFOR; AMENDING SECTION 76-13-104, MCA; AND PROVIDING AN EFFECTIVE DATE."

Representative CONNELLY introduced this bill. She outlined the purpose of the bill which would provide educational programs for forest products industry.

Proponents:

GARY BROWN, State Forester, voiced his support for this bill. This bill would provide technical information to small private land owners. He said education is better than regulation and the forest practices act would be regulation. This bill would provide for 1 FTE in the Division of Forestry to carry out an extension program.

BEN STOUT, Dean of the School of Forestry, voiced his support and provided written testimony (Exhibit 10).

WAYNE LUDEMAN, Inland Forest Resource Council, voiced his support and provided written testimony (Exhibit 11).

STEVE MEYER, Montana Association of Conservation Districts, voiced his support. This bill covers a large spectrum and this small amount would be well spent to prevent these problems from becoming big problems.

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CAROL ZOLLMAN read written support for this bill from ROBERT HELDING who had to leave before this bill could be heard (Exhibit 12).

Opponents: None.

Discussion:

Representative ERNST said he knows of a private land owner who, with the help of the State Forester, made a large timber sale which kept him from going bankrupt. This technical assistance is very valuable to private landowners throughout Montana.

Representative STOBIE asked how this bill would fit into the current operations. Mr. BROWN said this FTE would provide the Forestry Systems Program with up to date research information, most of which would come from the School of Forestry. This would be a cooperative effort with all agencies involved.

Representative CONNELLY said the people who requested this bill would like it to pass even if there was no appropriation so at least the position would be authorized and the services would be mandated.

The hearing was closed to further testimony.

The meeting was recessed until 7:30 p.m.



FRANCIS BARDANOUVE
Chairman

lt

COMMENTS BY REPRESENTATIVE JOHN VINCENT ON HOUSE BILL 800

* UNEMPLOYMENT IS ONE OF THE GREATEST BASIC PROBLEMS OF OUR YOUNG PEOPLE.

- Youth unemployment in Montana is greater than 20%.
- While youth in Montana comprise one-fourth of the labor force, they make up over 60% of the unemployed.

* AGENCIES SUFFER A BACKLOG OF NEEDED CONSERVATION WORK.

- Federal funds have been cut.
- State agency budgets have been cut.
- We have heard repeated complaints this session that the state is not caring for its parks and wildlife refuges.

* BILL WOULD ESTABLISH A YOUTH CONSERVATION CORPS PROGRAM IN THE DEPARTMENT OF LABOR AND INDUSTRY.

- Young people between the ages of 15 and 21 would be eligible.
- Work projects would include:
 - forestry and rangeland improvement
 - wildlife habitat improvement
 - historical and cultural site improvements
 - road and trail maintenance
 - soil conservation
 - stream and lake improvement
 - energy conservation
- The bill requires corps members to devote one-fourth of time to education and training, including training at vo-tech centers.
- The bill also allows the director to enter into agreements with any local government or any federal or state agency.

* BILL IS MODELED AFTER STATES WITH SUCCESSFUL PROGRAMS: CALIFORNIA, OHIO, WISCONSIN, MAINE, MINNESOTA AND WASHINGTON.

* IN MONTANA, THE FEDERAL YCC PROGRAM RETURNED \$1.21 FOR EVERY \$1 SPENT.

* IN ADDITION, IT TEACHES WORK ETHICS AND VALUABLE SKILLS TO OUR YOUTH, WHILE CONSERVING VALUABLE NATURAL RESOURCES.

THE OPPORTUNITY FOR FEDERAL FUNDING FOR A

STATE YCC PROGRAM SHOULD H.R. 999 PASS

The United States Senate is now considering H.R. 999, an Act to Establish an American Conservation Corps. The bill would provide an annual appropriation of \$300 million for the program nationwide. Montana would be eligible for a maximum of \$674,000 per year in grants to fund a state conservation corps program. The state would be required to provide not less than 15 per cent of the total cost of the state program. The table below presents several different alternative funding levels and the number of youth that each level would employ.

FY 84

<u>FEDERAL GRANT AVAILABLE TO MT</u>	<u>REQUIRED STATE MATCH</u>	<u>TOTAL FUNDING</u>	<u>NUMBER OF ENROLLEES</u>
\$674,000	\$119,000	\$793,000	477
\$340,000	\$ 60,000	\$400,000	240
\$283,000	\$ 50,000	\$333,000	200
\$141,000	\$ 25,000	\$166,000	100

FY 85

<u>FEDERAL GRANT AVAILABLE TO MT</u>	<u>REQUIRED STATE MATCH</u>	<u>TOTAL FUNDING</u>	<u>NUMBER OF ENROLLEES</u>
\$674,000	\$119,000	\$793,000	477
\$340,000	\$ 60,000	\$400,000	240
\$283,000	\$ 50,000	\$333,000	200
\$141,000	\$ 25,000	\$166,000	100

AMENDMENTS TO HB 800
Second Reading (Yellow Copy)

EXHIBIT 3
March 24, 1983
Full Committee

1. Title, line 11.
Strike: "AN" through "AND"
2. Page 7, line 11.
Following: "be"
Insert: "be"
3. Page 7, line 12.
Strike: "BE"
4. Page 7, line 13.
Strike: "BE"
5. Page 7, lines 14 and 15.
Strike: "HAVE" on line 14 through "12" on line 15
Insert: "not less than 15 or more than 21 years of age"
6. Page 7, line 23.
Following: line 22
Insert: "(4) The age requirements contained in subsections (1) and (2) constitute a bona fide occupational qualification for purposes of Title 49, chapters 2 and 3."
7. Page 9, line 5.
Strike: "\$ _____"
8. Page 9, line 6.
Strike: "for" through ","
Insert: "\$ _____ for fiscal year 1984 and \$ _____ for fiscal year"
9. Page 9, line 8.
Following: "."
Insert: "The department may not expend these funds unless the American Conservation Corps Act of 1983 (H.R. 999), or another act substantially similar to that act, passes congress. If such an act does not pass congress in fiscal year 1984, the funds appropriated for the youth conservation corps program for fiscal year 1984 revert to the general fund. If such an act does not pass congress in fiscal year 1985, the funds appropriated for the youth conservation corps program for fiscal year 1985 revert to the general fund."
10. Page 9, line 11.
Strike: "NOT" through "1983"
Insert: "Within 30 days of the passage of the American Conservation Corps Act of 1983 (H.R. 999), or another act of congress that is substantially similar to that act"
11. Page 9, lines 22 and 23.
Strike: section 14 in its entirety
Renumber: subsequent section

AMENDMENTS TO HOUSE BILL NO. 711

1. Page 1, line 25
Following: "fee."
Insert: "(1) The legislature shall appropriate from the general fund an amount sufficient to cover the estimated expenses of the department and water divisions for the adjudication of existing water rights for each biennium through completion of the adjudication process under this part."
2. Page 2, line 1
Before: "adjudication"
Insert: "(2)"
Following: "cover"
Insert: 50% of
3. Page 2, line 2
Following: "department"
Strike: ", "
Insert: "and"
Following: "divisions"
Strike: ", and the"
4. Page 2, line 3
Before: "incurred"
Strike: "water courts"
5. Page 2, line 7
Following: "with the"
Strike: "projected"
6. Page 2, line 8
Following: "collection."
Insert: "The department may assess such fees based on projected estimates of adjudication costs, provided that fees collected in excess of actual costs shall be refunded."
7. Page 2, lines 8 through 11
Following: "collection."
Strike: "HOWEVER, NO ADDITIONAL FEE MAY BE ASSESSED FOR CLAIMS PRIMARILY FOR THE PURPOSE OF STOCK WATER OR HUMAN CONSUMPTION OR TO CLAIMANTS WITH FEWER THAN 50 INDIVIDUAL CLAIMS."
8. Page 2
Following: line 14
Insert: "(3) All fees paid by a claimant pursuant to 85-2-225 shall be credited against the assessment made in subsection (2)."

AMENDMENTS TO ~~HOUSE BILL NO. 7111~~
(Second Reading)

Francis:
these amendments
to the Water Bill
would make it
50% self supporting.
Dane Lewis

1. Page 1, line 25
Following: "fee."
Insert: "(1) The legislature shall appropriate from the general fund an amount sufficient to cover the estimated expenses of the department and water divisions for the adjudication of existing water rights for each biennium through completion of the adjudication process under this part."
2. Page 2, line 1
Before: "adjudication"
Insert: "(2)"
Following: "cover"
Insert: 50% of
3. Page 2, line 2
Following: "department"
Strike: ", "
Insert: "and"
Following: "divisions"
Strike: ", and the"
4. Page 2, line 3
Before: "incurred"
Strike: "water courts"
5. Page 2, line 7
Following: "with the"
Strike: "projected"
6. Page 2, lines 8 through 11
Following: "collection."
Strike: "HOWEVER, NO ADDITIONAL FEE MAY BE ASSESSED FOR CLAIMS PRIMARILY FOR THE PURPOSE OF STOCK WATER OR HUMAN CONSUMPTION OR TO CLAIMANTS WITH FEWER THAN 50 INDIVIDUAL CLAIMS."
7. Page 2
Following: line 14
Insert: "(3) All fees paid by a claimant pursuant to 85-2-225 shall be credited against the assessment made in subsection (2)."

Approved by Committee
on Natural Resources

HOUSE BILL NO. 711
INTRODUCED BY HARRINGTON
BY REQUEST OF THE OFFICE OF
BUDGET AND PROGRAM PLANNING

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION TO ASSESS
AND COLLECT FEES FROM WATER USE CLAIMANTS TO PAY THE
EXPENSES INCURRED BY THE STATE FOR ADMINISTERING CERTAIN
WATER LAWS; AMENDING SECTION 85-2-241, MCA; AND PROVIDING AN
EFFECTIVE DATE."

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

Section 1. Section 85-2-241, MCA, is amended to read:
"85-2-241. Water right adjudication account. There is
established a water right adjudication account in the
unmarked revenue fund of the state treasury. All fees
collected under this section--and 85-2-223a 85-2-232a--and
[SECTION 2] shall be deposited in the account to pay
the expenses incurred by the state for administering this
part, part 7, and Title 3, chapter 2;

(2) Income--and--interest--from the investment of the
monies in the water--claims--adjudication account--must be
credited to the accounts"

NEW SECTION. Section 2. Adjudication fee.

(1) The legislature shall appropriate from the general fund
an amount sufficient to cover the estimated expenses of
the department and water divisions for the adjudication of
existing water rights for each biennium through completion of the

(2) Adjudication fees must be assessed to cover the actual
expenses of the department and the water divisions, and the
expenses incurred in the adjudication of existing water
rights under this part. The department shall assess and
collect a fee on every statement of claim filed, based upon
the actual adjudication cost of the hydrological basin in
which the claim lies, together with the ~~projecting~~ cost of
billing and collection. ~~THESE FEES SHALL BE ASSESSED TO THE~~
~~ADJUDICATION ACCOUNT OR TO THE WATER RIGHT ADJUDICATION~~
~~ACCOUNT AS USED HEREIN. ALL COSTS INCURRED IN THE ADJUDICATION OF EXISTING~~
~~RIGHTS SINCE MAY 11, 1979, THROUGH COMPLETION OF THE~~
~~ADJUDICATION PROCESS UNDER THIS CHAPTER.~~
NEW SECTION. Section 3. Codification Instruction.
Section 2 is intended to be codified as an integral part of
Title 85, chapter 2, part 2, and the provisions of Title 85,
chapter 2, part 2, apply to section 2.
NEW SECTION. Section 4. Effective date. This act is
effective July 1, 1983.

-End-

(3) All fees paid by claimant pursuant to
85-2-225 shall be credited against the
assessment made in subsection (2).

~~House Bill No. 711~~

Introduced by Harrington
BY REQUEST OF THE OFFICE OF
BUDGET AND PROGRAM PLANNING

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION TO ASSESS AND COLLECT FEES FROM WATER USE CLAIMANTS TO PAY THE EXPENSES INCURRED BY THE STATE FOR ADMINISTERING CERTAIN WATER LAWS; AMENDING SECTION 85-2-241, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 85-2-241, MCA, is amended to read:

"85-2-241. Water right adjudication account. (1) There is established a water right adjudication account in the earmarked revenue fund of the state treasury. All fees collected under this section and 85-2-225, 85-2-232, and (section 2) shall must be deposited in the account to pay the expenses incurred by the state for administering this part, part 7, and Title 3, chapter 7.

(2) Income and interest from the investment of the money in the water right adjudication account must be credited to the account."

NEW SECTION. Section 2. Adjudication fee. (1) Adjudication fees must be assessed to cover the actual expenses of the department, the water divisions, and the water courts incurred in the adjudication of existing water rights under this part. The department shall assess and collect a fee on every statement of claim filed, based upon the actual adjudication cost of the hydrological basin in which the claim lies, together with the projected cost of billing and collection. As used herein actual adjudication costs include all costs incurred in the adjudication of existing rights since May 11, 1979 through completion of the adjudication process under this chapter.

(2) All fees paid by a claimant pursuant to 85-2-225 shall be credited against the assessment made in subsection (1).

NEW SECTION. Section 3. Codification instruction. Section 2 is intended to be codified as an integral part of Title 85, chapter 2, part 2, and the provisions of Title 85, chapter 2, part 2 apply to section 2.

NEW SECTION. Section 4. Effective date. This act is effective July 1, 1993.

-End-

Francis -

this is an amendment to the water adjudication bill to give people a credit for fees paid to file originally. Thus only the ~~the~~ claimants no fee was paid on originally will be liable for the new fee. My best bet is still to move the bill to appropriate ^{Day}

ANENDMENTS TO HOUSE BILL NO. 711
(Introduced Bill)

1. Page 2, line 1
Before: "Adjudication"
Insert: "(1)"
2. Page 2, line 8
Following: "collection."
Insert: "As used herein actual adjudication costs include
all costs incurred in the adjudication of existing rights since
May 11, 1979 through completion of the adjudication process under
this chapter."
(2) All fees paid by a claimant pursuant to 85-2-225
shall be credited against the assessment made in subsection (1)".

85-7-1904. Acquisition of water and waterworks by board. (1) The board shall have power and authority to:

- (a) appropriate water in the name of the district;
- (b) acquire by purchase, lease, or contract water and water rights; additional waters and supplies of water; canals, reservoirs, dams, and other works already constructed or in the course of construction; and
- (c) acquire by purchase, lease, contract, condemnation, or other legal means:

(i) lands and rights in lands for rights-of-way, for reservoirs, for the storage of needful waters, and for dam sites and necessary appurtenances; and

(ii) such other lands and property as may be necessary for the construction, use, maintenance, repair, improvement, enlargement, and operation of any district system of irrigation works.

can condemn
water rights

(2) The board shall have the privilege, if desired, to contract with the owner or owners of such canals, reservoirs, dams, and other works so purchased and in the course of construction for the completion thereof.

(3) No purchase, lease, or contract for purchase of any water, water rights, canals, reservoirs, reservoir sites, dam sites, irrigation works, or other property of any nature or kind or for the making or purchasing of surveys, maps, plans, estimates, and specifications or for the purchase of machinery for pumping plants or for the erection of buildings, aqueducts, and other structures necessarily used in connection with such pumping plants, for a

price or rental in excess of \$125,000, is final or binding upon the district, and no sum may be paid for such purchase, lease, or contract without the written consent or petition of at least a majority in number and acreage of the holders of title or evidence of title to the lands within the district. Any splitting or division of such purchase, lease, or contract with the purpose or intention of avoiding or circumventing the provisions of this section shall render such divided or split contract or contracts void.

85-7-1907. Board power to provide sufficient water. Said board may also construct and maintain the necessary dams, reservoirs, and works for the collection and distribution of water for the district, from one or more sources and from different and additional sources; operate such works; secure, in any of the manners provided in this chapter, additional water supplies from the same or different sources; and do any and every lawful act necessary to be done in order that sufficient water may be furnished for irrigation purposes to all the lands in the district included at the time of its organization or at any time thereafter.

85-7-1909. Rights-of-way for irrigation works. (1) The board of commissioners shall have the power to construct irrigation works across any stream of water, watercourse, street, avenue, highway, railway, canal, ditch, or flume which the route of said canal or canals may intersect or cross in such manner as to afford security to life and property. Said board shall restore the same, when so crossed or intersected, to its former state, as near as may be, so as not to destroy its usefulness. Every company whose railroad shall be intersected or crossed by said works shall unite with said board in forming said intersection and crossing, and if such railroad company or the owners and controllers of said property, thing, or franchise so to be crossed and said board cannot agree upon the amount to be paid therefor or the points or the manner of said crossing or intersections, the same shall be ascertained and determined in all respects as herein provided in respect to taking of land for public use.

(2) Nothing contained herein shall require the payment to the state or any subdivision thereof of any sum for the right to cross any public highway with any such works. The right-of-way is hereby given, dedicated, and set apart to locate, construct, and maintain said works over and through any of the lands which are now or hereafter may be the property of this state.

AMENDMENTS TO HOUSE BILL NO. 711

Second Reading (Yellow Copy)

1. Page 1, lines 14 through 24
Strike: Section 1 in its entirety
Renumber: All subsequent sections
2. Page 2, line 1
Before: "adjudication"
Insert: "(1)"
Following: "cover"
Insert: 50% of
3. Page 2, line 2
Following: "department"
Strike: ", "
Insert: "and"
Following: "divisions"
Strike: ", and the"
4. Page 2, line 3
Before: "incurred"
Strike: "water courts"
5. Page 2, line 7
Following: "with the"
Strike: "projected"
6. Page 2, lines 8 through 11
Following: "collection."
Strike: "HOWEVER, NO ADDITIONAL FEE MAY BE ASSESSED FOR CLAIMS PRIMARILY FOR THE PURPOSE OF STOCK WATER OR HUMAN CONSUMPTION OR TO CLAIMANTS WITH FEWER THAN 50 INDIVIDUAL CLAIMS."
Insert: "The department may assess such fees based on projected estimates of adjudication costs, provided that fees collected in excess of actual costs shall be refunded."
7. Page 2
Following: line 14
Insert: "(2)All fees paid by a claimant pursuant to 85-2-225 shall be credited against the assessment made in subsection (1)."
(3)There is appropriated from the general fund \$1,275,588 to cover the estimated expenses of the department for the adjudication of existing water rights for each year of the biennium ending June 30, 1985.
(4)All fees collected under 85-2-225, 85-2-232, and this section must be deposited to the general fund."
8. Page 2, line 16
Following: "Section"
Strike: "2"
Insert: "1"

9. Page 2, line 18
Following: "Section"
Strike: "2"
Insert: "1"

WIFE Women Involved in Farm Economics



NAME-----JO BRUNNER BILL NO HB 711
ADDRESS 563 3rd St, Helena DATE March 24
REPRESENT Women Involved in Farm Economics
SUPPORT _____ OPPOSE X AMEND _____

Comments:

Mr. Chairman, members of the committee, W.I.F.E. has been more than supportive of the water adjudication process. As water chairman, I authored and worked for the passage of a resolution that encouraged our members and their friends and neighbors to file water claims. *We were and had*

d we felt that it was important for the state to know just exactly how much water we used in this state, so we filed on all water we used. I would think the questions I was asked the most were, why is it necessary, especially if they had previous *privileges*, how much will it cost and then almost equally, how can it be done for so little, and how comes it costs that much?

If I convinced them to the necessity of filing and explained the cost the next question was almost always, then who picks up the rest? Will we have to pay more, this won't be the end. And I said---no the law states that the state will pick up the rest. And I beleived that, then and so did many others.

Still, at the numereous forums, and seminars and meetings I attended that question always seemed to come. Who will pay the rest--how can we be assured that we won't be charged more. And never once did I hear that there was any question that the additional charges would go back to the filers. *Mr. S. was just as efficient at convincing us that as he is the* Always without exception---no!!!! the filer will not have to pay additional fees. We were assured that in the end we would get a handsome certificate--price included in overall---.

Many of us questioned the \$480 cutoff, and again we were assured over and over again that it was feasible and necessary to encourage filings. We were told that it would kind of even out in the end,--perhaps it wasn't all that fair, but participation would make up the difference. And, sorry to say, we fell for it. And now not only the states, and DNRCs credibility, but our credibility is shattered. If we hadn't questioned, if we hadn't wondered, if we had just accepted blindly, then I could see why this could come about. But thats not so, we did question and wonder and we were assured that the state would stand behind their decision. *"Hell has no fury like a woman scorned"* And we believe that all along this was the intent. *Mr. B. was just as efficient at convincing us that as he is the*

way do not believe that the state is a benevolent one. Mr. B. was just as efficient at convincing us that as he is the
you may be angry - but you have many farmers & ranchers. I'm not at this d. T. I

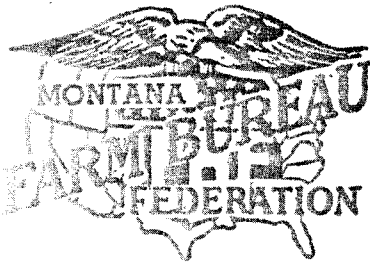


EXHIBIT 7
March 24, 1983
Full Committee

MONTANA FARM BUREAU FEDERATION

502 SOUTH 19th

Dial 587-3153

BOZEMAN, MONTANA 59715

BILL NUMBER. HB 711

DATE Mar 24, 1983

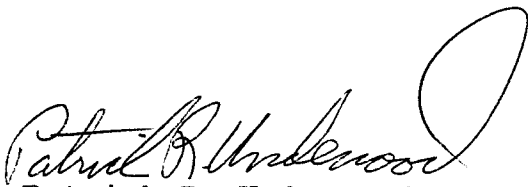
SUPPORT _____ OPPOSE XX AMMEND _____

NAME Patrick R. Underwood

COMMENTS:

The Montana Farm Bureau Federation has passed written policy at it's annual convention in November of 1982, by it's elected delegates for 5,500 family farm and ranch members, opposing any further expense to individual and family farm & ranch operators for water rights fee's.

We certainly recommend a do not pass on HB 711. A recommendation to increase fee's now is a complete break of faith with those who worked hard to cooperate with DNR and the State of Montana.


Patrick R. Underwood



Montana Association Of Conservation Districts

7 Edwards
Helena, Montana 59601
Ph. 406-443-5711

HB 711

Mr. Chairman, members of the committee:

I'm Steve Meyer, representing the Montana Association of Conservation Districts.

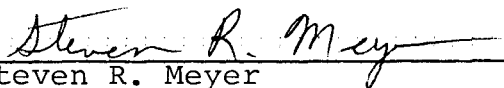
As you've heard several times this session, water and it's wise use is quite probably the most important resource issue facing us in the future. New industry for building Montana's economic future will need water, the population growth associated with these industries will need water, and energy developement requires water. Also, much of the recreation that this state is so famous for is dependant on water.

HB 711 would place the lion's share of the burden for adjudicating the state's water on a small section of the population, agriculture. Is it fair to have the farmers and ranchers bear the cost for guaren-teeing the quality of life that is so important to all citizens of Montana? We think not. The city dweller has as much at stake in the water adjudication process as the irrigator or the rancher. The only equitable way to fund water adjudication is from the general fund.

That way all of the benefactors share in the cost.

We strongly urge that HB 711 be killed quickly and completely.

Thank you.


Steven R. Meyer

Section 1. Purpose: It is the purpose of [sections _____ through _____] to establish a planning framework for the development of a natural resource information system and to establish an ongoing Montana natural heritage program.

Section 2. Definitions. As used in [sections _____ through _____], the following definitions apply:

(1) "Committee" means the natural resources data system advisory committee created by [section _____].

(2) "Department" means the department of administration created by 2-15-1001.

(3) "Natural heritage program" means a program of information acquisition, storage, and retrieval for data relating to the flora, fauna, and biological community types of Montana.

(4) "Principal data source agencies" means any one of the following state agencies: the department of natural resources and conservation, the department of fish, wildlife, and parks, the department of state lands, the department of health and environmental sciences, the department of agriculture, the department of highways, the state historical society, and the Montana university system.

Section 3. Natural resources data system advisory committee. (1) There is a natural resources data system advisory committee consisting of an employee of each principal data source agency appointed by the head of the respective state agencies, and by the board of regents of higher education for the Montana university system.

(2) The committee shall examine the following matters and make recommendations to the department head concerning:

(a) criteria for the categories and types of data to be collected for a natural resources information system;

(b) criteria for the format of data collection;

(c) identification of existing sources of relevant data in the public sector;

(d) identification of data acquisition, storage, and retrieval methodologies that are economical and efficient, and that minimize or eliminate the duplication of data bases; and that utilize computer networking;

(e) probable costs to agencies furnishing required data and probable costs of managing the data;

(f) probable benefits to be realized by the establishment of a natural resource information system;

(g) operation of the Montana natural heritage program; and

(h) other items the committee considers of importance to the establishment of a natural resources information system.

(3) The department shall provide staff support to the committee, within the limits of the department's available resources.

(4) Committee members while engaged in committee business are entitled to be reimbursed for travel expenses as provided for in 2-18-501 through 2-18-503. These expenses shall be borne by the agency employing the member. Each member serves at the pleasure of the respective appointing authority.

The committee shall establish its own format for the conduct of meetings.

Section 4. Natural resource information system. (1)

The department, in consultation with the committee, shall establish a planning framework for the implementation of a natural resources information system. This system is to be a comprehensive program for the acquisition, storage, and retrieval of existing data relating to the natural resources of Montana.

(2) The department shall give attention to the factors listed in subsection (2) of [section _____] and shall prepare any legislation necessary to implement the system.

field (3) It is not intended that the system shall require ~~field~~ work or literature searches to produce data. The system is intended to facilitate the management of data collected by state agencies in the normal course of their operations.

Section 5. Natural heritage program. (1) There is a Montana natural heritage program to be operated by the department. In order to establish the program, the department may contract with an independent contractor for a period not to exceed two years.

(2) The Montana natural heritage program ~~should~~ ^{shall} be designed to be compatible with similar programs in other states. This program is to be an initial step in the formulation of the comprehensive natural resource information system referred to in [section _____] and is to be considered a part of the system.

Section 6. Interagency cooperation. (1) State agencies shall cooperate with the department and the committee in the planning of the natural resource information system.

(2) Within the limits of available resources, state agencies shall provide data requested by the department for purposes of the Montana natural heritage program. If an agency does not possess requested data or is unable to locate requested data, the agency shall inform the department. It is not necessary for an agency to conduct field work or literature searches to obtain requested data.

Section 7. Availability of information. (1) Except as provided in subsection (3), the department shall make information from the natural resources information system available to local, state, and federal agencies and to the general public.

(2) The department may establish a fee system for information requests in order to cover the costs of providing requested information.

(3) If necessary, the department shall establish procedures to protect confidential information in the possession of state agencies.

✓ Section 8. Amend 15-32-107.

Section 9. Amend 15-31-103.

Section 10. Appropriation and funding. (1) There is appropriated from the natural resource information system account in the earmarked revenue fund the amount of \$_____ for the biennium ending June 30, 1985, to the department of administration for the establishment of the Montana natural heritage program and for support services to the natural

~~resources data system advisory committee.~~

(2) The department of administration may apply for and may receive funding from private and public sources for the purposes of [sections _____ through _____] and any such funds are appropriated to the department for such purposes.

3/24/83

HB 864

Testimony of Benjamin B. Stout, Dean, School of Forestry, Director, Montana Forest and Conservation Experiment Station, University of Montana.

Shortly after arriving in Montana in 1978 I met with Carl Hoffman and Charles Rust of MSU to discuss the arrangements for an extension forester if a position were funded. We agreed that an extension forester should be housed in Missoula and assigned fiscally to Bozeman. When federal funds became available for one year, fiscal 82, a person on the MSU Extension staff was assigned the forestry extension role; he continues in that capacity with one more year of funding. We in the School of Forestry, State Foresters Office, and the State and Private branch of the USFS have worked closely with MSU to use the funds most effectively.

Last fall a research review team drawn from national and state interests examined the research and service program of the Montana Forest and Conservation Experiment station. The summary of that report (p. 12) says:

"During the last several years there has been a very real improvement in the research situation at the University of Montana's School of Forestry. There are numerous factors involved in this change including strong leadership by the Dean and an infusion of young research-oriented professors. There is an excellent opportunity for forestry in Montana. It appears that the School is on the verge of making some great strides toward securing the forestry future of Montana through its research and teaching programs. Extension is a much less certain factor which must be given serious attention."

HB 864 addresses the need for forestry extension in an unusual but apparently effective way. In the body of the report cited above the review team reports that some 30,000 forest land owners in the state may need technical information. The school and station stand ready to cooperate with the state Forester's office and Coop. Extension at MSU to provide the best service possible to the ranchers, farmers and forest land owners in the State. So even though the administrative arrangements embodied in HB 864 are different, showing the imagination of the legislature, we in the School and Station recognize the dire need for extension forestry and support strongly HB 864.



INLAND FOREST RESOURCE COUNCIL

320 SAVINGS CENTER BUILDING MISSOULA, MONTANA 59801
PHONE (406) 728-1710

STATEMENT OF THE
INLAND FOREST RESOURCE COUNCIL
ON

HOUSE BILL 864

BEFORE THE
HOUSE APPROPRIATIONS COMMITTEE
March 24, 1983 Helena, Montana

On behalf of the members of the Inland Forest Resource Council I want to express our appreciation for the opportunity to testify in support of House Bill 864.

I am Wayne Ludeman, a Staff Forester with the Council, which is an association of forest products manufacturers operating in Montana and northern Idaho.

As cosponsoring organization of the American Forest Institute's Tree Farm program in Montana, the Council also represents over 360 private Tree Farmers engaged in production of forest crops from more than 1.7 million acres of privately-owned forest lands in Montana.

The primary objective of the Council since its inception, has been a sustained supply of timber from both public and private commercial forest lands.

We believe that House Bill 864 is an appropriate and needed step to help increase the productivity of Montana's private forest lands and to insure that our small timberland owners understand their legal responsibilities under existing statutes.

We have examined the work plan proposed for the Information Specialist position and believe that it represents a well-conceived and balanced program. We further believe that funding of the program will produce positive economic benefits for Montana's private woodland owners, our industry, and the state's economy.

Again, we support the Bill and wish to thank you for the opportunity to testify on its behalf.

Statement of The Montana Wood Products Association on HB 864

The Montana Wood Products Association wholeheartedly supports the enactment of HB 864. In Montana, we have some 25,000 private timberland owners. The vast majority are ranchers and farmers who own 100 acre plots or less. They definitely need the advice and assistance that HB 864 provides.

These 25,000 private timberland owners have never been adequately considered in the past for assistance such as HB 834 provides. The State of Montana and the U.S. Forest Service have timber sale programs and they take care of themselves. No one, however, is giving much assistance to these 25,000 landowners, with the exception of the American Tree Farm Program which is conducted by the timber industry.

These 25,000 private timberland owners represent a substantial timber resource for the future timber needs of our state's 3rd largest basic industry. They pay timber taxes on their lands and represent a large segment of our state's tax base. The small investment of state monies that this bill represents - some \$120,000 for the

biennium - is a small amount of money that can represent a very substantial return to our state in the future. Private timber represents the "hope for the future" in Montana and other timber states.

Some 10,200 full time jobs are in the Montana timber industry in normal times with some \$400 million being paid in direct wages.

The enactment of H.B. 834 into law will help insure this valuable employment base, provide needed forestry advice and services to the private timberland grower and assist our local units of government and all associated services.

We sincerely urge your support of H.B. 834.

Yours truly

Robert W. Holding
Executive Director

Montana Wood Products Association

VISITORS' REGISTER

HOUSE APPROPRIATIONS COMMITTEE

BILL HOUSE BILL 392

SPONSOR D. BROWN

Notes

Date _____

ALLOCATE INDIRECT COST REIMBURSEMENTS
OF RESEARCH GRANTS RECEIVED BY UNIVERSITY
SYSTEM.

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

HOUSE APPROPRIATIONS COMMITTEE

BILL HOUSE BILL 471 DATE

SPONSOR ADDY

Establish position of referee in certain judicial districts, etc.

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

HOUSE _____ APPROPRIATIONS _____ COMMITTEE _____

BILL _____ HOUSE BILL 711

NOTE

DATE _____

SPONSOR _____ HARRINGTON

Require DNRC to assess & collect fees from water use claimants to pay expenses incurred by state for administering certain water laws.

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
JEFF LARSON	HELENA	CAPITOL HIGH SCHOOL		?
Jo Brunner	Helena	W. I. FE		✓
BILL ASHER	BOZEMAN	APA - PCA - SCPA		✓
Will Brooke	Helena	MT Stockgrowers		✓
"		MT Woolgrower		✓
"		ASSO State Grazing Distr.		✓
K.M. Kelly	Helena	Mont Water Develop. Assn		✓
" "	✓	Mont Harymen's Assn.		✓
R.A. Ellis	Helena	Mont water Deval Assn Helena Valley Burg		✓
Steve Meyer	Helena	MT assoc. of Growers & Producers		✓
Gary Fritz	Helena	DNRC	X	
Jim Flynn	Helena	DEPT FWP	X	
Tom Huger	Billings	Senate Dist 30		✓
Jo Brunner		Farm Bureau		✓
Jo Brunner		Lawson Union		✓

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

APPROPRIATIONS

COMMITTEE

HOUSE BILL 785

DATE _____

D. BROWN

Require Dept. of Admin. to contract for
estab. of Montana Natural Heritage Pro-
gram; provide appropriation for contract
to estab. the program; fund program.

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

HOUSE Representatives

COMMITTEE

BILL HB 500

DATE 3-24-83

SPONSOR Vincent

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

HOUSE APPROPRIATIONS COMMITTEE

BILL HOUSE BILL 864

Notes:

DATE _____

SPONSOR CONNELLY

Make mandatory the forest resources-related advisory functions of Dept. of St. Lands; appropriate money therefor.

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

STANDING COMMITTEE REPORT

MARCH 28, 19 83

MR. **SPEAKER**

We, your committee on **APPROPRIATIONS**

having had under consideration **House** Bill No. **392**

First reading copy (**White** color)

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOCATING INDIRECT COST REIMBURSEMENTS OF RESEARCH GRANTS RECEIVED BY THE UNIVERSITY SYSTEM; AND PROVIDING AN EFFECTIVE DATE."

Respectfully report as follows: That **House** Bill No. **392**

DO NOT PASS

~~DO PASS~~

STANDING COMMITTEE REPORT

MARCH 28,

19 83

SPEAKER

MR.

APPROPRIATIONS

We, your committee on

HOUSE

471

having had under consideration Bill No.

SECOND

YELLOW

reading copy (.....)
color

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE POSITION OF REFEREE IN CERTAIN JUDICIAL DISTRICTS; PROVIDING FOR THE APPOINTMENT, QUALIFICATIONS, TERM, AND SALARY OF A REFEREE; PROHIBITING A REFEREE FROM MEMBERSHIP IN THE JUDGES' RETIREMENT SYSTEM; DEFINING THE PROCEDURE FOR ASSIGNING CASES TO A REFEREE AND THE TYPES OF CASES THAT MAY BE ASSIGNED; PERMITTING LITIGANTS IN CONTESTED CASES TO REQUEST A REVIEW HEARING ON A REFEREE'S RECOMMENDATIONS; REQUIRING A DISTRICT COURT JUDGE TO REVIEW ALL RECOMMENDATIONS OF A REFEREE; AND PROVIDING AN EFFECTIVE DATE."

HOUSE

471

Respectfully report as follows: That Bill No.

DO NOT PASS

XXXXXX
DO PASS

STANDING COMMITTEE REPORT

MARCH 22

19 83

MR. **SPEAKER**

We, your committee on **APPROPRIATIONS**

having had under consideration **HOUSE** Bill No. **771**

FIRST reading copy (**WHITE**)
color

**A BILL FOR AN ACT ENTITLED: "AN ACT TO APPROPRIATE MONEY TO THE
DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES FOR THE SERVICES OF
AN EPIDEMIOLOGIST."**

Respectfully report as follows: That **HOUSE** Bill No. **771**

DO NOT PASS
~~**DO PASS**~~

AMENDMENTS TO HB 785 INTRODUCED BILL

1. Title, lines 4 through 11.

Following: "An Act"

Strike: lines 4 through 11 in their entirety

Insert: "TO ESTABLISH A PLANNING FRAMEWORK FOR THE DEVELOPMENT OF A NATURAL RESOURCE INFORMATION SYSTEM AND TO ESTABLISH AN ONGOING MONTANA NATURAL HERITAGE PROGRAM; AND PROVIDING AND APPROPRIATION."

2. Pages 1 through 9.

Strike: all of the bill following the enacting clause

Insert: "Section 1. Purpose. It is the purpose of [sections 1 through 9] to establish a planning framework for the development of a natural resource information system and to establish an ongoing Montana natural heritage program.

Section 2. Definitions. As used in [sections 1 through 8], the following definitions apply:

(1) "Committee" means the natural resources data system advisory committee created by [section 3].

(2) "Department" means the department of administration created by 2-15-1001.

(3) "Natural heritage program" means a program of information acquisition, storage, and retrieval for data relating to the flora, fauna, and biological community types of Montana.

(4) "Principal data source agencies" means any one of the following state agencies: the department of natural resources and conservation, the department of fish, wildlife, and parks, the department of state lands, the department of health and environmental sciences, the department of agriculture, the department of highways, the state historical society, and the Montana university system.

Section 3. Natural resources data system advisory committee. (1) There is a natural resources data system advisory committee consisting of an employee of the environmental quality council and of each principal data source agency appointed by the head of the respective state agencies, and by the board of regents of higher education for the Montana university system.

(2) The committee shall examine the following matters and make recommendations to the department head concerning:

(a) criteria for the categories and types of data to be collected for a natural resources information system;

(b) criteria for the format of data collection;

(c) identification of existing sources of relevant data in the public sector;

(d) identification of data acquisition, storage, and retrieval methodologies that are economical and efficient, and that minimize or eliminate the duplication of data bases; and that utilize computer networking;

(e) probable costs to agencies furnishing required data and probable costs of managing the data;

(f) probable benefits to be realized by the establishment of a natural resource information system;

(g) operation of the Montana natural heritage program; and
(h) other items the committee considers of importance to the establishment of a natural resources information system.

(3) The department shall provide staff support to the committee, within the limits of the department's available resources.

(4) Committee members while engaged in committee business are entitled to be reimbursed for travel expenses as provided for in 2-18-501 through 2-18-503. These expenses shall be borne by the agency employing the member. Each member serves at the pleasure of the respective appointing authority. The committee shall establish its own format for the conduct of meetings.

Section 4. Natural resource information system. (1) The department, in consultation with the committee, shall establish a planning framework for the implementation of a natural resources information system. This system is to be a comprehensive program for the acquisition, storage, and retrieval of existing data relating to the natural resources of Montana.

(2) The department shall give attention to the factors listed in subsection (2) of [section 3] and shall prepare any legislation necessary to implement the system.

(3) It is not intended that the system shall require field work or literature searches to produce data. The system is intended to facilitate the management of data collected by state agencies in the normal course of their operations.

Section 5. Natural heritage program. (1) There is a Montana natural heritage program to be operated by the department. In order to establish the program, the department may contract with an independent contractor for a period not to exceed two years.

(2) The Montana natural heritage program to be operated by the department. In order to establish the program, the department may contract with an independent contractor for a period not to exceed two years.

(2) The Montana natural heritage program shall be designed to be compatible with similar programs in other states. This program is to be an initial step in the formulation of the comprehensive natural resource information system referred to in [section 4] and is to be considered a part of the system.

Section 6. Interagency cooperation. (1) State agencies shall cooperate with the department and the committee in the planning of the natural resource information system.

(2) Within the limits of available resources, state agencies shall provide data requested by the department for purposes of the Montana natural heritage program. If an agency does not possess requested data or is unable to locate requested data, the agency shall inform the department. It is not necessary for an agency to conduct field work or literature searches to obtain requested data.

Section 7. Availability of information. (1) Except as provided in subsection (3), the department shall make information from the natural resources information system available to local, state, and federal agencies and to the general public.

(2) The department may establish a fee system for information requests in order to cover the costs of providing requested information.

(3) If necessary, the department shall establish procedures to protect confidential information in the possession of state agencies.

Section 8. environmental quality council to monitor activities of department and committee. The environmental quality council shall monitor and evaluate the activities of the department and the committee under [sections 1 through 7] and shall report its findings and recommendations to the legislature by November 1, 1984.

Section 9. Appropriation and funding. (1) There is appropriated from the general fund the amount of \$10,000 for the biennium ending June 30, 1985, to the department of administration for the establishment of the Montana natural heritage program and for support services to the natural resources data system advisory committee.

(2) The department of administration may apply for and may receive funding from private and public sources for the purposes of [sections 1 through 8] and any such funds are appropriated to the department for such purposes."

STANDING COMMITTEE REPORT

MARCH 28, 1983

MR. **SPEAKER**

We, your committee on **APPROPRIATIONS**

having had under consideration **HOUSE** Bill No. **800**

SECOND reading copy (**YELLOW**)

color

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A YOUTH CONSERVATION CORPS PROGRAM WITHIN THE DEPARTMENT OF STATE LANDS; PROVIDING THAT THE PROGRAM BE ADMINISTERED BY AN EXECUTIVE DIRECTOR; DEFINING THE EXECUTIVE DIRECTOR'S POWERS AND DUTIES; PROVIDING AN APPROPRIATION FOR ADMINISTERING THE PROGRAM; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

Respectfully report as follows: That **HOUSE** Bill No. **800**

DO NOT PASS

XXXXXX
DO PASS

STANDING COMMITTEE REPORT

MARCH 28, 1983

MR. SPEAKER

We, your committee on APPROPRIATIONS

having had under consideration HOUSE Bill No. 864

SECOND reading copy (YELLOW)
color

A BILL FOR AN ACT ENTITLED: "AN ACT TO MAKE MANDATORY THE FOREST RESOURCES-RELATED ADVISORY FUNCTIONS OF THE DEPARTMENT OF STATE LANDS; APPROPRIATING MONEY THEREFOR; AMENDING SECTION 76-13-104, MCA; AND PROVIDING AN EFFECTIVE DATE."

Respectfully report as follows: That HOUSE Bill No. 864

BE AMENDED AS FOLLOWS:

1. Page 1, line 22.
Following: "Appropriation."
Strike: "The following"
2. Page 1, line 23.
Strike: "money"
Insert: "\$20,000"
3. Page 2, line 1.
Following: "76-13-104"
Strike: ";"
Insert: "for the biennium ending June 30, 1985."
4. Page 2, lines 2 and 3.
Strike: lines 2 and 3 in their entirety

AND AS AMENDED DO PASS

~~ENRASSX~~