

MINUTES OF THE MEETING
LONG-RANGE PLANNING SUBCOMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

March 18, 1985

The meeting of the Long-Range Planning Subcommittee was called to order by Chairman Thoft on March 18, 1985 at 6:09 p.m. in Room 420 of the State Capitol.

ROLL CALL: All members were present.

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION, WATER DEVELOPMENT PROGRAM: Chairman Thoft (84:A:003) said Projects 1 through 54 and the Swan River and Prison Sewer Projects can be funded with the money available for the program.

Chairman Thoft (84:A:009) asked if Project 54 (Montana Bureau of Mines and Geology, Butte Mine Flooding Monitoring) will be totally funded. Madalyn Quinlan, Staff Analyst, Office of the Legislative Fiscal Analyst said yes. Chairman Thoft said he is concerned about this project receiving funding over projects for domestic system improvements. He said he feels projects such as number 56 (City of Plentywood) and number 66 (City of Scobey) are of more importance. Chairman Thoft (84:A:021) asked if Project 54 could be done for \$52,000. Caralee Cheney, Chief, Water Development Bureau, Department of Natural Resources and Conservation (DNRC) said she really does not know, but the applicants would have to cut back on the monitoring program and whether or not they could still come up with a useful product is not known.

Senator Van Valkenburg (84:A:031) asked Senator Tveit what the status is of the Gartside Dam Project (#28). He said it is also being considered in the Legacy Program, but is quite low in the priority listing for that program. Senator Tveit said it depends on which legislation will be used to establish the Legacy Program. Senate Bill 277 will fund up to \$550,000 in projects in the first year of the biennium. House Bill 913 will fund all of the projects.

Senator Van Valkenburg (84:A:040) said he believes that Gartside is a good project, but the \$100,000 in the Water Development Program will not complete the entire project. The project needs a total of \$400,000 and if the Legacy funds are not forthcoming the water development money will never be spent.

Chairman Thoft (84:A:045) suggested Projects 56 and 66 could be funded with reversions from Project 28. Senator Tveit (84:A:060) said the only way the Gartside Project will be funded is if there is full funding of the Legacy Program.

EXECUTIVE ACTION

Senator Van Valkenburg (84:A:062) made a motion to approve Projects 1 through 54 and Projects 56 and 66, less Projects 7, 17, 33 and

39 which were previously deleted, and adding language to the effect that the money will be appropriated in this priority, and if there is not a sufficient amount to fund all of the projects approved, those at the bottom of the priority list will be deleted.

Senator Van Valkenburg said his motion will fund the water projects at Plentywood and Scobey if the Gartside and Butte Mine Monitoring Projects do not come to pass.

Chairman Thoft (84:A:075) asked if the committee would consider placing Projects 56 and 66 ahead of the Butte Mine Monitoring project. Chairman Thoft said he feels the water system improvements for Plentywood and Scobey are more important projects than studying the quality of water in the pit. Senator Van Valkenburg said the project deals with more than the quality of water in the pit. He said the study will determine the effects flooding the pit will have on the groundwater in and around Butte.

Chairman Thoft (84:A:086) asked if the project will determine the quality of water at various levels in the pit. Ms. Cheney said yes, and therefore, determine its effect on the groundwater in the area. Chairman Thoft asked if this type of prediction can actually be made. Ms. Cheney said she believes the project can determine this. She also said the Superfund is considering doing monitoring in the pit and will be considering this during the next few months. Chairman Thoft asked what the possibilities are of the Superfund doing the monitoring. Ms. Cheney said she is not certain. It is not their top priority and they are trying to prioritize the work to be done at the pit. She said Superfund consultants are recommending the monitoring be done.

Chairman Thoft (84:A:114) asked Ms. Cheney if the committee should build in funding contingencies incase the Gartside and Butte Mine Projects are not funded. Ms. Cheney said the committee should prioritize several projects below those anticipated to receive funding. By doing this any reversions can be applied to projects further down the priority list.

Senator Van Valkenburg (84:A:126) made a substitute motion to approve Projects 1 through 54 and Projects 56 and 66, less Projects 7, 17, 33 and 39 which were previously deleted, and to reduce funding of Project 19 to \$90,000, and projects are to be funded following this priority ranking from available funds.

Representative Bardanouve (84:A:159) said this motion will approve Project 54. Senator Tveit said yes. Senator Fuller (84:A:169) said he is ready to support the motion so the committee can determine which projects to prioritize for reversions.

Senator Van Valkenburg (84:A:173) amended his substitute motion to state if Superfund money is available for Project 54 it will not be funded from this program.

Senator Tveit (84:A:178) asked if there will be funds for Projects 56 and 66 if Project 54 is not recommended for reduced funding. Senator Van Valkenburg (84:A:182) said funding of Project 54 depends on the revenue estimate. If it is higher than that is anticipated Projects 56 and 66 may still receive funding. Representative Bardanouve said he feels the monitoring of the pit should be ARCO's responsibility.

Senator Tveit (84:A:189) made a substitute motion to reduce funding of Project 54 to \$44,000.

Senator Van Valkenburg (84:A:206) offered to amend his substitute motion by placing Projects 56 and 66 ahead of Project 54, in the priority ranking, and made a motion to approve his first substitute motion as amended. The substitute motion passed unanimously.

Chairman Thoft (84:A:214) asked Ms. Cheney to name projects which were not funded in the previous motion but deal with a need for domestic water. Ms. Cheney named the following projects: 55, 59, 61, 62, 64, 65, 68, 71, 73, and 76. Chairman Thoft asked which of these projects is the most critical. Ms. Cheney said the projects are listed in the order of urgency.

Chairman Thoft (84:A:231) asked Madalyn Quinlan if there are any funds still available in the water development category. She said according to the current revenue estimate all funds have been appropriated. Ms. Cheney said DNRC's revenue estimate is a little higher than the Legislative Fiscal Analyst's and it might be safe to adopt a list of priorities just in case the revenue comes in higher than the estimate.

Senator Fuller (84:a:241) said he feels the committee should list the projects Ms. Cheney named in order after Project 54. Chairman Thoft said he has a problem in doing this because he feels domestic water systems are more important than studying the water quality in the pit. Senator Fuller said he shares the concern that ARCO has created the problem, but this does not help the people of Butte. He believes monitoring the water in the pit can be considered a domestic water problem to Butte.

Senator Fuller (84:A:256) asked if the Butte Mine Monitoring Project (54) can be considered a domestic water problem because of the effect of the flooding in the pit on the Butte groundwater. Ms. Cheney said yes.

Chairman Thoft (84:A:263) asked if it is as urgent as other domestic water projects not being funded. Ms. Cheney said the Department of State Lands under its Mine Lands Program and Superfund are looking

at doing the monitoring. She said the project must fit within the federal regulations for these programs before it will be done by them. She said she cannot speculate as to whether or not the project will be included in these programs.

Representative Bardanouve (84:A:272) said he believes the money will be thrown away if the state funds the project for the Berkeley Pit. Representative Bardanouve said far more could be done with federal funds than with a few thousand dollars of state money. He said he thinks all the money and monitoring in the world will not change the fact the pit is filling with water.

Representative Bardanouve (84:A:301) made a motion to delete Project 54 (Montana Bureau of Mines and Geology, Butte Mine Flooding Monitoring) from funding. Chairman Thoft asked for a roll call vote. The motion failed due to a tie vote.

Senator Tveit (84:A:314) moved to reduce Project 54 by \$44,000. Senator Tveit withdrew his motion.

Representative Ernst (84:A:319) made a motion to approve Projects 55, 59, 61, 62, 64, 65, 68, 71, 73 and 76, in this order for any contingency funding. The motion passed unanimously.

Senator Van Valkenburg (84:A:346) made a motion to approve an appropriation, from the Water Development Program, for the Swan River Sewer Project, in the amount of \$444,100 and for the completion of the Montana State Prison Sewer Project, in the amount of \$68,500, and these two projects should be ranked first and second in terms of priority. The motion passed. Chairman Thoft voted no on this motion because he said he feels these projects should have been included with maintenance projects in the Capital Construction Program.

Representative Bardanouve (84:A:395) moved to approve the Water Development projects as amended. The motion passed unanimously.

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION, RENEWABLE RESOURCE DEVELOPMENT PROGRAM: Madalyn Quinlan (84:A:434) said the money available in the Renewable Resource Development (RRD) Account is .625% of the coal tax revenue. This means \$1,220,000 is available for the RRD Account. Each category in the RRD Program is given a percentage of these funds as follows: 1) 40% - Water Development Projects; 2) 15% - Timber Stand Improvements; 3) 10% - Water Reservations; 4) 15% - Rangeland Resources; 15% - Ag Land; and 5) 5% - DNRC Designated Projects. These percentages are statutory requirements for the program.

Ag Land Category: Chairman Thoft (84:A:450) said he has a tremendous amount of respect for Project 4 (Jefferson County Conservation District, Noxious Weed Control). He said the applicants have put this project together on their own without any weed law. They have put together

a project which really deserves some consideration and there is no money available for it. Only Projects 1 through 3 will be funded in this category.

Chairman Thoft (84:A:455) asked if money can be transferred from the Other Category to the Ag Land Category. Madalyn Quinlan said 5% of the total RRD program must be left in the Other Category. However, DNRC is recommending that unused funds in the two of the four remaining categories be transferred to the Other Category. These unused funds can be transferred to the Ag Land Category instead of the Other Category.

Chairman Thoft (84:A:480) asked how much money can be transferred from the Other Category. Ms. Quinlan said \$45,935. This will still leave \$50,000 in the Other Category.

Representative Bardanoue (84:A:486) made a motion to approve the Jefferson County Conservation District Project (4) for \$45,000 of funding.

Chairman Thoft asked how much money will be available for Project 1 in the Other Category. Ms. Quinlan said \$50,000 and there will be no money for any of the other projects in this category.

Senator Fuller (84:A:505) asked if the committee is limited to how and where it can transfer money between the categories. He asked if money can be moved from the Other Category or the Timber Category back to Ag Land. He asked if money can be transferred among the various categories in any combination. Ms. Quinlan said she did not believe this can be done because a certain percentage of the money must be left in each category by law.

Senator Fuller (84:A:546) asked if Project 4 will be funded from the \$1 million in the Legacy Program for weed control. Larry Fasbender (84:A:553), Director, DNRC said of the \$1 million dollars in the Legacy Program half will be spent on weed projects. He said Project 3 (MSU/Teton County, Leafy Spurge) and Project 4 (Jefferson County Conservation District, Noxious Weed Control) are among the top priorities in the Legacy Program for weed control.

Senator Fuller (84:A:585) suggested there be coordinating language in the motion stating that if the Legacy Program is approved and funding is available for weed projects, the \$45,000 should be used to fund projects in the Other Category.

General discussion followed of Senator Fuller's suggestion, Representative Bardanoue's motion and Legacy Program funding (84:A:595 to 84:B:003).

Representative Bardanoue (84:B:004) withdrew his motion.

Senator Fuller (84:B:006) recommended the committee approve Projects 1 through 3 in the Ag Land Category, Projects 1 and 2 in the Timber Category, and transfer \$40,000 from the Timber Category, to the Other Category, and approve Projects 1 and 2 in the Water Reservations Category, Projects 1 and 2 in the Other Category, and in addition if the Legacy Program is approved weed projects in the Ag Land Category, particularly Project 4, will be funded from Legacy money.

Senator Fuller said if the Legacy Program is approved and the weed projects funded from it, there will be alot of money available in the Ag Land Category for other projects.

Madalyn Quinlan (84:A:031) said if all the weed projects in the Ag Land Category are taken out there is \$122,000 left in this category to fund other projects.

Ms. Cheney (84:A:037) said only four of the weed projects in this category are in the Legacy Program and those are projects 1, 4, 7 and 9.

Senator Van Valkenburg (84:A:059) asked if the revenue estimate in the program book (See Exhibit 1, 2-12-85) is current. Ms. Cheney said DNRC's estimate varies slightly from the Fiscal Analyst's. DNRC's estimate is \$1 million and the Fiscal Analyst's is \$1.2 million.

Senator Fuller (84:A:065) asked Ms. Cheney how much money and how many projects can be funded if the Legacy weed projects are taken out. Ms. Cheney said there will be \$150,561 available and this will fund Projects 2, 3 and 5. Projects which would not be funded are 6, 8, 10, 11, 12 and 13.

Chairman Thoft (84:A:077) asked if \$42,000 is needed to complete the Mt. Haggin Fencing Project (6). Don Hyypa, Administrator, Parks Division, Department of Fish, Wildlife and Parks said yes. Chairman Thoft asked if this project is included in any other programs. Mr. Hyypa said no. Both Chairman Thoft and Representative Bardanouve said they feel this is a valuable project. Ms. Cheney (84:B:090) said DNRC was not certain if the Mt. Haggin project would receive full funding in this biennium. The department now knows there will be funding available for the project and it can be removed from the Ag Land Category.

Representative Bardanouve (84:B:110) said he does not believe Project 5 is a very high priority project. Senator Tveit and Chairman Thoft agreed with Representative Bardanouve. Representative Ernst (84:B:116) said the ag experiment stations should be doing tillage demonstration projects.

There was general discussion on the number of projects to approve for funding in the Ag Land and Other Categories. Discussion also

centered on the possibility of moving funds from the Other Category into Ag Land (84:B:122 through 84:B:170).

Senator Van Valkenburg (84:B:171) suggested the committee approve each category in the RRD Program separately.

EXECUTIVE ACTION

Ag Land Category: Senator Van Valkenburg (84:B:176) made a motion to approve Projects 2, 3, and 8, in the Ag Land Category, with the expectation that Projects 1, 4, 7 and 9 will be funded from the Legacy Program. The motion passed unanimously.

Timber Category: Senator Van Valkenburg (84:B:198) moved to approve Projects 1 and 2, in the Timber Category. The motion passed unanimously.

Water Reservations Category: Senator Van Valkenburg (84:B:218) moved to approve Projects 1 and 2, in the Water Reservations Category, as recommended by DNRC. The motion passed unanimously.

Other Category: Senator Van Valkenburg (84:B:233) made a motion to move the balance of funds remaining in the Ag Land, Timber and Water Reservations categories to the Other Category.

The committee discussed Senator Van Valkenburg's motion and the possibility of leaving excess funds in the Ag Land Category to fund projects further down the priority list (84:B:236 to 84:B:315). The members also discussed taking \$45,000 out of the Other Category and putting it back into Ag Land. Several members wanted to leave a reserve in the Ag Land Category for further funding of projects. Others wanted to fully fund Project 1 in the Other Category.

Chairman Thoft (84:B:316) asked if the bear proof dumpsters could be purchased for \$50,000 rather than \$70,000. Janet Ellis (84:B:317), Montana Audubon Council, said the project is for 140 dumpsters, and if the project is reduced to \$50,000, not all the dumpsters can be purchased. The bear problem will not be solved unless all the dumpsters are purchased.

Representative Bardanouve (84:B:219) made a substitute motion to give Project 1 (Gallatin County, Bear Proof Refuse Container), in the Other Category, \$50,000.

Chairman Thoft (84:B:330) asked if the bear proof containers can be made in Montana rather than Canada. Ms. Ellis gave members information which listed several options for producing the containers in Montana (EXHIBIT 1).

Chairman Thoft (84:B:347) requested boilerplate language be included in Representative Bardanouve's motion, saying the dumpsters must

be made in Montana. Representative Bardanouve agreed to this.

Senator Fuller (84:B:354) made a substitute motion to move \$20,000 from the Ag Land Category to the Other Category and to fund Project 1 in the Other Category at \$70,000. The motion passed unanimously.

Senator Tveit (84:B:376) made a motion to leave any remaining funds in the Ag Land Category, which are not spent after Projects 2, 3 and 8 are funded and \$20,000 is transferred to the Other Category.

Senator Van Valkenburg (84:B:379) made a substitute motion to move any remaining funds in the Ag Land Category to the Other Category for further funding of projects there. Chairman Thoft (84:B:387) asked for a roll call vote. The motion failed.

HOUSE BILL 938: Chairman Thoft (84:B:415) asked if the Cultural and Aesthetic Appropriations Bill is in a form agreeable to the Montana Arts Council. Bill Pratt, Organizational Services Director, Montana Arts Council said yes.

Chairman Thoft (84:B:423) asked if the Arts Council intended to have project evaluations funded out of reversions prior to the Oral History and Folklife Projects. David Nelson, Director, Montana Arts Council said this was the recommendation of the Cultural and Aesthetic Advisory Committee.

Madalyn Quinlan (84:B:432) went through changes in the bill which had been requested by the committee earlier.

EXECUTIVE ACTION

Representative Bardanouve (84:B:451) made a motion that House Bill 938 DO PASS. The motion passed unanimously.

HOUSE BILL 224: Senator Tveit (84:B:487) made a motion that House Bill 224 DO PASS. The motion passed unanimously.

HOUSE BILL 850: Senator Tveit (84:B:506) said he believes this bill will be setting a precedent for all bridge projects which do not have full highway funding. He also said he does not feel there are funds available in the budget for a project such as this. He said he thinks the bridge is important, but it is not the main bridge coming off of the highway.

Senator Tveit (84:B:520) made a motion that House Bill 850 DO NOT PASS.

Representative Paul Pistoria (84:B:528) said the Department of Highways is setting a precedent by forcing local citizens to pay for the repair of a state bridge. He gave the committee a letter which he wrote to the Governor about this issue (EXHIBIT 2).

Senator Tveit (84:B:536) said he understands the problem, but there are many bridges, in many towns which can fall in line right behind the 10th Street Bridge in Great Falls. He said the state cannot afford to fund all of them.

Chairman Thoft (84:B:548) said this subcommittee refers its actions to the full Appropriations Committee and the full committee can accept or deny the subcommittee's recommendation.

The motion passed unanimously.

HOUSE BILL 224: Senator Van Valkenburg (84:B:588) moved that the committee reconsider its action on House Bill 224. The motion passed unanimously.

Senator Van Valkenburg (84:B:591) made a motion to amend the bill as follows:

Page 1
Following: Line 15
Strike: "(BPICA)"

The motion passed unanimously.

Senator Van Valkenburg (84:B:607) made a motion that House Bill 224 AS AMENDED, DO PASS. The motion passed unanimously.

HOUSE BILL 930: Senator Van Valkenburg (84:B:612) made a motion that House Bill 930 DO NOT PASS.

Senator Van Valkenburg (84:B:615) withdrew his motion and moved that House Bill 930 be TABLED. The motion passed unanimously.

There being no further business before the subcommittee the meeting was adjourned at 7:35 p.m.


ROBERT THOFT, Chairman

ROLL CALL VOTE

SUBCOMMITTEE LONG RANGE PLANNING

DATE March 18, 1985 BILL NO. Water Development
Program-Project 54 TIME 6:31 p.m.

[illegible]

Janet Pallister
Secretary, Janet Pallister

Robert Thoft
Chairman, Robert Thoft

Motion: To delete Project 54 (Montana Bureau of Mines and Geology, Butte
Mine Flooding Monitoring) from funding.

ROLL CALL VOTE

SUBCOMMITTEE LONG RANGE PLANNING

DATE March 18, 1985 BILL NO. Renewable Resource Development Program TIME 7:03 p.m.

[illegible]

Janet Pallister
Secretary, Janet Pallister

Robert Thoft
Chairman, Robert Thoft

Motion: To move any remaining funds in the Ag Land Category to the Other
Category for further funding of projects there.

Bear-proof Dumpsters for West Yellowstone

After talking with Ralph Rogers, district ranger in West Yellowstone, he suggested the following alternatives to getting the garbage dumpsters "bear proof" for the town:

- 1) Purchase new dumpsters from a Canadian firm. They are currently the only company making these patented containers.
- 2) Allow the local contractor to bear-proof the containers that are already there. The contractor feels he can do this.
- 3) Allow bids to be taken out and examined. A local contractor could then do the work.
- 4) Allow the county to do the work themselves. They apparently have the equipment, although they would need to contract out the labor.
- 5) Allow the Job Corps to make the containers. They evidently have welding skills. Although labor is free, the delivery is slow.

DNRC assured me that they review all grant projects and follow up to see that the project is done right. If the Legislature requests that Montana contractors be given priority, they will try to find a Montana contractor that will meet the grant proposal specifications.



The Big Sky Country

Exhibit #2

3-18-85

HB 850

MONTANA STATE HOUSE OF REPRESENTATIVES

REPRESENTATIVE PAUL G. PISTORIA
HOUSE DISTRICT 39

HOME ADDRESS:
2421 CENTRAL AVE.
GREAT FALLS, MONTANA 59401

COMMITTEES:

VICE CHR. LOCAL GOVERNMENT
STATE ADMINISTRATION

March 18, 1985

Honorable Governor Ted Schwinden
Room 204, Capitol Building
Helena, MT 59620

Dear Ted:

In my book, you are the best Governor Montana people ever had.
We all know that you cannot satisfy everyone.

I, along with our community, am pleading to have you do every-
thing possible to persuade the Highway Department to help us fund
our 10th street North Bridge redecking.

I have House Bill 850 which was heard in the Long-Range Planning
Appropriation Committee on Wednesday, March 13, 1985 where I
asked \$1.5 million to fund the project. It will cost \$4.5
million, the State will furnish \$3.0 million. They want the
local people to fund the \$1.5 million, which is impossible for
them to do.

We should not be the guinea pigs and set a precedent such as
this.

This bridge is in a terrible condition. It has been advocated
for restructuring since 1971, they have constantly talked about
it, but no action has been taken. In the past year, the Highway
Department have acknowledged the necessity of updating this
bridge due to the serious condition it is in.

The Highway Department did admit that all the Bridge Projects be
reviewed again in order that this project be placed as a top
priority.

Enclosed is all the material that I put together to support the
bridge funding, which I used for my testimony. You will notice
the pictures, which I took on February 28, 1985, show how bad a
condition the bridge is in, something must be done.

Honorable Governor Ted Schwinden
March 18, 1985
Page 2

Please do everything in your power to persuade the Highway Department and Roger Scott, Montana Federal Highway Representative to review the bridge projects and have them refinance the total \$4.5 million. I know this can be done. I am convinced the money is there.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Paul G. Pistoria". The signature is written in dark ink and is positioned below the word "Sincerely,".

Paul G. Pistoria "the Tiger"
State Representative

PGP/kjp

Enclosure

LONG-RANGE PLANNING SUB COMMITTEE

BILL NO. WORK SESSION - RRD, Water DATE MARCH 18, 1985
Development, HB 224, HB 850
 SPONSOR and HB 930, Cultural & Aesthetic Approp.
Bill

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.