

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

April 11, 1985

The meeting of the Long-Range Planning Subcommittee was called to order by Chairman Robert Thoft on April 11, 1985 at 8:08 a.m. in Room 420 of the State Capitol.

ROLL CALL: All members were present.

FUNDS AVAILABLE FOR PROJECTS IN HOUSE BILL 922: Chairman Thoft (90:A:005) reviewed the funds available for projects in House Bill 922 with committee members (EXHIBIT 1).

HOUSE BILL 922, LEGACY PROGRAM

Project 5, Deer Lodge County, Erosion Control: Senator Tveit (90:A:060) said he is concerned about planting trees on land which the state does not own. He said he feels a pilot project should be funded first.

Chairman Thoft (90:A:067) said apparently the Anaconda Minerals Company is willing to give the land to the state and a pilot project has already been conducted and the trees are growing successfully. He said he feels the appropriation for this project should be contingent upon state ownership of the property.

Senator Fuller (90:A:077) said the committee is concerned about this reclamation project being done on private property, but there are many projects being done on private property.

Senator Tveit (90:A:081) said contributions to the Resource Indemnity Trust (RIT) come largely from the oil and gas industry. He said he feels projects related to oil and gas reclamation should receive more of the total funds because of this. The money should be put back into those areas where it came from.

Emergency Grant Program: Chairman Thoft (90:A:096) said if the Emergency Grant Program is cut from 10 percent to 5 percent there will be more funds available for projects. He said he has talked with Gene Huntington, in the Governor's Office, about this and Mr. Huntington does not see a problem with it. Chairman Thoft said he would like to see this funded as an open-ended grant program. Chairman Thoft (90:A:102) asked Mona Jamison if she could make an amendment to House Bill 922 which will provide for this. Mona Jamison, Chief Legal Counsel, Governor's Office, said she can. Chairman Thoft said he is thinking of putting 5 percent in the grant program and the money can be used for any emergency.

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Brace Hayden (90:A:112), Governor's Office, said the original intent of the contingency fund was to provide money for emergencies which are not covered by the disaster and emergency funds over which the Governor already has authority.

Senator Van Valkenburg (90:A:120) asked if \$250,000 for the biennium is enough money for the emergency contingency fund. Duane Robertson (90:A:123), Chief, Solid Waste Bureau, Environmental Sciences Division, Department of Health and Environmental Sciences (DHES), said DHES does not feel this is enough money for the fund.

He said DHES has never had any money available for this type of emergency before, however, he did come up with a cost estimate for a large scale emergency scenario and a small scale scenario. He said there have been instances in the past where this type of funding could have been used and DHES used these situations for its estimates. Mr. Robertson said a small scale scenario cost is between \$30,000 to \$40,000. These funds would help the department determine which party is responsible for the emergency and then the department can require the party to clean up the emergency problem. He said a large scale scenario could cost between \$150,000 to \$200,000. Mr. Robertson said DHES does use Environmental Protection Agency (EPA) funds whenever possible. He said DHES can probably only address one or two of these emergencies in a year with funding of \$400,000/biennium.

Chairman Thoft (90:A:153) said the 5 percent or \$250,000/biennium is better than what has been available in the past. He also said there is already a project for a waste management facility and he feels waste management emergencies can fall under this facility's authority. Mr. Robertson said the facility can be used to pick up waste materials in some emergencies.

Senator Fuller (90:A:167) asked how many emergency funds are in existence. Mr. Hayden said House Bill 766 provides for a revolving emergency account for DHES. This account receives revenue from two sources: 1) the 10 percent in House Bill 922; and 2) from damage fees collected by DHES when it takes legal action against parties contaminating water supplies. Initially the fund will have a zero balance, until damage fees are collected or until DHES asks the Governor for funds from the 10 percent, for a specific emergency.

Senator Fuller (90:A:195) asked if Representative Brown's amendment from yesterday (See Exhibit 1, 4-10-85) will put \$150,000 into the same fund. Representative Dave Brown, District 72, said this amendment will fund the Mini-Superfund.

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EXECUTIVE ACTION: Representative Bardanouve (90:A:206) made a motion to put 5 percent into the emergency grant program.

Senator Fuller (90:A:213) asked if the 5 percent goes to the Mini-Superfund. Chairman Thoft said no.

The motion passed unanimously.

Chairman Thoft (90:A:219) asked to have an amendment to House Bill 922 prepared which will incorporate 5 percent for the emergency grant program into House Bill 922.

Department of Natural Resources and Conservation (DNRC), Amendments to House Bill 922: Madalyn Quinlan, Staff Analyst, Office of the Legislative Fiscal Analyst, said DNRC was proposing a change in the amendments passed by the subcommittee yesterday. She gave the committee a copy of the new amendments (EXHIBIT 2) and said a sentence has been added in Section 2 (3) (b) which provides for \$277,000 for administrative expenses.

EXECUTIVE ACTION: Representative Bardanouve (90:A:245) made a motion to reconsider the subcommittee's action on DNRC's amendments to House Bill 922. The motion passed unanimously.

Chairman Thoft said the 5 percent emergency grant designation amendment could be tied into the DNRC amendments and he requested the subcommittee delay its action on the DNRC amendments until the amendment for the emergency grant designation is prepared.

DNRC's Suggested Reductions to Projects in House Bill 922: Madalyn Quinlan (90:A:253) distributed a handout showing the monies freed up by DNRC's suggested reductions to projects in House Bill 922 (EXHIBIT 3).

Project 5, Deer Lodge County, Erosion Control: Chairman Thoft (90:A:267) asked if it is possible for the state to acquire the land to be reclaimed by this project. Caralee Cheney, Chief, Water Development Bureau, Water Resource Division, DNRC, said the project sponsor has talked with the Anaconda Minerals Company and the company has indicated it is willing to donate some of the acreage for the project.

EXECUTIVE ACTION: Representative Bardanouve (90:A:281) made a motion to approve Project 5 on the condition the land is deeded to Montana.

Senator Van Valkenburg (90:A:284) made a substitute motion that the amount requested for Project 5 be reduced to \$150,000 on the condition the land where the money is to be spent is deeded to the state.

Chairman Thoft (90:A:298) asked if the project can be done for the reduced amount. Ms. Cheney said she thinks it can still be done for the reduced amount.

Representative Dave Brown (90:A:308), District 72, said the committee might consider putting a lien on the land rather than requiring it be deeded to the state.

Representative Bardanouye (90:A:325) said the land has little value to the Anaconda Minerals Company, but once it is reclaimed it may be an asset to the state.

Chairman Thoft (90:A:338) asked if the land actually joins the smelter site. Ms. Cheney said no.

Senator Tveit (90:A:348) said he is in favor of the motion, but he does not feel all the money should be put into one area. The money comes from several revenue sources and he said he thinks projects dealing with oil and gas reclamation and saline seep are directly tied to oil development. Oil and gas industries pay a large portion of the tax in the Resource Indemnity Trust (RIT) and he said he thinks more money should be going to projects that relate to the oil industry.

A voice vote was taken on Senator Van Valkenburg's substitute motion and it passed unanimously.

Project 3, Department of Fish, Wildlife and Parks (FW&P), Bannack Apex Mill Rehabilitation: Senator Van Valkenburg (90:A:407) said he does not think this is a good project. Chairman Thoft said the project has been reduced to just the reclamation portion and he does not think there is anything wrong with funding this part of the project. Senator Van Valkenburg said he does not believe the reclamation is needed at the site and FW&P wants to do the project so the area can become a tourist attraction. He said he thinks other projects can be funded with this money and the other projects have greater public benefit.

EXECUTIVE ACTION: Senator Van Valkenburg (90:A:435) made a motion to delete funding for the Bannack Apex Mill Rehabilitation.

Chairman Thoft (90:A:459) asked if this is a reclamation project. Don Hyppa, Administrator, Parks Division, FW&P, said the project has been reduced to just the reclamation portion. He said if the reclamation is not done at some point Grasshopper Creek may be threatened.

Representative Bardanouye (90:A:475) asked how many years it has been since the cyanide mill was abandoned. Mr. Hyppa said it was last run in 1958. Representative Bardanouye asked what

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the reduced funding will do at the site. Mr. Hyypa said it will cover liming the area to reduce the acidity, protect the streambank from further erosion into the hill and perhaps cover some toxic waste cleanup.

Chairman Thoft (90:A:489) said he will oppose the motion because it is a reclamation project.

Representative Ernst (90:A:494) asked what the reduced appropriation is. Madalyn Quinlan said \$108,685.

Representative Bardanouve (90:A:500) asked, if this project is eliminated, where will the money be used. Chairman Thoft said he would be interested in funding some part of Project 38 (Glen Lake Irrigation District, Therriault Creek Syphon Construction).

Chairman Thoft (90:A:527) said he is concerned about this project because the irrigation district could be seriously hurt by the loss of its water. He asked Ms. Cheney what the district can afford for water costs. Ms. Cheney said district members are currently paying \$20/acre and they feel they cannot afford to pay any more than this.

Representative Bardanouve (90:A:537) asked how many acres are involved. Ms. Cheney said between 3,000 and 3,600. She said if the project is given a loan for its full request it will add \$5.00 to the cost of water per acre.

Chairman Thoft (90:A:553) asked what is the total cost of the project. Ms. Cheney said \$155,000.

Representative Bardanouve (90:A:560) said he will support Senator Van Valkenburg's motion if the money from Project 3 is given to Project 38. Senator Van Valkenburg (90:A:565) said he will withdraw his motion if the committee is going to jump over other projects higher on the priority list to fund Project 38.

Chairman Thoft (90:A:574) asked if the Glen Lake project was further down the list because it was anticipated the project would be funded from the Water Development Program. Ms. Cheney said no, this project just does not fit within the Legacy Program criteria as well as reclamation projects.

Senator Van Valkenburg (90:A:602) said he feels Project 16 (Montana/Alberta Milk River Joint Impoundment) is important. There is a serious water shortage problem in this area of the state and he said he feels this should be looked at because it is higher in the priority list.

Representative Bardanouve (90:A:624) said the land owners in the area are concerned about the diversion of water from the Milk River if the Canadians build their dam.

Senator Fuller (90:A:670) said the Canadians are preparing to build a dam and the project funds will be used to see if the U.S. can participate in the dam construction as a method of protecting its water interests on the Milk River.

Ms. Cheney (90:A:690) said she agrees with Senator Fuller's understanding of this project.

Chairman Thoft (90:A:693) asked if there isn't another entity which looks out for Montana's water interests in matters such as this. Ms. Cheney said the International Joint Commission (IJC) does this. She said the Governor also has formed a group of Canadians and Americans to review the Milk River Project. She said the option the Legacy Project proposes is not one this group considered.

Senator Van Valkenburg (90:B:003) said there are other projects in the list of priorities which need to be done and are higher on the list than the Glen Lake project.

Senator Tveit (90:B:010) said Project 9 (North Toole County Reclamation) was cut back and this project deals with reclamation problems created by the oil and gas industry. He said \$29 million dollars of the RIT revenue comes from the oil and gas industry and only \$3 million comes from mining, yet the majority of funding is going to mine reclamation projects. He said some of the money should be put back into Project 9 and the saline seep project because saline seep is related to oil development.

Senator Van Valkenburg (90:B:045) said his motion will stand on Project 3 if it is not conditioned on funding Project 38.

Chairman Thoft (90:B:049) asked for a roll call vote. The motion passed, with Representative Ernst and Chairman Thoft voting no on the motion.

Project 4, Montana Bureau of Mines and Geology, Groundwater Information Center: Senator Fuller (90:A:053) said he feels the bureau may need the computer but he is uncertain about the amount of funding for this project and the number of FTEs needed.

Senator Fuller (90:B:069) asked what portion of this project is most important. Tom Patton, Montana Bureau of Mines and Geology, said he feels the two data base technicians and the programmer. He said if the data base manager position is eliminated there will be a savings of \$50,000 in the project budget. Both Senator Fuller and Chairman Thoft said they were thinking of more of a cut than \$50,000.

Senator Fuller (90:B:112) said if the appropriation for staffing is cut in half, the bureau could be given the flexibility to determine which positions it feels are most needed for the project.

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EXECUTIVE ACTION: Senator Fuller (90:B:116) made a motion to appropriate \$75,000 for Project 4. The motion passed unanimously.

Project 13, Montana Governor's Office, Cabin Creek Reference to the IJC: Senator Fuller (90:B:127) said the budget Brace Hayden submitted on this project does not give him the information he was looking for (EXHIBIT 4). He asked if \$80,000 is going to cover employee travel expenses. Mr. Hayden said the project budget contains \$50,000 for travel. Senator Fuller asked if this is the best estimate available on the cost of the project. Mr. Hayden said the estimates are based on the Poplar River IJC Reference four years ago. He said the cost for participating in these references is very expensive and only existing agency FTEs will be utilized for the reference. The travel costs are a significant drain on agency budgets and without help the agencies will not be able to participate in the reference. He said Montana has already spent a great deal of money preparing its case for the IJC and this is the last chance for Montana to ensure that tough environmental restrictions will be placed on the Canadian coal mine.

Project 28, Triangle Conservation District, Expanded State Salinity Program: Senator Tveit (90:B:200) said this project is requesting funds on a one time basis to buy some drilling equipment and expand a drilling team. This equipment and team will work outside the Triangle area on the saline seep reclamation program. He said this is one of the few projects which is directly related to the oil industry.

Chairman Thoft (90:B:213) asked if the committee hasn't already appropriated money to expand this program. Ms. Cheney said the money appropriated so far will keep the program at its current level and this will not provide for a full expansion of the program.

EXECUTIVE ACTION: Senator Tveit (90:B:223) made a motion to approve Project 28 for \$150,000 of funding.

Senator Van Valkenburg (90:B:240) asked if it will be listed in priority after Project 14 and before Project 15. Senator Tveit (90:B:242) said it will have to be in line after Project 14 because no other projects beyond 14 have been acted on.

Senator Fuller (90:B:245) asked how much money is available since the committee has reduced and deleted some projects. Ms. Quinlan said \$1,092,880 is available considering the committee's reductions and deletions and DNRC's suggested reductions in the first 14 projects.

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Senator Van Valkenburg (90:B:255) said funds for House Bill 952, the Poplar River Air Quality Monitoring, or Projects 15 and 24 have not been taken from this amount yet. Total funding for these projects is \$550,000.

Chairman Thoft (90:B:262) asked for a roll call vote on Senator Tveit's motion. The motion passed with Representative Bardanouve voting no on the motion.

House Bill 952, Scobey Air Quality Monitoring, Red Lodge Revegetation and Natural Heritage

EXECUTIVE ACTION: Senator Fuller (90:B:272) made a motion to approve House Bill 952 for \$233,700, the Scobey Air Quality Monitoring for \$15,000, Natural Heritage for \$225,561 and Red Lodge Revegetation for \$100,000. The motion passed unanimously.

Chairman Thoft (90:B:299) asked how much money is available now. Ms. Quinlan said \$368,619.

Project 9, Toole County, North Toole County Reclamation Project

EXECUTIVE ACTION: Senator Tveit (90:B:309) made a motion to restore Project 9 to its original funding recommendation of \$390,000. He said he feels there is some justification in funding this project fully because the oil and gas industry contributes more funds to the RIT than any other industry.

Chairman Thoft (90:B:335) asked for a roll call vote. The motion failed due to a tie vote.

Project 17, FW&P, Elkhorn State Monument Improvements

EXECUTIVE ACTION: Senator Van Valkenburg (90:B:347) made a motion to delete Project 17 from funding. Chairman Thoft said he did not think this is necessary because it falls below the funding level. Senator Van Valkenburg said the projects which fell below the funding level in the Water Development Program were printed in the bill and he does not think the unfunded projects should appear in the bill.

Representative Bardanouve (90:B:361) made a substitute motion that any project not approved by the subcommittee will not be included in the bill. The motion passed unanimously.

Projects 1 through 14

EXECUTIVE ACTION: Senator Van Valkenburg (90:B:377) made a motion to approve Project 1 at \$1 million, Project 2 at \$58,266, Project 4 at \$75,000, Project 5 at \$150,000, Project 6 at \$134,249, Project 7 at \$800,000, Project 8 at \$500,000, Project 9 at \$298,130, Project 10 at \$100,000, Project 11 at

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\$30,000, Project 12 at \$88,400, Project 13 at \$80,000, Project 14 at \$20,000, and deleting Project 3 in its entirety. The motion passed unanimously.

Senator Van Valkenburg (90:B:444) made a motion that the ranking for the Scobey Air Quality Monitoring at \$15,000, Natural Heritage Program at \$225,561 and the Red Lodge Park Revegetation at \$100,000 follow the first fourteen projects respectively. The motion passed unanimously.

Senator Van Valkenburg (90:B:484) made a motion to add the Triangle Conservation District, Expanded State Salinity Program, at \$150,000, following the other approved projects in the priority list. The motion passed and Representative Bardanouve voted no on this motion.

Project 18, MSU, Heavy Metal Contamination of the Clark Fork River; Project 20, Powder River Conservation District, Powder River Irrigation Water Quality Study

EXECUTIVE ACTION: Senator Van Valkenburg (90:B:542) made a motion to approve Projects 18 and 20.

Representative Bardanouve (90:B:548) said he does not think the motion for the two projects should be combined.

Senator Van Valkenburg (90:B:558) made a substitute motion to approve Project 18 next in priority.

Senator Van Valkenburg (90:B:570) asked Brace Hayden to explain this project.

Mr. Hayden (90:B:577) said this project will coordinate all of the studies being conducted in the Clark Fork River Basin. He said it will also fund the two studies of highest priority which deal with data gaps in the suspended sediment studies.

Representative Bardanouve (90:B:619) asked which agencies are presently spending money on evaluation of the river basin. Mr. Hayden said many agencies are and this project will coordinate all of the study efforts.

Senator Van Valkenburg (90:B:644) said the study will also enable Champion to keep its present operation going in Missoula. He said the study will evaluate the total quality of the river to see if Champion is polluting the river or if the Anaconda Company is responsible for most of the pollution.

Chairman Thoft (90:B:702) asked for a roll call vote. The motion failed due to a tie vote.

Senator Tveit (91:A:009) made a motion to approve Project 20 for funding. Chairman Thoft (91:A:039) asked for a roll call vote. The motion passed unanimously.

Project 38, Glen Lake Irrigation District, Therriault Creek
Syphon Construction

EXECUTIVE ACTION: Representative Bardanouve (91:A:051) made a motion to approve \$100,000 for Project 38. Chairman Thoft (91:A:061) asked for a roll call vote. The motion passed.

Project 9, Toole County, North Toole County Reclamation Project: Senator Tveit (91:A:072) asked Mr. Miller to talk about the importance of this project. Marvin Miller, Montana Bureau of Mines and Geology, said the bureau suggested the project sponsors include the Williston Basin in this project so there will be comparable data on both old and new oil field developments.

EXECUTIVE ACTION: Senator Tveit (91:A:114) made a motion to amend the funding of Project 9 from \$298,000 to \$390,000. Chairman Thoft (91:A:115) asked for a roll call vote. The motion failed.

Project 18, MSU, Heavy Metal Contamination of the Clark Fork River: Senator Fuller (91:A:132) said he feels the committee should provide project funding with some consistency and respect to the priority ranking.

EXECUTIVE ACTION: Senator Fuller (91:A:182) made a motion to approve Project 18 for funding.

Senator Van Valkenburg (91:A:185) asked Mr. Hayden to explain this project again because he does not think he explained the project correctly before. Mr. Hayden said this project will stabilize heavy metal spoils along the Clark Fork River between Deer Lodge and Milltown. He said when the metals get into the river it leads to low fish production. He said the money will fund research needed to determine which plant species are tolerant to heavy metals and can be planted in the spoils.

Representative Dave Brown (91:A:244), District 72, said the Environmental Quality Council has also looked into this problem and a study needs to be done to determine which part of the contamination is coming from the Upper Clark Fork and related to mining, how much is related to Missoula sewage, etc. He said he believes this project is important.

Chairman Thoft (91:A:289) asked for a roll call vote. The motion failed due to a tie vote.

Amendments to House Bill 922: George Ochenski (91:A:315) gave members a copy of the amendments concerning the emergency grant program (EXHIBIT 5).

EXECUTIVE ACTION: Senator Fuller (91:A:387) made a motion to adopt the first four DNRC amendments, strike the fifth DNRC amendment and adopt the amendments presented by Mr. Ochenski (See Exhibit 5).

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Chairman Thoft (91:A:393) said he thinks Senator Fuller's motion will establish the Legacy Program in House Bill 922 and he thinks the money should be coming from the RIT Account. Ms. Cheney said DNRC's amendments were made in an attempt to get House Bill 922 to stand on its own without Senate Bill 277. Their amendments create a Legacy Account but not a Legacy Program.

Senator Fuller (91:A:435) made a substitute motion to adopt DNRC's (See Exhibit 2) amendment number 1, number 2, Sub-section 3 (a), number 3, number 4, strike number 5, and adopt Mr. Ochenski's amendments (See Exhibit 5).

Representative Bardanouve (91:A:477) said he feels the committee is having language difficulties with the amendments and he suggests DNRC, and the Office of the Legislative Fiscal Analyst get together and write the proper language to amend House Bill 922.

Senator Fuller (91:A:488) made a substitute motion to strike any references in House Bill 922 to the Legacy Program and incorporate language which deals with the \$277,000 needed for administrative expenses and the emergency grant program. The motion passed unanimously.

House Bill 952: Madalyn Quinlan (91:A:499) suggested that the appropriate motion for funding House Bill 952 with RIT interest would be for the committee to delete any references in House Bill 952, and to the Water Development Special Revenue Account and the General Fund and insert the RIT Interest Account.

EXECUTIVE ACTION: Senator Fuller (91:A:511) made a motion to strike any references in House Bill 952 to the Water Development Special Revenue Account and the General Fund and to insert in these places the RIT Interest Account. The motion passed unanimously.

Senator Fuller (91:A:515) made a motion that House Bill 952 AS AMENDED DO PASS. The motion passed unanimously.

Amendments to House Bill 922: Representative Ernst (91:A:524) asked if the committee adopted the amendments to House Bill 922 which deal with the Water Resources Research Center at Montana State University (EXHIBIT 6).

EXECUTIVE ACTION: Senator Fuller (91:A:533) made a motion to adopt the amendments to House Bill 922 which deal with the

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Water Resources Research Center (See Exhibit 6). The motion passed unanimously.

There being no further business before the subcommittee the meeting was adjourned at 10:13 a.m.

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ROBERT THOFT, chairman

DAILY ROLL CALL

LONG RANGE PLANNING SUB COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date April 11, 1985

ROLL CALL VOTE

SUBCOMMITTEE LONG-RANGE PLANNING

DATE April 11, 1985 BILL NO. Project 3 Legacy Program TIME 8:56 a.m.

JANET PALLISTER
Secretary, Janet Pallister

ROBERT THOFT
Chairman, Robert Thoft

Motion: To not provide any funding with respect to the Bannack Apex Mill Rehabilitation.

ROLL CALL VOTE

SUBCOMMITTEE LONG-RANGE PLANNING

DATE April 11, 1985 BILL NO. Legacy Program Project 28 TIME 9:12 a.m.

JANET PALLISTER

Secretary, Janet Pallister

ROBERT THOFT

Chairman, Robert Thoft

Motion: To approve Project 28 for \$150,000 of funding.

ROLL CALL VOTE

SUBCOMMITTEE LONG-RANGE PLANNING

DATE April 11, 1985 BILL NO. Legacy Program Project 9 TIME 9:16 a.m.

JANET PALLISTER

Secretary, Janet Pallister

ROBERT THOFT

Chairman, Robert Thoft

Motion: To restore Project 9 to its original funding recommendation of \$390,000.

ROLL CALL VOTE

SUBCOMMITTEE LONG-RANGE PLANNING

DATE April 11, 1985 BILL NO. Legacy Program
Project 18 TIME 9:36 a.m.

JANET PALLISTER
Secretary, Janet Pallister

ROBERT THOFT
Chairman, Robert Thoft

Motion: To next approve Project 18 in priority.

ROLL CALL VOTE

SUBCOMMITTEE LONG-RANGE PLANNING

DATE April 11, 1985 BILL NO. Legacy Program Project 20 TIME 9:39 a.m.

JANET PALLISTER
Secretary, Janet Pallister

ROBERT THOFT
Chairman, Robert Thoft

Motion: To approve Project 20 for funding.

ROLL CALL VOTE

SUBCOMMITTEE LONG-RANGE PLANNING

DATE April 11, 1985 BILL NO. Legacy Program Project 38 TIME 9:41 a.m.

JANET PALLISTER

Secretary, Janet Pallister

ROBERT THOFT

Chairman, Robert Thoft

Motion: To approve \$100,000 for Project 38.

ROLL CALL VOTE

SUBCOMMITTEE LONG-RANGE PLANNING

DATE April 11, 1985 BILL NO. Legacy Program Project 9 TIME 9:45 a.m.

JANET PALLISTER
Secretary, Janet Pallister

ROBERT THOFT
Chairman, Robert Thoft

Motion: To amend the funding of Project 9 from \$290,000 to \$390,000.

ROLL CALL VOTE

SUBCOMMITTEE LONG-RANGE PLANNING

DATE April 11, 1985 BILL NO. Legacy Program Project 18 TIME 9:58 a.m.

JANET PALLISTER

Secretary, Janet Pallister

ROBERT THOFT

Chairman, Robert Thoft

Motion: To approve Project 18 for funding.

Exhibit #1

4-11-85

LFA

Legacy Account
1987 Biennium

Income

Carry-over FYE 85:	\$ 1,590,117
RIT Interest Earnings (64%)	<u>8,308,808</u>

Funds Available: \$ 9,898,925

Transfer to the General Fund: (4,900,000)

Remaining balance in Legacy Account: \$ 4,998,925

Expenditures

Grant Administration-DNRC	\$ 271,000
5% Emergency grants	<u>250,000</u>
	<u>521,000</u>

Funds Available for Legacy projects: \$ 4,471,925

Legacy Projects

Available funds for projects:

Legacy account: \$ 4,471,925

Projects:

Projects #1-14 at reduced levels	3,779,151
HB 952	333,700
Scobey AQ Monitoring	15,000
Natural Heritage Program (#24)	225,561
Red Lodge / Park Revegetation	<u>100,000</u>
	(4,353,412)

Balance:

\$ 118,513

4-11-85

HB922
DNRC

1. Page 1, Line 18.
Following: "program"
Strike: "as provided in Senate Bill No. 277"
2. Page 2.
Following: line 3
Insert: New Section. Section 2. Legacy program special revenue account created -- revenues -- allocation -- limitations on appropriations. (1) There is created a legacy program special revenue account within the state special revenue fund established in 17-2-102.

(2) There must be paid into the legacy program special revenue account all money allocated for appropriation from the resource indemnity trust interest account set forth in Title 15, chapter 38, with the exception of those allocations made in 15-38-202.

(3) Appropriations may be made from the legacy program special revenue account for the following purposes:

(a) grants for legacy program projects and activities; and

(b) administrative expenses, including but not limited to the salaries and expenses of personnel, equipment, office space, and other expenses necessarily incurred in the administration of the legacy program. There is appropriated \$277,000 for these administrative expenses.
- Renumber: subsequent sections and references to sections.
3. Page 2, Line 5.
Following: "Legislature"
Strike: ", pursuant to Senate Bill No. 277,"
4. Page 11, Line 9.
Following: "Section 8."
Strike: Remainder of section
Insert: "This act is effective on passage and approval."
5. Page 9, Line 16.
Following: "emergencies".
Strike: "as provided in Senate Bill 277"
Insert: Emergency projects must be reviewed by the department and approved by the governor. Written notification of a project approved by the governor must be given to the legislative finance committee created in 5-12-210. Emergency projects are defined as those projects which if delayed until legislative approval can be obtained will result in substantial damages or legal liability to the project sponsor.

Exhibit #3

4-11-85

Quinlan

HB 922

Legacy Program

	<u>HB 922</u>	<u>DNRC</u>	<u>Savings</u>
1. Weed Control Trust	\$1,000,000	1,000,000	-0-
2. MSU, Water Resources Research Center	58,266	58,266	-0-
3. FWP, Barnack Rehab	227,370	128,685	118,685
4. MEG, Groundwater Info Center	257,300	207,300	50,000
5. Anaconda-Deer Lodge, Soil Stabilization	300,436	270,436	30,000
6. Reclamation of Confederate Gulch	151,752	134,249	17,503
7. DHCS, Hazardous Waste	800,000	800,000	-0-
8. Butte Hill Mining Reclamation	595,070	595,000	-0-
9. North Toole County Reclamation	390,000	298,130	91,870
10. Governor's Office, Clark Fork	100,000	100,000	-0-
11. DNRC, Streambank Reclamation	50,000	30,000	20,000
12. Nine Mile High Conservation District	88,400	83,100	-0-
13. Gov Office, Mining Rule Preference	80,000	80,000	-0-
14. MSU, Water Resources Research	20,000	20,000	-0-
Total	4,068,524	3,740,466	328,058

Exhibit #4

State of Montana
Office of the Governor
Helena, Montana 59620

4-11-85

TED SCHWINDEN
GOVERNOR

April 9, 1985

MEMORANDUM

TO: REPRESENTATIVE BOB THOFT, CHAIRMAN
LONG RANGE PLANNING SUB COMMITTEE

FROM: BRACE HAYDEN *BH*
GOVERNOR'S OFFICE

RE: BUDGET FOR LEGACY PROJECT NO. 13--CABIN CREEK
REFERENCE TO THE INTERNATIONAL JOINT COMMISSION
(P43-46)

It will cost Montana approximately \$380,000 to participate in the scheduled 18 months of deliberations on Cabin Creek. \$200,000 would be inkind services provided by state agency personnel. The balance of \$180,000 is being sought from the following sources:

Legacy Program - \$80,000

Federal Funding (EPA) - \$95,000

Flathead Basin Commission - \$ 5,000 (pledged from their FY '84-'85 budget)

A breakdown of proposed expenditures of this \$180,000 is as follows:

1. Travel Costs - \$50,000

From 10-12 state personnel will be asked to serve on the Cabin Creek Investigative Board, the Technical Committees assisting the Board, or both.

State agencies have not budgeted for travel costs involving staff participation in the IJC deliberations. Meetings of the Investigative Board and Technical Committee's will be held at the mine-site, in Victoria, BC, in the Flathead, and elsewhere.

Representative Thoft
April 9, 1985
Page 2

2. Reclamation Specialist and Secretarial Support - \$50,000

Support for the state's efforts is required in the form of a contract reclamation specialist and for secretarial services as needed. The reclamation specialist will provide staff support to Montana's Investigation Board and Technical Committee members. An individual would be sought who is an expert on coal mine reclamation procedures and who is already familiar with the problems posed by the Cabin Creek Mine plan. Specific duties would include:

- (a) Provide specialized information and counsel on mine reclamation issues;
- (b) Provide literature searches on research, standards, regulations and objectives in related cases of international dispute over reclamation, water quality, fisheries or water uses;
- (c) Coordination of technical briefs to the IJC Investigation Board and Technical Committees;

Secretarial duties include typing and distribution of research reports, minutes of technical meetings, correspondence, etc.

3. Contingency Fund for Research to Strengthen U.S. Position - \$70,000

A contingency fund would be developed for additional research as needed that would strengthen the U.S. position before the IJC. These research needs would be met on a contracted services basis.

4. Supplies and Printing Costs - \$10,000

cc: Committee Members

Exhibit #5

4-11-85

Proposed Amendments to HB 922:
White Copy
April 11, 1985

HB922
Ochenski

1. Page 9, lines 12 through 17.

Following: "fund." on line 12

Strike: the remainder of line 12 through line 17

Insert: "(1) There is created an environmental contingency account within the state special revenue fund established in 17-2-102. The environmental contingency account is controlled by the office of the governor.

(2) Except as provided in subsection (5), at the beginning of each fiscal year, 5% of the funds appropriated to the Department of Natural Resources and Conservation from the resource indemnity trust interest account must be allocated to the environmental contingency account.

(3) Funds may be expended from the environmental contingency account upon the authorization of the governor to meet unanticipated public needs consistent with the following objectives:

(a) to support water development projects in communities that face an emergency or imminent need for such services or to prevent the physical failure of a water project;

(b) to preserve vegetation, water, soil, fish, wildlife, or other renewable resources from an imminent physical threat or during an emergency not including:

(i) natural disasters adequately covered by other funding sources; or

(ii) fire;

(c) to respond to an emergency or imminent threat to persons, property, or the environment caused by mineral development; and

(d) to [fund the environmental quality protection fund provided for in section 2 of HB 766 or to] take [other] necessary actions, including the construction of facilities, to respond to actual or potential threats to persons, property, or the environment caused by hazardous wastes or other hazardous materials.

(4) The environmental contingency account may receive no additional allocation for any fiscal year in which the balance in the account exceeds \$1,000,000 at the beginning of that fiscal year.

(5) Interest from funds in the environmental contingency account accrues to the resource indemnity trust interest account.

(6) The governor shall submit to the legislature at the beginning of each regular session a complete financial report on the environmental contingency account, including a description of all expenditures made since the preceding report."

2. Page 11, lines 9 through 13.

Strike: section 8 in its entirety.

Insert: "Section 8. Coordination instruction. If House Bill No. 766 is not passed and approved, the bracketed portions in section 3(3) (d) are void."

Exhibit #6

4-11-85

HB922

AMENDMENT TO HOUSE BILL 922

Page 2, line 24

Following: "UNIVERSITY,"

Strike: "DEPARTMENT OF BIOLOGY"

Insert: "WATER RESOURCES RESEARCH CENTER"

Page 3, line 14

Following: "UNIVERSITY,"

Strike: "DEPARTMENT OF BIOLOGY"

Insert: "WATER RESOURCES RESEARCH CENTER"

VISITORS' REGISTER

LONG-RANGE PLANNING SUB COMMITTEE

BILL NO. House Bill 922 and 952
EXECUTIVE ACTION

DATE APRIL 11, 1985

SPONSOR

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.