

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON APPROPRIATIONS

Call to Order: By REP. TOM ZOOK, CHAIRMAN, on March 17, 1993, at 3:30 P.M.

ROLL CALL

Members Present:

Rep. Tom Zook, Chairman (R)
Rep. Ed Grady, Vice Chairman (R)
Rep. Francis Bardanouve (D)
Rep. Ernest Bergsagel (R)
Rep. John Cobb (R)
Rep. Roger DeBruycker (R)
Rep. Marj Fisher (R)
Rep. John Johnson (D)
Rep. Royal Johnson (R)
Rep. Mike Kadas (D)
Rep. Betty Lou Kasten (R)
Rep. Red Menahan (D)
Rep. Linda Nelson (D)
Rep. Ray Peck (D)
Rep. Mary Lou Peterson (R)
Rep. Joe Quillici (D)
Rep. Dave Wanzenried (D)
Rep. Bill Wiseman (R)

Members Excused: None

Members Absent: None

Staff Present: Terry Cohea, Legislative Fiscal Analyst
Mary Lou Schmitz, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 570; HB 5
Executive Action: HB 570; HB 5; HB 655; HB 11

HEARING ON HB 570

An act requiring an assessment of governmental actions that affect the use of private property and requiring an assessment of the constitutional implications of government actions.

Opening Statement by Sponsor: REP. LARRY GRINDE, House District 30, Lewistown, stated HB 570 was a new concept for Montana but similar legislation had passed in other states. He said amendments had been worked out with state agencies which made the bill more amenable to them. He cautioned the committee to disregard the fiscal note because amendments would require a revised fiscal note. He distributed amendments to the bill. EXHIBIT 1

Proponents' Testimony: John Bloomquist, Montana Stockgrowers Association, stated he had worked with various state agencies on amendments to the bill. He reviewed the amendments.

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses: REP. WANZENRIED asked Mr. Bloomquist to describe the fiscal impact of HB 570. REP. GRINDE stated he would request a revised fiscal note once the bill was amended. Mr. Bloomquist stated the proposed amendments would cause the fiscal impact to be minimal.

REP. WANZENRIED asked Mr. Bloomquist to describe both the problem the bill was trying to solve and the solution. Mr. Bloomquist stated HB 570 was designed to create a planning process which allowed state government to assess the implications of government rules and regulations on the use of private property and to determine potential liability to the state. He said the process would be triggered by rule-making which had impact on private property and would be conducted by agency legal counsel. He said the bill would not preclude any rule or law but would allow the state to know the ramifications of rules or laws.

CHAIRMAN ZOOK asked whether assessments of the impact of government action on the use of private property had been made in the past. Mr. Bloomquist responded there had been no formal process for analysis. He reported that in his discussions with agencies, only the Department of State Lands indicated they had conducted an assessment in one instance. CHAIRMAN ZOOK clarified the bill established a formal process for assessments, and Mr. Bloomquist agreed.

REP. ROYAL JOHNSON asked who would determine the state's liability. Mr. Bloomquist stated the ultimate determination would be made by the courts. He contended, however, the assessment would analyze state actions and the potential for liability. REP. ROYAL JOHNSON asked Mr. Bloomquist the reason for not asking the attorney general's office to make a determination. Mr. Bloomquist responded that Arizona did have its attorney general provide guidelines for state agencies. He said, however, Montana state agencies have in-house legal counsel, and the agencies thought the process could be done within departments. REP. ROYAL JOHNSON asked Mr. Bloomquist to

describe the attorney general's opinion of the bill. **Mr. Bloomquist** reported that in discussions with the Justice Department the focus had been on drafting amendments for exceptions, such as building codes, to the bill.

REP. WANZENRIED asked **Mr. Bloomquist** whether the intention of the bill was to protect the state from liability or to protect private property owners. **Mr. Bloomquist** stated the intent was both but particularly to identify situations with possible risk of liability to the state. **REP. WANZENRIED** asked whether the state had a problem with exposure to liability. **Mr. Bloomquist** said the bill was attempting to prevent state liability. He reported the federal government had \$1 billion in claims against it. He suggested as more rules and regulations are passed, the potential for litigation increases. He said the bill was designed to predict potential governmental liability. **REP. WANZENRIED** suggested the bill represented a policy change by having the attorney general's office rule on constitutionality. **Mr. Bloomquist** stated the attorney general's office would give an opinion based on laws; the courts would make the final determination on constitutionality.

REP. WISEMAN asked **Mr. Bloomquist** to describe how the law would work if the legislature passed a law directing county governments to take control of 20 feet of land surrounding all Montana lakes. **Mr. Bloomquist** said initially the Environmental Quality Council would determine that the bill required an assessment and call for an assessment from one of the state agencies. The agency would make a prediction about the liability potential of the bill and make recommendations for alternatives or ways to reduce the impact and liability exposure of the bill. He said the legislature would then know the implications of the legislation.

REP. BARDANOUE asked **Mr. Bloomquist** to describe the rationale in removing local governments from the bill. **Mr. Bloomquist** stated local governments had protested that they did not have the necessary legal staff to perform the assessments. He agreed county governments were not immune to liability. **REP. BARDANOUE** contended county governments were the entities most likely to impact individual property owners and stated he could not comprehend the rationale in excluding them from the bill. **Mr. Bloomquist** agreed all government agencies should perform assessments, but repeated the counties' argument that they did not have adequate legal resources for the analysis whereas state agencies each had legal counsel. **REP. BARDANOUE** asserted the bill was unnecessary. **CHAIRMAN ZOOK** suggested that because more rules and regulations were being generated than in the past, the bill was necessary.

REP. PECK suggested to **Mr. Bloomquist** that he assumed a problem existed. **Mr. Bloomquist** responded no assessments were being performed on the ramifications of rules and regulations. **REP. PECK** asked **Mr. Bloomquist** to identify the departments with the greatest potential for problems. **Mr. Bloomquist** said that since

the bill addressed issues of real property, agencies which dealt with regulations pertaining to land and water resources, such as the Department of State Lands and the Department of Health and Environmental Sciences, would have the greatest potential for problems. **REP. PECK** asked whether any agencies would be excluded. **Mr. Bloomquist** said he was not familiar enough with the Departments of Commerce and Transportation but they likely would not be involved. **REP. PECK** asked whether these agencies were excluded from the bill, and **Mr. Bloomquist** responded they were not. **REP. PECK** described the bill as the "granddaddy of opportunity for lawyers" and suggested the bill could have immense impact.

REP. KADAS asked **Mr. Bloomquist** whether his concern was on the impact on private property. **Mr. Bloomquist** responded yes, and on the exposure of the state to liability. **REP. KADAS** asked **Mr. Bloomquist** whether he could give a case in which individual or corporate actions had an impact on private property. **Mr. Bloomquist** responded that corporate and business laws generally covered such cases. **REP. KADAS** asked the reason for not including all actions, government or private, which might impact private property. **Mr. Bloomquist** explained a body of corporate and business law already existed which provided guidance to businesses. He suggested corporations and individuals implicitly perform an assessment process on their actions. **REP. KADAS** asserted the law should stay as it is and allow individuals to use the tort process. **Mr. Bloomquist** contended the bill tried to preclude legal actions by individuals by having the state assess its liability exposure and acting to reduce it.

REP. WANZENRIED referred to the definition of "taking" on page 5 and asked how agency counsel would reconcile discrepancies between federal and state rulings on "taking" and not expose the state to liability. **Mr. Bloomquist** cited court cases in Billings and noted partial taking had been recompensed in Montana. **REP. WANZENRIED** contended merging Montana case law is discrepant from the federal definition of "taking", and opened the state to litigation regardless of actions by agencies. **Mr. Bloomquist** protested that HB 570 would not cause legal action against the state.

REP. DeBRUYCKER asked **REP. GRINDE** to respond to **REP. PECK'S** comment that the bill was the "granddaddy of opportunity for lawyers." **REP. GRINDE** suggested there was a misconception about the bill. He contended the bill merely created a process. He described two reasons for the bill: (1) To protect the state against litigation; and (2) To give private property owners some say in the process. He insisted the bill did not open the state to litigation.

REP. BARDANOUVE stated he had only two experiences during his lifetime where actions had an impact on his ranch, one with the federal government and one with a private corporation. He reported that the corporation's attitude was that he should hire

an attorney. He contended government was not as much a threat as others were suggesting.

REP. BERGSAGEL differed with REP. BARDANOUVE and described the actions of the federal government on his property. He suggested that individual property owners were feeling frustrated because the impact on them was not considered and they were not viewed with respect.

REP. WISEMAN reminded REP. BARDANOUVE that the House had voted recently to expand the control zone around lakes to 50 feet and presented this as an example of government action which had an impact on private property owners.

REP. GRINDE responded to REP. BARDANOUVE. He suggested that the nation was becoming a society of litigation. He insisted the intent of the legislation was to protect both the state of Montana and the private property owner. He contended REP. BARDANOUVE would have no recourse against federal government action but would have recourse against private corporations. REP. BARDANOUVE disagreed stating property owners did not have recourse against utilities.

REP. ROYAL JOHNSON asked REP. GRINDE to explain how the bill would address REP. BERGSAGEL'S situation. REP. GRINDE said the bill would have no effect because his situation involved the federal government. He said the motivation for the bill was the lack of say by private property owners on government rules and regulations.

EXECUTIVE ACTION ON HB 570

Motion/Vote: REP. GRADY MOVED THE AMENDMENTS TO HB 570 BE ADOPTED. (EXHIBIT 1) Motion carried unanimously.

Motion: REP. GRADY MOVED HB 570 DO PASS AS AMENDED.

Discussion: REP. ROYAL JOHNSON stated the committee still did not know the fiscal impact of the bill.

REP. COBB contended HB 570 was very similar to HB 479, which required economic impact assessments of rule-making on local governments. He stated that since the committee had passed HB 479 without worrying about the fiscal impact, he saw no reason for not passing HB 570, which proposed similar legislation for private property owners. He pointed out the fiscal note for HB 479 had indicated that the bill would cost the Department of Health and Environmental Sciences \$900,000, whereas HB 570 would only cost the department \$500,000. He maintained that since the committee had passed HB 479, they should pass HB 570.

Jim Haubein, Principal Fiscal Analyst, Office of Legislative Fiscal Analyst (LFA), verified there was no appropriation in the bill to fund it and therefore it had no fiscal impact.

REP. KADAS asked REP. COBB whether he was suggesting that because the committee had ignored the cost of HB 479, they should ignore the cost of HB 570. REP. COBB responded the agencies had not requested money and therefore there was no reason to provide any. REP. WANZENRIED stated the bill would have a fiscal impact and that if agencies complied with HB 570, then they would not be performing other tasks assigned them.

REP. PETERSON asked REP. GRINDE how soon a fiscal note could be prepared. REP. GRINDE said he would request a revised fiscal note as soon as possible. He reported agencies had said that if the bill was amended, then the fiscal impact would be minimal. He expressed his frustration stating that he realized the legislation was controversial and he was aware that departments "played" with fiscal notes in order to stifle legislation. He said he had worked very hard to make HB 570 amenable to everyone.

REP. BARDANOUVE stated that a fiscal note could not be prepared which would have any meaning because no one knew what situations might arise.

REP. MENAHAN asked whether HB 570 would be covered by the bill passed to cap lawsuit awards. CHAIRMAN ZOOK said he did not know.

Vote: HB 570 DO PASS AS AMENDED. Motion carried 11 to 7 with REPS. BARDANOUVE, JOHN JOHNSON, KADAS, MENAHAN, PECK, QUILICI, and WANZENRIED voting no.

HEARING ON HB 5

An act appropriating money for capital projects for the biennium.

Opening Statement by Sponsor: REP. ERNEST BERGSAGEL, House District 17, Malta, stated HB 5 appropriated money for the maintenance of the state's facilities. He explained because of the shortage of funds, projects had been extensively reviewed and that new construction projects had been delayed. He reviewed amendments to HB 5. EXHIBIT 1

REP. BERGSAGEL addressed the potential of revenue shortfall due to passage of HB 46. He said initially about \$5 million was available for maintenance projects; if HB 46 passed, the amount would be reduced by \$2.6 million. He reported he had asked the Department of Administration to provide a list of priorities for maintenance and repair projects for consideration. He emphasized the need to assess the repair and maintenance needs of state facilities and suggested the state was allowing buildings to deteriorate.

Proponents' Testimony: Tom O'Connell, Administrator, Architecture and Engineering Division, Department of Administration, distributed a list of 20 maintenance projects approved by the long-range building committee and funded by the cigarette tax. He said the list showed which projects would need to be cut if funds were reduced by passage of HB 46. He explained that priorities had been chosen on the basis of health and safety concerns. **EXHIBIT 2**

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses: REP. KADAS asked REP. BERGSAGEL whether his intention was to make the list of projects contingent on the passage of HB 46. REP. BERGSAGEL stated his intention was to find money to fund the projects. He asserted the state needed to take care of its facilities prior to building more. He asked REP. COBB to explain his idea for funding the projects.

REP. COBB suggested that if the ending fund balance at the end of each fiscal year was greater than expected, the surplus could be appropriated to fund projects in HB 5. He acknowledged that since the amount of money available would be unknown, only smaller projects could be funded in this way. CHAIRMAN ZOOK suggested a percentage of the ending fund balance could be specified for projects in HB 5. REP. COBB agreed a percentage of funds above some specified balance could be used.

REP. KADAS asked REP. COBB whether he would use a fiscal year or biennium basis. REP. COBB stated he would use the fiscal year ending fund balance.

REP. KADAS asked Mr. Haubein to describe the current interest rate on bonded indebtedness. Mr. Haubein stated the LFA had been using 5.9 percent, although current interest rates might be lower. REP. KADAS suggested that because interest rates were so favorable, projects could be financed through bonds. REP. BERGSAGEL responded that although there was no question of the need for maintenance and repair of facilities, he hesitated at borrowing money for projects. He described the upgrade of the boiler at Montana State University (MSU) as an example of a project for which he would hesitate to borrow because of the possibility that the entire system might need to be replaced. He stated his concerns about REP. COBB'S funding proposal were (1) there was no assurance there would be a sufficient ending fund balance for FY 94 to fund projects; and (2) projects would be delayed a year.

REP. QUILICI declared his support for the boiler project at MSU. He asked how priorities for roofing projects for the university system had been chosen. REP. BERGSAGEL explained that priority depended on the facility and its use; he stated a library roof

would have higher priority because of the possibility of damage to the building's contents. **Mr. O'Connell** reported that agencies submit requests for the long-range building fund in July prior to legislative sessions. He said requests from the Montana University System had been prioritized by the Board of Regents; however, he also assessed proposed projects to determine the need for replacement. He stated the state was responsible for 3,400 buildings which contained 19 million square feet and were worth \$1.2 billion. He stated \$5.7 million was insufficient for maintaining state facilities and reported requests had totalled \$190 million. He insisted only worst cases were recommended for funding.

CHAIRMAN ZOOK reminded committee members that the committee had a tabled bill which would take money from the coal tax trust fund for use on deferred maintenance.

REP. WANZENRIED asked **REP. BERGSAGEL** to discuss reasons for deferring construction of the women's correction facility, eastern Montana's veterans' home, and the University of Montana's business administration building. **REP. BERGSAGEL** stated he had expected to fund the projects until the joint meeting of institutions and long range planning. He reported Senate members had indicated "everyone should share the pain." He said the mandate of the joint committee was to delay or delete construction projects if operational costs or debt service would affect the general fund. He said the long-range building committee was surprised when he reported from the joint committee. He reported the committee had delayed action as long as possible trying to find additional revenue for projects, and then had chosen to delay rather than delete the construction projects. He explained the engineering/physical science building at Montana State University had not been delayed because accreditation was threatened if outdated facilities were not replaced.

REP. WANZENRIED asked what the operating and debt service costs would be on the delayed projects. **Mr. Haubein** reported that debt service for the women's correctional center would be \$1.3 million for the 1995 biennium; operating costs would be \$1.1 million. He said debt service for the business administration building would be \$1.7 million, and operating costs for the eastern Montana veterans' home would be \$1.6 million.

REP. WANZENRIED referred to page 3 of the amendments and noted the appropriation of \$260,000 for improvements at the Women's Correction Center at the Montana State Hospital. He suggested to **REP. BERGSAGEL** that staying in the current facility had costs associated with it, and **REP. BERGSAGEL** agreed.

EXECUTIVE ACTION ON HB 5

Motion: REP. WANZENRIED moved to delete reference to delaying the women's correctional center for two years from the amendments. EXHIBIT 1.

Discussion: REP. WANZENRIED stated he had received new information on the costs of the women's correctional center and that operations and maintenance would be substantially less costly with the new facility.

REP. BERGSAGEL asked REP. WANZENRIED whether his motion was to reauthorize the construction of the women's correctional center, and REP. WANZENRIED agreed.

REP. WANZENRIED distributed the fiscal analyst's estimated costs for the women's correctional center. EXHIBIT 3

CHAIRMAN ZOOK stated the joint committee had also considered changes in the Department of Corrections and Human Services' (DCHS) ideas about the women's correctional center. He asked REP. WANZENRIED whether he was proposing to revert to the original proposal. REP. WANZENRIED agreed. He said the department was proposing a scaled-down version of the original proposal. He suggested the committee needed to discuss the project because a great deal of effort had been expended on the original proposal. He pointed out estimated costs had been significantly higher than those shown on the handout; he stated the net cost for operating maintenance for the biennium, \$576,429, would be even lower when considering the money (\$260,000) which would otherwise be invested in the current facility.

REP. MENAHAN noted the change of philosophy at DCHS and described the proposal to reduce the population at Swan River from 1220 to 850 in 14 months. He suggested a new concept was needed for the women's prison.

REP. BERGSAGEL suggested other reasons for reconsidering the construction of the women's correctional center included soil conditions on the construction site in Billings and the change in philosophy at the department which included capping the women's prison population at 50. He said Billings would have preference for the facility because of its demonstrated willingness to work with the state in providing educational and work opportunities to the women.

REP. KADAS asked Sandy Whitney, Senior Analyst, Office of Legislative Fiscal Analyst, to briefly explain the spreadsheet (EXHIBIT 3). Ms. Whitney explained the spreadsheet showed four sets of columns: Column 1 showed the funds currently appropriated for the center assuming a population cap of 50 and \$168,000 appropriated per year for community corrections. Column 2 showed the additional funds required if the cap was removed,

the pre-release center was eliminated, and the funds were used to establish a new women's correctional center. She said the result would be a reduction in FY 94 of \$131,675 because variable costs would change with the removal of the cap. Column 3 showed the sum of columns 1 and 2, that is, the total amount of money needed to operate the women's correctional center in its current location for 1.5 years and then move the women to Billings in the last six months of FY 95. Column 4 shows the annualized costs projected into the next biennium, about \$2.3 million each year.

REP. ROYAL JOHNSON stated that the women's correctional center was the only building project which had a demonstrated need. He said the state must either upgrade the present facility or build a new facility. He reported difficulties with the site in Billings had been resolved. He stated the facility had been down-sized substantially and asserted there was no reason not to build it.

REP. GRADY spoke against the motion. He stated major changes had occurred this session, such as the proposed reductions in the prison system and the move to community-based correctional programs. He argued delaying two years and assessing the need for a new facility later would be beneficial.

REP. WANZENRIED asked **REP. BERGSAGEL** whether the site selection process would need to be repeated if the project was delayed for two years. **REP. BERGSAGEL** stated the committee had recognized the efforts of the site selection committee and had decided that Billings would be the site of a down-sized women's correctional center. He said the new facility would be designed to meet the needs of a community-based correctional program. **REP. WANZENRIED** expressed his concern that there were no plans for placing women currently in the women's prison. He asserted there would be objections to community-based facilities and lawsuits against the state because of the condition of the current women's prison. He also noted that interest rates were likely to be higher two years from now.

Vote: TO DELETE THE DELAY FOR THE WOMEN'S CORRECTIONAL CENTER.
Motion failed 5 to 13 with **REPS. JOHN JOHNSON, ROYAL JOHNSON, KADAS, PECK** and **WANZENRIED** voting yes.

Discussion: **REP. BARDANOUVE** commended **REP. BERGSAGEL** as chairman of the long-range building committee, but protested the actions of the appropriations committee to remove 46 percent of the recommendations from the long-range building committee. He argued in support of building the veterans' nursing home in eastern Montana. **CHAIRMAN ZOOK** reported that in 1989 he had worked hard to pass a bill to use the cigarette tax for building the veterans' home. He said by the end of the session the cigarette tax revenue had been diverted to long-range building to construct buildings which prohibited smoking.

Motion: REP. JOHN JOHNSON moved to adopt an amendment to strike section 17 of Amendment No. 24. EXHIBIT 4

Discussion: REP. JOHN JOHNSON explained the amendment would eliminate the delay in the construction of the veterans' nursing home in eastern Montana. He stated a 1988 study had shown the need for the nursing home, and the cigarette tax had been passed to fund it. He stated both federal and state funds were now available to build the nursing home. He reported, however, the Montana congressional delegation had warned the state that if the nursing home was not constructed by September 30, 1993, then the federal money would no longer be available, and Montana would lose its priority position. He argued the cigarette tax could be used to pay for the operation of the nursing home which would not be occupied before April or May of 1995.

REP. BERGSAGEL resisted the amendment stating there were no funds for debt service or operating costs for the nursing home. He suggested REP. JOHN JOHNSON'S plan to build and operate the facility would be more expensive than indicated.

REP. ROYAL JOHNSON stated his dislike for delaying the construction of all the buildings. He supported REP. BERGSAGEL'S alternative plan to use cigarette tax money for home health care for veterans. He contended the veterans' home was not as urgent as the women's prison.

REP. KASTEN stated the state had more jurisdiction over when other construction projects were funded. She recalled the veterans had testified in support of the nursing home. She urged the committee to concur with the amendment.

REP. JOHN JOHNSON reported that one in four people over 65 years of age were in nursing homes. He argued home health care was not a replacement for nursing homes, and nursing home care was a necessity for some people. He stated there were 101,000 veterans in Montana and 26.6 percent of them were over 65. He contended REP. BERGSAGEL'S plan was not a viable alternative.

Vote: TO STRIKE THE DELAY OF CONSTRUCTING THE VETERANS' NURSING HOME IN EASTERN MONTANA. Motion failed 7 to 11 with REPS. JOHN JOHNSON, KASTEN, MENAHAN, NELSON, QUILICI, and WANZENRIED voting yes.

Motion: REP. GRADY moved to delay action on the Libby armory and the Montana State University Engineering/Physical Science Building for two years.

Discussion: REP. GRADY contended all building projects should be delayed at this time because of their cost and because of the uncertainty of state funding in the future. He stated building without funds was unfair to taxpayers, and postponing construction for two years would allow the state to better assess its ability to finance the buildings.

REP. JOHN JOHNSON noted the veterans' nursing home had already been delayed two years.

REP. QUILICI stated the subcommittee had spent a great deal of time in making decisions about constructions projects. He asked for more information on the need for the Libby armory and the engineering/physical science building.

REP. BERGSAGEL stated that delaying the Libby armory project would essentially eliminate it.

John Prendergast, Adjutant General, Department of Military Affairs, confirmed **REP. BERGSAGEL'S** statement. He suggested not supporting the National Guard was the wrong message to send to the federal government at this time.

Dr. Robert Colwell, Mechanical Engineering, Montana State University (MSU), explained that because the current engineering building was an obsolete facility, it presented a problem for continued accreditation of the engineering program. He reported accreditation of the program had been continued with the provision that the state address the need for a new facility.

REP. BARDANOUVE reported the long-range building committee had worked on the engineering/physical sciences building for at least four sessions, and the building project had been approved in 1991. He stated the engineering division was the largest division at MSU with 2,000 students. He contended the state had an obligation to these students to provide them with modern facilities and current technology. He reported asking **John Hutchinson, Commissioner of Higher Education**, for the highest priority project for the university system, and **Mr. Hutchinson** had named the Engineering/Physical Science Building as the Board of Regents number one priority. He noted MSU had raised significant amounts of money for the project. He stated the engineering program had not lost its accreditation because MSU had shown a good faith effort to build a new facility.

REP. WANZENRIED asked to make a substitute motion to reinstate construction of the University of Montana Business Administration Building. **CHAIRMAN ZOOK** declined to accept the motion at this time.

REP. JOHN JOHNSON contended the legislature would be shortsighted to not take advantage of the federal funds available to build the facilities.

REP. WISEMAN asked **General Prendergast** whether he could guarantee that the Libby armory would still be in use in ten years. **General Prendergast** responded no one could make such a guarantee but contended the building would be used by the state of Montana. **REP. WISEMAN** asked whether the National Guard would be using it. **General Prendergast** stated the National Guard was very stable in

Montana, but he could not guarantee federal decisions in ten years.

REP. GRADY asserted the committee had not been particularly harsh to the university system, especially compared to the 200 jobs eliminated in the Deer Lodge valley. He expressed his concern that federal funds were not viewed as taxpayer money. He insisted the committee needed to address the budget as well as possible and declared the state could not afford to construct buildings.

Vote: TO DELAY BUILDING THE LIBBY ARMORY AND THE MONTANA STATE ENGINEERING/PHYSICAL SCIENCES BUILDING FOR TWO YEARS. Motion failed on a tie vote with REPS. BARDANOUVE, JOHN JOHNSON, KADAS, MENAHAN, NELSON, PECK, PETERSON, QUILICI, and WANZENRIED voting no.

Discussion: **REP. BERGSAGEL** offered a conceptual amendment to approve the priority listing for capital construction projects as recommended by the architecture and engineering division.

EXHIBIT 2

REP. BARDANOUVE asked about funding for the projects. **REP. BERGSAGEL** responded he had not finished looking for additional money; and if he found any, he would target long-range building. He said if he could not find additional funds, then a priority list of projects was needed.

REP. BARDANOUVE stated he could not support HB 5 on the floor.

REP. KADAS stated he would support the motion, but he also could not support HB 5.

Motion/Vote: **REP. BERGSAGEL** moved to accept the priority listing for capital construction projects. Motion carried unanimously.

Motion: **REP. WANZENRIED** moved to strike "Construction of the business administration building at the University of Montana is delayed until after July 1, 1995." from (3), Section 18, Amendment No. 24.

Discussion: **REP. WANZENRIED** stated changes in interest rates and bond markets would greatly reduce the cost of debt service for the business administration building compared to the cost estimated by the fiscal analyst.

George Dennison, President, University of Montana, distributed a handout prepared by D.A. Davidson showing various financing options for the MSU engineering/physical science building and the UM business administration building. **EXHIBIT 5**

REP. BARDANOUVE stated the long-range building committee had considered various financing alternatives and determined that in the long term, the cost would be greater. **Mr. Dennison** agreed,

but stated the alternatives allowed the buildings to be constructed without an impact on the general fund in the 1995 biennium. **REP. BERGSAGEL** agreed with **REP. BARDANOUE** and stated delaying interest or principal and interest would only encumber future legislatures.

REP. WANZENRIED contended the proposals were different than those considered in the long-range building committee and allowed construction this biennium without incurring general fund obligations.

REP. WISEMAN asked for estimates of the operational costs for the buildings in the next biennium, if they were constructed. **Dr. Dennison** reported the operational costs for the business administration building would be \$400,000 per year beginning in 1996. He said the building would serve 2,000 students at the University of Montana. **Bob Lashley, Assistant Director of Facilities, Montana State University**, projected the operating cost of the engineering/physical science building to be \$560,000 per year.

REP. ROYAL JOHNSON asked if the buildings were not built, in which accounts the funds would be deposited. **Mr. Haubein** stated debt-service is a statutory appropriation which is always calculated for the general fund balance sheet. He said a certain amount of debt-service is on-going and does not come from any budget. **REP. ROYAL JOHNSON** asked whether eliminating the buildings would have an effect on the general fund budget. **Mr. Haubein** answered yes, the debt-service account is considered part of the general fund. He explained that currently 70.1 percent of the cigarette tax and a portion of individual and corporate income taxes are deposited in the debt-service account; when interest and principal payments come due, the general fund subsidizes the payment if the debt-service account has insufficient funds. If the debt-service account has excess funds, then the excess is transferred to the general fund. He stated if the construction was delayed, then the expenditures to the statutory appropriations would be reduced on the general fund balance sheet. **REP. ROYAL JOHNSON** asked **Mr. Haubein** to describe the reductions. **Mr. Haubein** stated the reductions would be \$2.4 million for the MSU building; \$1.7 million for the UM building; \$82,000 for the Libby armory; and \$1.3 million for the women's correctional center. **REP. ROYAL JOHNSON** suggested that if the buildings were not constructed, then the debt-service funds could be used to fund the repair projects.

REP. WISEMAN asked **Dr. Dennison** to describe the cost of using bonds to build the university buildings. **Dr. Dennison** referred **REP. WISEMAN** to **EXHIBIT 5**. **REP. WISEMAN** stated it was not fair to future legislatures to burden them with \$1.9 million in operating costs and \$5 million in financing costs.

REP. GRADY responded to REP. ROYAL JOHNSON that money saved by not building had already been calculated in the budget target and could not be used for repair projects.

Vote: TO STRIKE THE DELAY IN CONSTRUCTION OF THE UNIVERSITY OF MONTANA BUSINESS ADMINISTRATION BUILDING. Motion failed 6 to 12 with REPS. JOHN JOHNSON, KADAS, MENAHAN, PECK, QUILICI, and WANZENRIED voting yes.

Motion/Vote: REP. GRADY moved to delay the construction of the Montana State University Engineering/Physical Sciences Building for two years. Motion carried 11 to 7 with REPS. BARDANOUVE, JOHN JOHNSON, KADAS, MENAHAN, PECK, QUILICI, and WANZENRIED voting no.

Motion: REP. GRADY moved to delay the construction of the Libby armory for two years.

Discussion: REP. WANZENRIED noted General Prendergast had testified that delaying the project would essentially kill it and asked him whether the operation would be moved. General Prendergast said the operation would be moved back to Kalispell.

Vote: TO DELAY CONSTRUCTION OF THE LIBBY ARMORY. Motion carried 11 to 7 with REPS. BARDANOUVE, FISHER, JOHN JOHNSON, MENAHAN, PECK, QUILICI, and WANZENRIED voting no.

Discussion: REP. KADAS asked REP. BERGSAGEL whether HB 5 included funds from the Department of Livestock to upgrade the diagnostic lab at Montana State University. CHAIRMAN ZOOK responded that funds were included. Mr. Haubein referred REP. KADAS to line 11, page 4, of HB 5 which showed an appropriation of \$1,198,000 for the Diagnostic Lab Enhancement.

REP. MENAHAN asked REP. BERGSAGEL to describe the food distribution warehouse project. REP. BERGSAGEL explained that the Office of Public Instruction and the Department for Social and Rehabilitative Services were cooperating on building a facility which would include a cooler, freezer, and warehouse storage to serve the needs of low-income food distribution and school lunch distribution. REP. MENAHAN asked whether the warehouse would be built in Helena. REP. BERGSAGEL stated Helena was the warehouse site primarily because food inspectors were located in Helena. REP. MENAHAN objected to Helena as the site and contended Butte was a better transportation center. REP. BARDANOUVE reported the long-range building committee had considered various locations and determined that Helena was the most favorable.

Motion/Vote: REP. BERGSAGEL MOVED HB 5 DO PASS AS AMENDED. Motion carried 11 to 7 with REPS. BARDANOUVE, JOHN JOHNSON, KADAS, NELSON, PECK, QUILICI, and WANZENRIED voting no.

EXECUTIVE ACTION ON HB 655

Discussion: REP. GRADY asked Pat Graham, Director, Department of Fish, Wildlife, and Parks, to explain the amendments to HB 655. Mr. Graham stated the amendments strike most of the body of the bill and make it into an appropriation bill. He said \$200,000 of federal Dingell-Johnson money would be appropriated to the River Restoration Program for the 1994-95 biennium. EXHIBIT 1

Motion/Vote: REP. GRADY MOVED TO AMEND HB 655. Motion carried 17 to 1 with REP. KASTEN voting no.

Motion/Vote: REP. GRADY MOVED HB 655 DO PASS AS AMENDED. Motion carried 16 to 2 with REPS. BERGSAGEL and KASTEN voting no.

EXECUTIVE ACTION ON HB 11

Motion: REP. ROYAL JOHNSON MOVED HB 11 DO PASS.

Motion: REP. KASTEN moved to eliminate all general funds from the bill.

Discussion: REP. ROYAL JOHNSON stated he would support the amendment in order to keep the program alive. He declared the program was too valuable and too advanced to abandon.

REP. JOHN JOHNSON opposed the amendment stating it went to far and decimated the system.

Vote: TO ELIMINATE GENERAL FUNDS FROM HB 11. Motion carried 14 to 4 with REPS. JOHN JOHNSON, KADAS, QUILICI, and WISEMAN voting no.

Motion/Vote: REP. ROYAL JOHNSON MOVED HB 11 DO PASS AS AMENDED. Motion carried 13 to 5 with REPS. BERGSAGEL, KADAS, KASTEN, QUILICI, and WANZENRIED voting no.

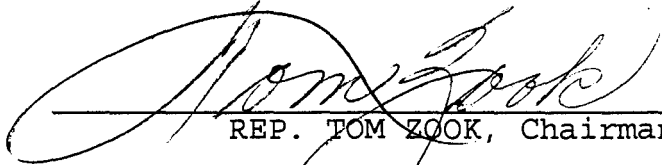
HOUSE APPROPRIATIONS COMMITTEE

March 17, 1993

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ADJOURNMENT

Adjournment: 7:30 P.M.



REP. TOM ZOOK, Chairman



MARY LOU SCHMITZ, Secretary

TZ/MLS

P.m.

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL

DATE

3/17/93

NAME	PRESENT	ABSENT	EXCUSED
REP. ED GRADY, V. CHAIR	✓		
REP. FRANCIS BARDANOUVE	✓		
REP. ERNEST BERGSAGEL	✓		
REP. JOHN COBB	✓		
REP. ROGER DEBRUYKER	✓		
REP. MARJ. FISHER	✓		
REP. JOHN JOHNSON	✓		
REP. ROYAL JOHNSON	✓		
REP. MIKE KADAS	✓		
REP. BETTY LOU KASTEN	✓		
REP. WM. "RED" MENEHAN	✓		
REP. LINDA NELSON	✓		
REP. RAY PECK	✓		
REP. MARY LOU PETERSON	✓		
REP. JOE QUILICI	✓		
REP. DAVE WANZENREID	✓		
REP. BILL WISEMAN	✓		
REP. TOM ZOOK, CHAIR	✓		

HOUSE STANDING COMMITTEE REPORT

March 18, 1993

Page 1 of 3

Mr. Speaker: We, the committee on Appropriations report that House Bill 570 (third reading copy -- blue) do pass as amended

Signed: 

Tom Zook, Chair

And, that such amendments read:

1. Page 1, line 22.

Strike: "OR DAMAGING"

2. Page 1, line 25.

Strike: "OR A LOCAL GOVERNMENT"

3. Page 3, lines 8 through 11.

Strike: subsection (1) in its entirety

Renumber: subsequent subsections

4. Page 3, line 12.

Following: "means"

Insert: "enactment of"

5. Page 3, lines 13 and 14.

Following: "statute" on line 13

Strike: ", " on line 13

Insert: "or adoption of a"

Following: "rule"

Strike: remainder of line 13 through "imposed" on line 14

6. Page 3, lines 15 and 16.

Strike: "will" on line 15

Strike: "result" on line 15

Insert: "that has a reasonable possibility of resulting"

Following: "taking" on line 15

Strike: remainder of line 15 through "damaging" on line 16

7. Page 5, line 23.

Following: "~~it~~"

Insert: "The assessment described in this section may be prepared for the enactment of a statute only after a request by the presiding officer of the house in which the legislation is

Committee Vote:

Yes __, No __.

611622SC.Hss

introduced. The presiding officer may determine the need for the assessment based upon a recommendation by legislative staff indicating whether an assessment appears to be required. The assessment must be prepared by the appropriate state agency."

8. Page 4, line 5.

Strike: "in effect on July 1, 1993"

9. Page 4, lines 6 through 8.

Strike: subsection (vi) in its entirety

Renumber: subsequent subsections

10. Page 5, line 11.

Following: "in"

Insert: "private"

11. Page 5, line 14.

Strike: "a governmental action"

12. Page 6, lines 3 and 4.

Following: "and" on line 3

Strike: remainder of line 3 through "including" on line 4

13. Page 6, lines 17 and 18.

Following: "taking" on line 17

Strike: remainder of line 17 through "DAMAGING" on line 18

14. Page 6, lines 23 through 25.

Following: "(5)" on line 23

Strike: remainder of line 23 through "locality" on line 25

Insert: "whether a governmental action has a reasonable possibility of resulting in a constitutional taking of private property based on tests and principles established by the United States supreme court and the Montana supreme court"

15. Page 7, lines 6 through 14.

Following: "." on line 6

Strike: subsection (1) in its entirety

Renumber: subsequent subsections

16. Page 7, lines 24 and 25.

Following: "a" on line 24

Strike: remainder of line 24 through "agency" on line 25

Insert: "government entity"

Strike: "criteria"

Insert: "assessment"

Strike: "subsection (1)"

Insert: "[sections 1 through 4 and this section], if applicable,"

17. Page 8, lines 2 through 5.

Strike: subsection (3) in its entirety

Renumber: subsequent subsection

18. Page 8, line 9.

Strike: "[section 4]"


Insert: "[sections 1 through 4 and this section]"

HOUSE STANDING COMMITTEE REPORT

March 19, 1993

Page 1 of 9

Mr. Speaker: We, the committee on Appropriations report that House Bill 5 (first reading copy -- white) do pass as amended.

Signed: 

Tom Zook, Chair

And, that such amendments read:

Amendments to House Bill No. 5
Introduced Bill

For the Committee on Appropriations

Prepared by Jim Haubein
March 17, 1993

1. Title, line 8.
Following: ";"
Insert: "AUTHORIZING THE CREATION OF STATE DEBT BY THE ISSUANCE OF BONDS; AMENDING SECTION 6, HOUSE BILL NO. 777, LAWS OF 1989; SECTION 1, CHAPTER 624, LAWS OF 1991; SECTION 12, CHAPTER 774, LAWS OF 1991; AND SECTION 3, CHAPTER 17, SPECIAL LAWS OF JULY 1992;"
2. Page 2, line 6.
Following: "Statewide"
Insert: "(5)"
3. Page 2, line 7
Following: "Statewide"
Insert: "(10)"
4. Page 2, line 8.
Following: "Complex"
Insert: "(11)"
5. Page 2, line 10.
Following: "Division"
Insert: "(14)"
6. Page 2, line 11.
Following: "Complex"
Insert: "(17)"
7. Page 2, line 13.
Following: "Complex"
Insert: "(19)"
8. Page 2, line 21.
Following: "Hospital"
Insert: "(1)"
9. Page 2, line 23.

Committee Vote:
Yes ____, No ____.

621439SC.Hpf

Following: "Services"
Insert: "(9)"

10. Page 2, line 25.
Following: "Aged"
Insert: "(15)"

11. Page 2, line 28.
Following: "Blind"
Insert: "(18)"

12. Page 3, line 4.
Following: "School"
Insert: "(2)"

13. Page 3, line 6.
Following: "School"
Insert: "(4)"

14. Page 3, line 8.
Strike: "596,215"
Insert: "172,500
111,215
200,000"

State Special Revenue"
State Special Revenue
State Special Revenue-Other
State Special Revenue-Motor Fuels Tax"

15. Page 3, line 9.
Strike: "403,785"
Insert: "516,285"

16. Page 3, line 10.
Strike: "1,180,000"
Insert: "264,000
716,000
200,000"

State Special Revenue"
State Special Revenue
State Special Revenue-Other
State Special Revenue-Motor Fuels Tax"

17. Page 3, line 12.
Strike: "2,000,000"
Insert: "168,000
1,732,000
100,000"

State Special Revenue"
State Special Revenue
State Special Revenue-Other
State Special Revenue-Motor Fuels Tax"

18. Page 3, line 13.
Strike: "350,000"
Insert: "150,000
200,000"

State Special Revenue"
State Special Revenue-Other
State Special Revenue-Motor Fuels Tax"

19. Page 3, line 14.
Following: "Revenue"
Insert: "-Other"

20. Page 3, following line 20.
Insert: "Site Protection and Improvements to
Thompson Chain of Lakes"

150,000 State Special Revenue
300,000 Federal Special Revenue"

21. Page 4, following line 5.
Insert: "Upgrade Wildlife Rehabilitation
Center"

200,000 State Special Revenue-Donations"

22. Page 4, lines 7 and 8.
Strike: lines 7 and 8 in their entirety.

23. Page 4, following line 9.
Insert: "Preliminary Design to Expand and

Renovate Job Services, Statewide 50,000 Federal Special Revenue"

24. Page 4, line 14.
Following: "Statewide"
Insert: "(16)"

25. Page 4, line 15.
Strike: "60,000"
Insert: "75,000"

26. Page 4, line 16.
Strike: "60,000"
Insert: "75,000"

27. Page 4, line 25.
Following: "University"
Insert: "(3)"

28. Page 4, line 26.
Following: "Tech"
Insert: "(6)"

29. Page 4, line 28.
Following: "University"
Insert: "(7)"

30. Page 5, line 2.
Following: "System"
Insert: "(8)"

31. Page 5, line 4.
Following: "Montana"
Insert: "(12)"

32. Page 5, line 6.
Following: "College"
Insert: "(13)"

33. Page 5, following line 10.
Insert: "Gas Bypass at Mount Sentinel-UM 500,000 Higher Education"

34. Page 5, following line 12.
Insert: "Animal Science Machine Shop-Bozeman 400,000 Higher Education"
Agricultural Research Center

35. Page 5, line 12.
Following: Line 11
Insert: "(2) The projects funded by LRBPf in [section 6] and this section are to be funded in priority order. The priority number is shown after the project name in parentheses. In the event there is insufficient revenue to fund all of the projects, the projects must be funded in priority order."
Renumber: subsequent subsection

36. Page 5, line 19.
Following: line 18
Insert: "(4) (a) The appropriations funded by "state special revenue-other" for the first five park projects under the department of fish, wildlife, and parks are contingent on \$2.9 million of new revenue being generated from pending legislation to provide a portion of the state match for the projects. In four of the five projects is \$700,000 of funding from state special revenue-motor fuels tax. These four projects are contingent on passage and approval of Senate Bill No. 257 or any other bill that increases revenue sufficient to fund the projects.
(b) The state parks road improvements project is contingent on passage and approval of Senate Bill No. 257 or any other bill that increases the motor fuels tax sufficient to fund the project.
(c) For the purposes of using in-kind matching values, the amounts listed under state special revenue may be decreased and the amounts listed under federal special revenue may be

increased by a like amount for those projects listed under the department of fish, wildlife, and parks.

(5) The amount of \$1,155,000 for the equipment buildings project for the department of transportation is contingent on passage and approval of Senate Bill No. 257 or any other bill that increases motor fuels tax sufficient to fund the project."

37. Page 6, line 3.
Following: "projects"
Strike: "and"
Insert: ", "

38. Page 6, line 4.
Following: "restoration"
Insert: ", and increasing the water capacity at Como reservoir"

39. Page 6, following line 7.
Insert: "Como Reservoir Improvements
100,000 State Special Revenue
300,000 Federal Special Revenue"

40. Page 6, line 13.
Strike: "\$40,000"
Insert: "\$68,750"

41. Page 6, line 14.
Strike: "120,000"
Insert: "206,250"

42. Page 7, line 3.
Strike: "\$100,000"
Insert: "\$50,000"

43. Page 7, line 3.
Following: "Statewide"
Insert: "(20)"

44. Page 7, following line 11.
Insert: "Language Laboratory-UM
350,000 Higher Education Funds"

45. Page 8.
Following: line 6
Insert:

"NEW SECTION. Section 9. Appropriation of bonds proceeds and other funds. The following money is appropriated from other appropriated funds to the department of administration for the capital projects described in this section, contingent upon the respective authorization and sale of general obligation long-range building program bonds by the 53rd legislature and the board of examiners.

<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Appropriated Funds</u>
DEPARTMENT OF LABOR & INDUSTRY		
Expand and Construct Job Services Statewide		\$1,500,000
COMMISSIONER OF HIGHER EDUCATION		
Purchase Butte Vo-Tech		2,000,000
DEPARTMENT OF ADMINISTRATION		
SRS Commodities Warehouse		1,700,000
DEPARTMENT OF CORRECTIONS AND HUMAN SERVICES		
Improvements at Women's Correctional Center, MT State Hospital		260,000

NEW SECTION. Section 10. Authorization of bonds. The board of examiners is authorized to issue and sell general obligation long-range building program bonds in an amount not exceeding \$5,460,000 for the projects described in [section 9] over and above the amount of general obligation long-range building

program bonds outstanding on January 1, 1993, to be used in accordance with the terms and in the manner required by Title 17, chapter 5, part 8. The authority granted to the board by this section is in addition to any other authorization to the board to issue and sell general obligation long-range building program bonds.

NEW SECTION. Section 11. Agreement with department of labor and industry. For the proceeds of bonds and notes authorized and appropriated by [this act] for the expansion and renovation of job service offices, statewide, the board of examiners and the department of labor and industry may enter into an agreement under the terms of which the department shall pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds and notes from which the appropriation was made and to accommodate and maintain reserves required under the bonds. The agreement must further provide that income from the investment of bond proceeds, unused principal, and the reserves not required for construction or renovation costs may be credited against the department's payment obligation. The agreement must also allow for the accumulation of reserves during the first year the bonds are outstanding. Payment by the department must be made from funds available therefor.

NEW SECTION. Section 12. Agreement with department of social and rehabilitation services. For the proceeds of bonds and notes authorized and appropriated by [this act] for the construction of a commodities warehouse, the board of examiners and the department of social and rehabilitation services may enter into an agreement under the terms of which the department shall pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds and notes from which the appropriation was made and to accommodate and maintain reserves required under the bonds. The agreement must further provide that income from the investment of bond proceeds, unused principal, and the reserves not required for construction costs may be credited against the department's payment obligation. The agreement must also allow for the accumulation of reserves during the first year the bonds are outstanding. Payment by the department must be made from funds available therefor.

NEW SECTION. Section 13. Benefit to state. The agreements made pursuant to [sections 11 and 12] are solely for the benefit of the state and are not enforceable by bondholders or other third-party beneficiaries.

NEW SECTION. Section 14. Department of labor and industry bond payment. The department of labor and industry shall transfer to the department of administration, prior to the payment date, sufficient funds to retire \$1,500,000 of general obligation long-range building program bonds authorized by the 53rd legislature and issued by the board of examiners. This payment obligation is for the benefit of the state and not enforceable by bondholders.

NEW SECTION. Section 15. Department of social and rehabilitation services bond payment. The department of social and rehabilitation services shall transfer to the department of administration, prior to the payment date, sufficient funds to retire \$1,700,000 of general obligation long-range building program bonds authorized by the 53rd legislature and issued by the board of examiners. This payment obligation is for the benefit of the state and not enforceable by bondholders.

NEW SECTION. Section 16. Requirements for approval of state debt. Because [section 10] authorizes the creation of a state debt, a vote of two-thirds of the members of each house is required for enactment of [sections 9 through 15]. If [section 10] is not approved by the required vote, [sections 9 through 15] are void. The remaining sections of [this act] are valid and remain in effect in all valid applications upon enactment.

Section 17. Section 1, Chapter 624, Laws of 1991, is amended to read:

"Section 1. Appropriation for veterans' home project. (1) The following money is appropriated for the biennium ending June 30, 1993, from the capital projects fund: \$1,991,897 to the department of administration for the construction and remodeling, including land purchase and design costs, of a state nursing home and domiciliary home at Glendive, Montana, for veterans in Montana.

(2) There is appropriated to the department of administration for the biennium ending June 30, 1993, \$3,699,237 in spending authority from the federal special revenue received from veterans benefits administration.

(3) This project is delayed until after July 1, 1995."

Section 18. Section 12, Chapter 774, Laws of 1991, is amended to read:

"Section 12. Appropriation of bond proceeds and other funds. (1) The following money is

March 19, 1993

Page 6 of 9

appropriated from bond proceeds and other funding sources to the department of administration for capital projects described in this section contingent upon the respective authorization and sale of general obligation long-range building program bonds by the 52nd legislature and the board of examiners:

Agency/Project	LRBPF	Other Funding Sources
Major Expansion, Montana State Prison		\$19,360,745
Miscellaneous Prison Projects		\$6,705,000
Construct Engineering/Physical Sciences Complex, Montana State University		18,401,510
Construct Business Administration Building, University of Montana		13,022,975
Construct Women's Correctional Center		10,075,600
Construct Libby Armory		400,000

(2) If the bonding program in [section 13] fails to receive the necessary two-thirds vote of both houses of the legislature, the \$400,000 for the Libby armory is appropriated from the LRBPF funds as stated in [section 6(5)(b)].

(3) Construction of the business administration building at the university of Montana, the engineering/physical sciences complex at Montana state university, and the Libby armory is delayed until after July 1, 1995. The women's correctional center project is delayed until after July 1, 1995. The amount of \$500,000 of the \$10,075,600 for the women's correctional center may be used for architectural and engineering design of a downsized women's correctional facility to be located in Billings that would meet the needs of a community-based correctional program of the department of corrections and human services."

Section 19. Section 6, House Bill No. 777, Laws of 1989, is amended to read:

"Section 6. Capital projects appropriations. The following money is appropriated to the department of administration for the indicated capital projects from the indicated sources:

Agency/Project	CPF	Other Appropriated Funds
DEPARTMENT OF ADMINISTRATION		
Hazardous Material Abatement, Statewide	200,000	
Maintain Water Towers and Systems, Statewide	450,000	
DEPARTMENT OF AGRICULTURE -- PLANT INDUSTRY DIVISION		
Remodel Grain Laboratory, Great Falls		45,500 State Special Revenue
DEPARTMENT OF EDUCATION		
Roof Repair, Academic Building, Montana		
School for the Deaf and Blind	10,000	
DEPARTMENT OF FAMILY SERVICES		
Replace/Repair Roof, Custer Lodge, Pine Hills School	155,000	
DEPARTMENT OF FISH, WILDLIFE, AND PARKS		
Fishing Access Sites Improvement, Statewide		183,000 State Special Revenue
		549,000 Federal Special Revenue
Construct Region 2 Headquarters Storage, Missoula		25,920 State Special Revenue
Waterfowl Habitat Enhancement, Statewide		424,500 State Special Revenue
Boat Facilities, Statewide		54,923 State Special Revenue
		163,770 Federal Special Revenue
State Park Maintenance and Development, Statewide		1,181,500 State Special Revenue
		1,137,500 Federal Special Revenue
State Property Improvement, Statewide		165,037 State Special Revenue
Donation Authority, East Gallatin Park, Bozeman		100,000 State Special Revenue
Lake Elmo Improvements	150,000	150,000 State Special Revenue
DEPARTMENT OF HIGHWAYS		
Maintenance Projects, Statewide		750,000 Highways State Special Revenue
Maintenance Section, Headquarters Complex, Bridger		140,460 Highways State Special Revenue
Construct Sandhouses, Statewide		118,800 Highways State Special Revenue
Headquarters Renovation, Glendive		72,480 Highways State Special Revenue
Construct Equipment Storage Additions, Statewide		419,480 Highways State Special Revenue
DEPARTMENT OF INSTITUTIONS		
Construct Low Security Housing Unit, MSP	1,184,600	
Building Modifications and Exterior Lighting,		

March 19, 1993

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Center for the Aged	45,396		
Roof Replacement/Repair, Department of Institutions	352,500		
Boiler Room Water Softeners, Montana State Hospital, Galen	45,000		
Supplemental Appropriation for Montana Developmental Center	289,900		
Replace Hospital Floors, Montana State Hospital, Galen	20,000		
Correct Code Deficiencies, Montana State Hospital, Galen	15,000		
Remodel Unit 57 for Women's Correction Center, Montana State Hospital	45,000		
DEPARTMENT OF LABOR AND INDUSTRY			
Acquisition of Arcade Building, Lower Level, Helena	50,000		State Special Revenue
Power Supply Project, Workers' Compensation, Helena	26,000		State Special Revenue
HVAC Replacement and Major Maintenance, Helena Job Service	53,600		Federal Special Revenue
Repair Settling Damage, Great Falls Job Service	50,000		Federal Special Revenue
Heating Unit Replacement, Missoula Job Service	50,000		Federal Special Revenue
Construct/Purchase, Butte Job Service	211,000		Federal Special Revenue
Parking Lot Construction, Havre Job Service	10,000		Federal Special Revenue
Basement Renovation, Bozeman Job Service	100,000		Federal Special Revenue
DEPARTMENT OF STATE LANDS			
Interagency Fire Center and Hangar, Helena	54,800		Federal Special Revenue
Nursery Freezer and Cooler, Missoula	24,000		State Special Revenue
Nursery Shop Building, Missoula	101,000		State Special Revenue
Nursery Storage Building, Missoula	22,000		State Special Revenue
DEPARTMENT OF MILITARY AFFAIRS			
Construct M-1 Bays Statewide	30,000	1,340,000	Federal Special Revenue
Remodel Missoula Armory and Study Armories, Statewide	12,000	80,000	Federal Special Revenue
Construct Livingston Armory	<u>500,800</u>	798,000	Federal Special Revenue
	<u>450,800</u>		
Federal Spending Authority		689,597	Federal Special Revenue
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION			
Oil and Gas Division Addition, Billings		116,950	Oil and Gas State Special Revenue
DEPARTMENT OF REVENUE			
Maintain Liquor Warehouse Roof		170,000	Enterprise Funds
MONTANA UNIVERSITY SYSTEM			
Carpet Replacement, Administration Building, Missoula Vo-Tech Center	80,000		
Replace Roofs, Montana University System	473,120		
Electrical Distribution System, Phase II, MSU	1,153,355	524,871	Auxiliary
Major Maintenance, Water Mains, University of Montana	130,000		
Exterior Door and Vestibules, Western Montana College	14,000		
Window Retrofit, Engineering Hall, Montana Tech	132,750		
Miscellaneous Projects, University of Montana		217,039	UM Building Fees
Centennial Mall, Montana State University		650,000	Private Endowments"

Section 20. Section 3, Chapter 17, Special Laws of July 1992, is amended to read:

"Section 3. Capital projects appropriations. (1) The following money is appropriated for the indicated capital projects from the indicated sources to the department of administration, which is authorized to transfer the appropriated money among the necessary fund types for these projects:

<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
DEPARTMENT OF ADMINISTRATION		
Hazardous Material Abatement, Statewide	\$ 594,625	\$ 150,000 Auxiliary
State Building Energy Retrofit, Statewide		500,000 Nonstate State Special Revenue
		1,000,000 Federal Special Revenue
		500,000 Auxiliary or Other
Construction, Litigation, Architecture and Engineering Division	345,000	
Develop Alternate Water Supply, Capitol Complex		50,000 Proprietary Funds
Property Acquisition and Development, Capitol Complex		20,000 Capitol Land Grant
DEPARTMENT OF COMMERCE		
Improve Pavement and Lighting, Yellowstone Airport		51,773 Proprietary Funds
		465,957 Federal Special Revenue
DEPARTMENT OF EDUCATION		
Replace Academic Building Roof and Miscellaneous Repairs, Montana School for the Deaf and Blind	339,000	
DEPARTMENT OF FAMILY SERVICES		

Expand Security Fence, Pine Hills School	27,000		
Replace and Repair Roofs, Family Services	127,600		
DEPARTMENT OF FISH, WILDLIFE, AND PARKS			
Remove Underground Storage Tanks, Statewide		150,000	State Special Revenue
Headquarters Maintenance and Improvements, Statewide		85,000	State Special Revenue
Department Property Development, Statewide		360,000	State Special Revenue
State Park Maintenance and Development, Statewide		<u>3,798,500</u>	State Special Revenue
		<u>3,736,500</u>	
		<u>4,124,500</u>	Federal Special Revenue
		<u>1,186,500</u>	
Fish Hatchery Maintenance, Statewide		37,500	State Special Revenue
		112,500	Federal Special Revenue
Fishing Access Site Improvements, Statewide		286,000	State Special Revenue
		858,000	Federal Special Revenue
Motorboat Access Facilities, Statewide		67,000	State Special Revenue
		201,000	Federal Special Revenue
Wildlife Habitat Maintenance, Statewide		304,000	State Special Revenue
Waterfowl Habitat Enhancement, Statewide		349,500	State Special Revenue
DEPARTMENT OF HIGHWAYS			
Maintenance Projects, Statewide		450,000	Highways State Special Revenue
		<u>4,147,400</u>	Highways State Special Revenue
		<u>1,199,543</u>	
		<u>115,925</u>	Federal Special Revenue
		<u>116,698</u>	
DEPARTMENT OF INSTITUTIONS			
Replace Water and Steam Lines, Montana Developmental Center	116,708		
Replace Roofs, Institutions	30,000		
Moisture Protection, Eastmont Human Services Center	98,450		
Montana State Hospital Infrastructure Study	112,375		
Seal Buildings, Montana State Prison	25,000		
Building Improvements, Center for the Aged	105,015		
Replace Multipurpose Building Flooring, Montana State Hospital, Warm Springs	26,800		
Galen Repair Projects	181,000		
DEPARTMENT OF LABOR AND INDUSTRY			
Renovate and Expand Job Service, Great Falls		310,000	Federal Special Revenue
Various Major Maintenance Projects		209,450	Federal Special Revenue
DEPARTMENT OF STATE LANDS			
Construct Two Greenhouses, Missoula		191,900	State Special Revenue
DEPARTMENT OF MILITARY AFFAIRS			
Kitchen Upgrade, Statewide	5,000		
Rifle Range Rehabilitation, Statewide	10,000	555,000	Federal Special Revenue
Armory Additions and Alterations, Statewide	1,000	16,155,000	Federal Special Revenue
Acquire Land and Preplan Armory, Billings	<u>450,000</u>	200,000	Federal Special Revenue
	<u>90,000</u>		
Expand Military Vehicle Compounds, Statewide	5,000	275,000	Federal Special Revenue
Federal Spending Authority		300,000	Federal Special Revenue
Libby Armory	<u>110,000</u>	<u>827,000</u>	Federal Special Revenue
		<u>1,007,745</u>	
MONTANA UNIVERSITY SYSTEM			
Primary Electrical Vault Disconnect, Eastern Montana College	31,000	14,000	Auxiliary
Install Fire Alarm System, University of Montana	70,000		
Replace and Improve Roofs, University System	1,154,550	350,000	Plant
Improve Underground Utilities, Phase I, University System	296,000	200,000	Auxiliary
Repair and Improve Heating System, Western Montana College	57,900		
Improve Handicapped Access, University System	335,000		
Replace Carpet, Great Falls Vo-Tech	60,000		
Improve Sidewalks and Fire Access, University System	86,000		
Window Retrofit Museum Building, Montana Tech	142,000		
Various Improvements, University of Montana		2,584,600	Federal, Higher Education Funds, and/or Donations
Centennial Mall, Montana State University		1,600,000	Plant
Remodel Student Union Building, Western Montana College		600,000	Auxiliary
Construct Engineering/Physical Sciences Complex, Montana State University	452,765	2,215,435	Higher Education Funds

Life Science Building, University of Montana	12,000,000	and/or Donations
Construct Business Administration Building, University of Montana	1,858,320	Federal Special Revenue
		Higher Education Funds
Multipurpose Building, Northern Agricultural Research Center	150,000	and/or Donations
	150,000	Higher Education Funds
		and/or Donations
Repair Northern Montana College Gymnasium	934,500	Higher Education Funds
	1,700,000	and/or Donations

(2) For purposes of obtaining cash for the construction litigation appropriation authority in [section 6(1)], the architecture and engineering division of the department of administration is authorized to request a budget amendment for transfer of any excess long-range building project funds from any agency so long as the amendment does not move funds required to complete any authorized agency project.

(3) The following money is appropriated to the department of administration in the indicated amounts for the purpose of planning projects described in [section 12] and authorized in [section 13]:

<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
Preliminary Design for Prison Expansion	\$ 877,500	
Preliminary Design, University System:		
Engineering/Physical Sciences, MSU		1,165,290 Higher Education Funds
and/or Donations		
Business Administration, UM	183,606	421,099 Higher Education Funds
and/or Donations		

(4) The following money is appropriated to the department of administration for the university system:

<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
University System		
Deferred Maintenance Projects and Equipment Approved		
by the Board of Regents	\$ 517,500	General Fund
Repair Northern Montana College Gymnasium	283,000	General Fund
Equipment for Eastern Montana College	600,000	General Fund

(5) Amounts not to exceed \$490,000 of federal special revenue money and \$163,333 of state special revenue money appropriated in the state parks maintenance and development statewide line item under subsection (1) may be added to the line item appropriations for motorboat access facilities statewide under subsection (1) or fishing access site acquisition statewide under [section 8(1)]."

NEW SECTION. Section 21. Authorization for interentity loans. If funding in the amount of \$10,075,600 for the women's correctional center and \$6,705,000 for the miscellaneous prison projects in [section 18] is deleted, the department of administration is authorized an interentity loan for \$700,000 through the 1995 biennium.

NEW SECTION. Section 22. Coordination instruction. [Section 2] contains five park projects with a portion of funding from "state special revenue-other" that are contingent on new legislation being enacted that will generate \$2.9 million of new revenue for parks funding. In section "C" of House Bill No. 2, there is contingent language that states that \$597,542 of the appropriations for the parks division is contingent on passage and approval of new legislation that will generate new revenue for parks to provide funding for this appropriation. In the event new legislation does not generate enough revenue to fund both the \$597,542 in the parks division and the \$2.9 million in [section 2] of this bill, the funding for the parks division is the first priority, unless otherwise specified in the new legislation."

Renumber: subsequent sections

46. Page 8, lines 8 and 10.

Strike: "9"

Insert: "22"

-END-

HOUSE STANDING COMMITTEE REPORT

March 18, 1993

Page 1 of 3

Mr. Speaker: We, the committee on Appropriations report that House Bill 5 (first reading copy -- white) do pass as amended.

Signed: 

Tom Zook, Chair

And, that such amendments read:

1. Title, line 9.

Strike: "SECTION"

Insert: "SECTION 20-32-102 AND"

Following: "MCA;"

Insert: "REPEALING SECTION 20-32-104, MCA;"

2. Page 2, line 1.

Following: "costs"

Strike: ", as provided in 20-32-104"

3. Page 2, line 3.

Following: "appropriated"

Strike: "\$500,000 from the general fund and"

4. Page 2, lines 8 through 13.

Strike: subsection (2) in its entirety.

Renumber: subsequent subsections.

5. Page 2, following line 24.

Insert: Section 3. Section 20-32-102, MCA, is amended to read:

"20-32-102. Agency cooperation -- responsibilities. (1) To meet the objectives of the network, the following entities shall cooperate with one another:

(a) the department of administration, with its responsibilities for telecommunications for agencies of state government;

(b) the superintendent of public instruction, with a supervisory role over the public system of elementary and high schools; and

(c) the commissioner of higher education, with responsibilities to the Montana university system, the vocational-technical centers, and the community colleges.

(2) The responsibilities of the superintendent of public instruction to the network include but are not limited to:

Committee Vote:

Yes __, No __.

611716SC.Hss

Handwritten: 3/17/93 10:15

(a) general supervision of delivery of educational materials through telecommunications to elementary and high school districts in the state;

(b) compilation, maintenance, and dissemination to participating school districts of information that identifies the educational programming available from within and from outside the state;

(c) training of teachers and other school personnel in the use of telecommunications technologies for instructional purposes;

(d) assistance to school districts in identifying and procuring the telecommunications technologies needed to interface with the network;

(e) identification of production capability for telecommunication of educational materials;

(f) assistance to participating school districts with group purchases of instructional and educational materials;

(g) coordination with the commissioner of higher education and the units of the Montana university system to offer advanced placement courses, teacher inservice training, and other instruction through the network;

~~(h) payment of the superintendent's share of the network costs to the department of administration, as provided in 20-32-104;~~

~~(i)~~ (h) coordination with the department of administration to ensure compatibility of network components, to minimize duplication of efforts on behalf of the network, and to maximize use of the network by school districts; and

~~(j)~~ (i) determination of kinds of equipment, inservice, and district accounting necessary to implement the provisions of this part for school districts.

(3) The responsibilities of the department of administration to the network include but are not limited to:

(a) provision of technical support to the coordinating agencies referred to in subsection (1);

(b) development of standards of compatibility for the network;

(c) procurement and management of network equipment and facilities that have shared use by multiple users or agencies;

(d) assistance with procurement, installation, maintenance, and operation of end-terminal equipment and facilities of the network;

(e) minimizing any duplication of equipment and facilities within the network and in conjunction with the department of administration's other networking capabilities;

(f) coordination of use of the network by state agencies, subdivisions of the state, and public libraries in a manner that does not interfere with the delivery of the primary network function of providing educational services to school districts

and state units of higher education;

(g) studying the use of the network by Native American tribal colleges and other nonpublic education institutions in the state, with the long-range goal of coordinating the use of the network with those entities; and

(h) maintenance of cost and usage records and a billing system for user agencies for services rendered that incur marginal costs for the network.

(4) The responsibilities of the commissioner of higher education to the network include but are not limited to:

(a) coordination of the use of the network among the units of higher education and with the superintendent of public instruction and the department of administration;

(b) assistance to the units of the Montana university system to provide college credit courses through the network to students throughout the state;

(c) coordination with the superintendent of public instruction to develop advance placement courses for high school students in Montana, teacher inservice training, and other services and instruction through the network;

(d) assistance to the units of the Montana university system, the vocational-technical centers, and the community colleges in defining their specific needs for interfacing with the network;

(e) assistance to participating units, centers, and colleges with group purchases of instructional and educational materials; and

(f) determination of the kinds of equipment, inservice, and accounting necessary to implement the provisions of this part for the university system, community colleges, and vocational-technical centers."

NEW SECTION. Section 4. Repealer. Section 20-32-104, MCA, is repealed."

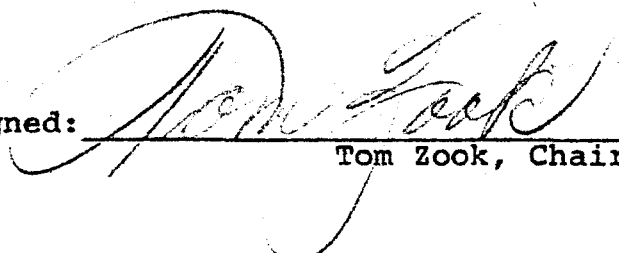
Renumber: subsequent sections

HOUSE STANDING COMMITTEE REPORT

March 18, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Appropriations report that House Bill 655 (first reading copy -- white) do pass as amended

Signed: 

Tom Zook, Chair

And, that such amendments read:

1. Title, line 4.

Following: "ACT"

Strike: "REQUIRING THAT \$1 MILLION"

Insert: "APPROPRIATING \$200,000"

2. Title, line 5.

Following: "MONEY"

Strike: "BE DEPOSITED ANNUALLY IN"

Insert: "FOR"

3. Title, line 6.

Following: "RESTORATION"

Strike: "ACCOUNT; AND AMENDING SECTIONS 87-1-258 AND 87-1-601,
MCA"

Insert: "PROGRAM"

4. Page 1.

Strike Section 1 and 2 in their entirety.

Insert: "Section 1. Appropriation. There is appropriated from federal Dingell-Johnson money to the department of fish, wildlife and parks the amount of \$200,000 for the biennium ending July 1, 1995, to be used in the river restoration program provided for in 87-1-257."

Committee Vote:

Yes 16, No 2.

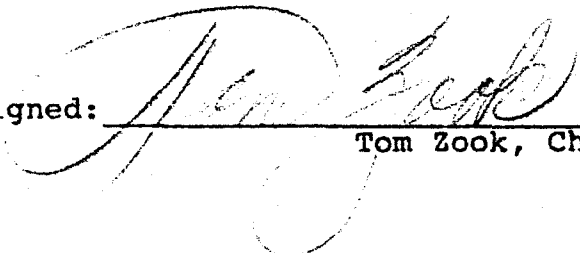
611724SC.Hss

HOUSE STANDING COMMITTEE REPORT

March 19, 1993

Page 1 of 3

Mr. Speaker: We, the committee on Appropriations report that House Bill 11 (first reading copy -- white) do pass as amended

Signed: 

Tom Zook, Chair

And, that such amendments read:

1. Title, line 9.

Strike: "SECTION"

Insert: "SECTION 20-32-102 AND"

Following: "MCA;"

Insert: "REPEALING SECTION 20-32-104, MCA;"

2. Page 2, line 1.

Following: "costs"

Strike: ", as provided in 20-32-104"

3. Page 2, line 3.

Following: "appropriated"

Strike: "\$500,000 from the general fund and"

4. Page 2, lines 8 through 13.

Strike: subsection (2) in its entirety.

Re-number: subsequent subsections.

5. Page 2, following line 24.

Insert: Section 3. Section 20-32-102, MCA, is amended to read:

"20-32-102. Agency cooperation -- responsibilities. (1) To meet the objectives of the network, the following entities shall cooperate with one another:

(a) the department of administration, with its responsibilities for telecommunications for agencies of state government;

(b) the superintendent of public instruction, with a supervisory role over the public system of elementary and high schools; and

(c) the commissioner of higher education, with

Committee Vote:

Yes 12, No 5.

621337SC.Hpf

responsibilities to the Montana university system, the vocational-technical centers, and the community colleges.

(2) The responsibilities of the superintendent of public instruction to the network include but are not limited to:

(a) general supervision of delivery of educational materials through telecommunications to elementary and high school districts in the state;

(b) compilation, maintenance, and dissemination to participating school districts of information that identifies the educational programming available from within and from outside the state;

(c) training of teachers and other school personnel in the use of telecommunications technologies for instructional purposes;

(d) assistance to school districts in identifying and procuring the telecommunications technologies needed to interface with the network;

(e) identification of production capability for telecommunication of educational materials;

(f) assistance to participating school districts with group purchases of instructional and educational materials;

(g) coordination with the commissioner of higher education and the units of the Montana university system to offer advanced placement courses, teacher inservice training, and other instruction through the network;

~~(h) payment of the superintendent's share of the network costs to the department of administration, as provided in 20-32-104;~~

~~(i)~~ (h) coordination with the department of administration to ensure compatibility of network components, to minimize duplication of efforts on behalf of the network, and to maximize use of the network by school districts; and

~~(j)~~ (i) determination of kinds of equipment, inservice, and district accounting necessary to implement the provisions of this part for school districts.

(3) The responsibilities of the department of administration to the network include but are not limited to:

(a) provision of technical support to the coordinating agencies referred to in subsection (1);

(b) development of standards of compatibility for the network;

(c) procurement and management of network equipment and facilities that have shared use by multiple users or agencies;

(d) assistance with procurement, installation, maintenance, and operation of end-terminal equipment and facilities of the network;

(e) minimizing any duplication of equipment and facilities within the network and in conjunction with the department of administration's other networking capabilities;

(f) coordination of use of the network by state agencies, subdivisions of the state, and public libraries in a manner that does not interfere with the delivery of the primary network function of providing educational services to school districts and state units of higher education;

(g) studying the use of the network by Native American tribal colleges and other nonpublic education institutions in the state, with the long-range goal of coordinating the use of the network with those entities; and

(h) maintenance of cost and usage records and a billing system for user agencies for services rendered that incur marginal costs for the network.

(4) The responsibilities of the commissioner of higher education to the network include but are not limited to:

(a) coordination of the use of the network among the units of higher education and with the superintendent of public instruction and the department of administration;

(b) assistance to the units of the Montana university system to provide college credit courses through the network to students throughout the state;

(c) coordination with the superintendent of public instruction to develop advance placement courses for high school students in Montana, teacher inservice training, and other services and instruction through the network;

(d) assistance to the units of the Montana university system, the vocational-technical centers, and the community colleges in defining their specific needs for interfacing with the network;

(e) assistance to participating units, centers, and colleges with group purchases of instructional and educational materials; and

(f) determination of the kinds of equipment, inservice, and accounting necessary to implement the provisions of this part for the university system, community colleges, and vocational-technical centers."

NEW SECTION. Section 4. Repealer. Section 20-32-104, MCA, is repealed."

Renumber: subsequent sections

-END-

HOUSE STANDING COMMITTEE REPORT

EXHIBIT 1
DATE 3/17/93 P.M.
HB 570

March 18, 1993

Page 1 of 3

Mr. Speaker: We, the committee on Appropriations report that House Bill 570 (third reading copy -- blue) do pass as amended

Signed: 

Tom Zook, Chair

And, that such amendments read:

1. Page 1, line 22.

Strike: "OR DAMAGING"

2. Page 1, line 25.

Strike: "OR A LOCAL GOVERNMENT"

3. Page 3, lines 8 through 11.

Strike: subsection (1) in its entirety

Renumber: subsequent subsections

4. Page 3, line 12.

Following: "means"

Insert: "enactment of"

5. Page 3, lines 13 and 14.

Following: "statute" on line 13

Strike: "," on line 13

Insert: "or adoption of a"

Following: "rule"

Strike: remainder of line 13 through "imposed" on line 14

6. Page 3, lines 15 and 16.

Strike: "will" on line 15

Strike: "result" on line 15

Insert: "that has a reasonable possibility of resulting"

Following: "taking" on line 15

Strike: remainder of line 15 through "damaging" on line 16

7. Page 5, line 23.

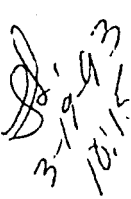
Following: "~~1~~"

Insert: "The assessment described in this section may be prepared for the enactment of a statute only after a request by the presiding officer of the house in which the legislation is

Committee Vote:

Yes 11, No 7.

611622SC.Hss


3-19-93
10:15

introduced. The presiding officer may determine the need for the assessment based upon a recommendation by legislative staff indicating whether an assessment appears to be required. The assessment must be prepared by the appropriate state agency."

8. Page 4, line 5.

Strike: "in effect on July 1, 1993"

9. Page 4, lines 6 through 8.

Strike: subsection (vi) in its entirety

Renumber: subsequent subsections

10. Page 5, line 11.

Following: "in"

Insert: "private"

11. Page 5, line 14.

Strike: "a governmental action"

12. Page 6, lines 3 and 4.

Following: "and" on line 3

Strike: remainder of line 3 through "including" on line 4

13. Page 6, lines 17 and 18.

Following: "taking" on line 17

Strike: remainder of line 17 through "DAMAGING" on line 18

14. Page 6, lines 23 through 25.

Following: "(5)" on line 23

Strike: remainder of line 23 through "locality" on line 25

Insert: "whether a governmental action has a reasonable possibility of resulting in a constitutional taking of private property based on tests and principles established by the United States supreme court and the Montana supreme court"

15. Page 7, lines 6 through 14.

Following: "." on line 6

Strike: subsection (1) in its entirety

Renumber: subsequent subsections

16. Page 7, lines 24 and 25.

Following: "a" on line 24

Strike: remainder of line 24 through "agency" on line 25

Insert: "government entity"

Strike: "criteria"

EXHIBIT 1
DATE 3/17/93
HB March 18, 1993
Page 3 of 3 570

Insert: "assessment"

Strike: "subsection (1)"

Insert: "[sections 1 through 4 and this section], if applicable,"

17. Page 8, lines 2 through 5.

Strike: subsection (3) in its entirety

Renumber: subsequent subsection

18. Page 8, line 9.

Strike: "[section 4]"

Insert: "[sections 1 through 4 and this section]"

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/17/93 pm BILL NO. HB 570 NUMBER MOTION: REP. GRADY moved amendments, Exhibit 1

Motion carried unanimously.

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGE	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARV LOU PETERSON	X	
REP. JOE QUILLICI	X	
REP. DAVE WANZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	18	0

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/17/93 pm BILL NO. HB 570 NUMBER ACTION: Rep. Grady moved HB 570 DO PASS AS AMENDED.

Motion carried 11 - 7

NAME	AYE	NO
REP. ED GRADY, V. CHAIR	X	
REP. FRANCIS BARDANOUVE		X
REP. ERNEST BERGSAGER	X	
REP. JOHN CORD	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON		X
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS		X
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN		X
REP. LINDA NELSON	X	
REP. RAY PECK		X
REP. MARY LOU PETERSON	X	
REP. JOE QUILLICI		X
REP. DAVE WENZENREID		X
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	11	7

EXHIBIT
DATE 3/17/93 P.m
HB 5

Amendments to House Bill No. 5
Introduced Bill
For the Committee on Appropriations
Prepared by Jim Haubein
March 17, 1993

1. Title, line 8.
Following: ";"
Insert: "AUTHORIZING THE CREATION OF STATE DEBT BY THE ISSUANCE OF BONDS; AMENDING SECTION 6, HOUSE BILL NO. 777, LAWS OF 1989; SECTION 1, CHAPTER 624, LAWS OF 1991; SECTION 12, CHAPTER 774, LAWS OF 1991; AND SECTION 3, CHAPTER 17, SPECIAL LAWS OF JULY 1992;"
2. Page 3, line 8.
Strike: "596,215
Insert: "172,500
111,215
200,000
State Special Revenue"
State Special Revenue-Other
State Special Revenue-Motor Fuels Tax"
3. Page 3, line 9.
Strike: "403,785"
Insert: "516,285"
4. Page 3, line 10.
Strike: "1,180,000
Insert: " 264,000
716,000
200,000
State Special Revenue"
State Special Revenue-Other
State Special Revenue-Motor Fuels Tax"
5. Page 3, line 12.
Strike: "2,000,000
Insert: " 168,000
1,732,000
100,000
State Special Revenue"
State Special Revenue-Other
State Special Revenue-Motor Fuels Tax"
6. Page 3, line 13.
Strike: "350,000
Insert: "150,000
200,000
State Special Revenue"
State Special Revenue-Other
State Special Revenue-Motor Fuels Tax"
7. Page 3, line 14.
Following: "Revenue"
Insert: "-Other"
8. Page 3, following line 20.
Insert: "Site Protection and Improvements to
Thompson Chain of Lakes
150,000 State Special Revenue
300,000 Federal Special Revenue"

EXHIBIT
DATE 7/17/93
HB 5 P. 12

9. Page 4, following line 5.
Insert: "Upgrade Wildlife Rehabilitation Center
200,000 State Special Revenue-Donations"
10. Page 4, lines 7 and 8.
Strike: lines 7 and 8 in their entirety.
11. Page 4, following line 9.
Insert: "Preliminary Design to Expand and Renovate Job Services, Statewide
50,000 Federal Special Revenue"
12. Page 4, line 15.
Strike: "60,000"
Insert: "75,000"
13. Page 4, line 16.
Strike: "60,000"
Insert: "75,000"
14. Page 5, following line 10.
Insert: "Gas Bypass at Mount Sentinel-UM
500,000 Higher Education"
15. Page 5, following line 12.
Insert: "Animal Science Machine Shop-Bozeman
Agricultural Research Center
400,000 Higher Education"
16. Page 5, line 19.
Following: line 18
Insert: "(3)(a) The appropriations funded by "state special revenue-other" for the first five park projects under the department of fish, wildlife, and parks are contingent on \$2.9 million of new revenue being generated from pending legislation to provide a portion of the state match for the projects. In four of the five projects is \$700,000 of funding from state special revenue-motor fuels tax. These four projects are contingent on passage and approval of Senate Bill No. 257 or any other bill that increases revenue sufficient to fund the projects.
(b) The state parks road improvements project is contingent on passage and approval of Senate Bill No. 257 or any other bill that increases the motor fuels tax sufficient to fund the project.
(c) For the purposes of using in-kind matching values, the amounts listed under state special revenue may be decreased and the amounts listed under federal special revenue may be increased by a like amount for those projects listed under the department of fish, wildlife, and parks.
(4) The amount of \$1,155,000 for the equipment buildings project for the department of transportation is contingent on passage and approval of Senate Bill No. 257 or any other bill that increases motor fuels tax sufficient to fund the project."
17. Page 6, line 3.
Following: "projects"
Strike: "and"
Insert: ","
18. Page 6, line 4.
Following: "restoration"

EXHIBIT 1
DATE 3/17/93
HB 5

Insert: ", and increasing the water capacity at Como reservoir"

19. Page 6, following line 7.

Insert: "Como Reservoir Improvements

100,000 State Special Revenue
300,000 Federal Special Revenue"

20. Page 6, line 13.

Strike: "\$40,000"

Insert: "\$68,750"

21. Page 6, line 14.

Strike: "120,000"

Insert: "206,250"

22. Page 7, line 3.

Strike: "\$100,000"

Insert: "\$50,000"

23. Page 7, following line 11.

Insert: "Language Laboratory-UM

350,000 Higher Education Funds"

24. Page 8.

Following: line 6

Insert:

"NEW SECTION. Section 9. Appropriation of bonds proceeds and other funds. The following money is appropriated from other appropriated funds to the department of administration for the capital projects described in this section, contingent upon the respective authorization and sale of general obligation long-range building program bonds by the 53rd legislature and the board of examiners.

Agency/Project

LRBPE

Other Appropriated Funds

DEPARTMENT OF LABOR & INDUSTRY

Expand and Construct Job Services

Statewide

\$1,500,000

COMMISSIONER OF HIGHER EDUCATION

Purchase Butte Vo-Tech

2,000,000

DEPARTMENT OF ADMINISTRATION

SRS Commodities Warehouse

1,700,000

DEPARTMENT OF CORRECTIONS AND HUMAN SERVICES

Improvements at Women's Correctional Center- MT State Hosp.

260,000

NEW SECTION.

Section 10. Authorization of bonds. The board of examiners is authorized to issue and sell general obligation long-range building program bonds in an amount not exceeding \$5,460,000 for the projects described in [section 9] over and above the amount of general obligation long-range building program bonds outstanding on January 1, 1993, to be used in accordance with the terms and in the manner required by Title 17, chapter 5, part 8. The authority granted to the board by this section is in addition to any other authorization to the board to issue and sell general obligation long-range building program bonds.

NEW SECTION.

Section 11. Agreement with department of labor and industry. For the proceeds of bonds and notes authorized and appropriated by [this act] for the expansion and renovation of job service offices, statewide, the board of examiners and the department of labor and industry may enter into an agreement under the terms of which the department shall pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the

principal and interest as due on the bonds and notes from which the appropriation was made and to accommodate and maintain reserves required under the bonds. The agreement must further provide that income from the investment of bond proceeds, unused principal, and the reserves not required for construction or renovation costs may be credited against the department's payment obligation. The agreement must also allow for the accumulation of reserves during the first year the bonds are outstanding. Payment by the department must be made from funds available therefor.

NEW SECTION. Section 12. Agreement with department of social and rehabilitation services. For the proceeds of bonds and notes authorized and appropriated by [this act] for the construction of a commodities warehouse, the board of examiners and the department of social and rehabilitation services may enter into an agreement under the terms of which the department shall pay the state treasurer, for deposit in accordance with 17-2-107 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds and notes from which the appropriation was made and to accommodate and maintain reserves required under the bonds. The agreement must further provide that income from the investment of bond proceeds, unused principal, and the reserves not required for construction costs may be credited against the department's payment obligation. The agreement must also allow for the accumulation of reserves during the first year the bonds are outstanding. Payment by the department must be made from funds available therefor.

NEW SECTION. Section 13. Benefit to state. The agreements made pursuant to [sections 11 and 12] are solely for the benefit of the state and are not enforceable by bondholders or other third-party beneficiaries.

NEW SECTION. Section 14. Department of labor and industry bond payment. The department of labor and industry shall transfer to the department of administration, prior to the payment date, sufficient funds to retire \$1,500,000 of general obligation long-range building program bonds authorized by the 53rd legislature and issued by the board of examiners. This payment obligation is for the benefit of the state and not enforceable by bondholders.

NEW SECTION. Section 15. Department of social and rehabilitation services bond payment. The department of social and rehabilitation services shall transfer to the department of administration, prior to the payment date, sufficient funds to retire \$1,700,000 of general obligation long-range building program bonds authorized by the 53rd legislature and issued by the board of examiners. This payment obligation is for the benefit of the state and not enforceable by bondholders.

NEW SECTION. Section 16. Requirements for approval of state debt. Because [section 10] authorizes the creation of a state debt, a vote of two-thirds of the members of each house is required for enactment of [sections 9 through 15]. If [section 10] is not approved by the required vote, [sections 9 through 15] are void. The remaining sections of [this act] are valid and remain in effect in all valid applications upon enactment.

Section 17. Section 1, Chapter 624, Laws of 1991, is amended to read:
"Section 1. Appropriation for veterans' home project. (1) The following money is appropriated for the biennium ending June 30, 1993, from the capital projects fund: \$1,991,897 to the department of administration for the construction and remodeling, including land purchase and design costs, of a state nursing home and domiciliary home at Glendive, Montana, for veterans in Montana.

(2) There is appropriated to the department of administration for the biennium ending June 30, 1993, \$3,699,237 in spending authority from the federal special revenue received from veterans benefits administration.

(3) This project is delayed until after July 1, 1995."

Section 18. Section 12, Chapter 774, Laws of 1991, is amended to read:

"Section 12. Appropriation of bond proceeds and other funds. (1) The following money is appropriated from bond proceeds and other funding sources to the department of administration for capital projects described in this section contingent upon the respective authorization and sale of general obligation long-range building program bonds by the 52nd legislature and the board of examiners:

Agency/Project	LRBPE	Other Funding Sources
Major Expansion, Montana State Prison		\$19,360,745
Miscellaneous Prison Projects		\$6,705,000
Construct Engineering/Physical Sciences		

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Complex, Montana State University
Construct Business Administration Building,
University of Montana
Construct Women's Correctional Center
Construct Libby Army
18,401,510
13,022,975
10,075,600
400,000

(2) If the bonding program in [section 13] fails to receive the necessary two-thirds vote of both houses of the legislature, the \$400,000 for the Libby army is appropriated from the LRPF funds as stated in [section 6(5)(b)].

(3) Construction of the business administration building at the university of Montana is delayed until after July 1, 1995. The women's correctional center project is delayed until after July 1, 1995. \$500,000 may be used for architectural and engineering design of a downsized women's correctional facility to be located in Billings that would meet the needs of a community-based correctional program of the department of corrections and human services."

Section 19. Section 6, House Bill No. 777, Laws of 1989, is amended to read:
"Section 6. Capital projects appropriations. The following money is appropriated to the department of administration for the indicated capital projects from the indicated sources:

Agency/Project	CPE	Other Appropriated Funds
DEPARTMENT OF ADMINISTRATION		
Hazardous Material Abatement, Statewide	200,000	
Maintain Water Towers and Systems, Statewide	450,000	
DEPARTMENT OF AGRICULTURE -- PLANT INDUSTRY DIVISION		
Remodel Grain Laboratory, Great Falls		
DEPARTMENT OF EDUCATION		
Roof Repair, Academic Building, Montana		
School for the Deaf and Blind	10,000	
DEPARTMENT OF FAMILY SERVICES		
Replace/Repair Roof, Custer Lodge,		
Pine Hills School	155,000	
DEPARTMENT OF FISH, WILDLIFE, AND PARKS		
Fishing Access Sites Improvement, Statewide		
Construct Region 2 Headquarters Storage, Missoula		
Waterfowl Habitat Enhancement, Statewide		
Boat Facilities, Statewide		
State Park Maintenance and Development, Statewide		
State Property Improvement, Statewide		
Donation Authority, East Gallatin Park, Bozeman		
Lake Elmo Improvements	150,000	
DEPARTMENT OF HIGHWAYS		
Maintenance Projects, Statewide		
Maintenance Section, Headquarters Complex, Bridger		
Construct Sandhouses, Statewide		
Headquarters Renovation, Glendive		
Construct Equipment Storage Additions, Statewide		
DEPARTMENT OF INSTITUTIONS		
Construct Low Security Housing Unit, MSP		
Building Modifications and Exterior Lighting,		
Center for the Aged		
Roof Replacement/Repair, Department of		
Institutions		

Boiler Room Water Softeners, Montana State Hospital, Galen 45,000
 Supplemental Appropriation for Montana Developmental Center 289,900
 Replace Hospital Floors, Montana State Hospital, Galen 20,000
 Correct Code Deficiencies, Montana State Hospital, Galen 15,000
 Remodel Unit 57 for Women's Correction Center, Montana State Hospital 45,000

DEPARTMENT OF LABOR AND INDUSTRY

Acquisition of Arcade Building, Lower Level, Helena
 Power Supply Project, Workers' Compensation, Helena
 HVAC Replacement and Major Maintenance, Helena Job Service
 Repair Settling Damage, Great Falls Job Service
 Heating Unit Replacement, Missoula Job Service
 Construct/Purchase, Butte Job Service
 Parking Lot Construction, Havre Job Service
 Basement Renovation, Bozeman Job Service

DEPARTMENT OF STATE LANDS

Interagency Fire Center and Hangar, Helena
 Nursery Freezer and Cooler, Missoula
 Nursery Shop Building, Missoula
 Nursery Storage Building, Missoula

DEPARTMENT OF MILITARY AFFAIRS

Construct M-1 Bays Statewide
 Remodel Missoula Armory and Study Armories, Statewide
 Construct Livingston Armory

Federal Spending Authority

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

Oil and Gas Division Addition, Billings

DEPARTMENT OF REVENUE

Maintain Liquor Warehouse Roof

MONTANA UNIVERSITY SYSTEM

Carpet Replacement, Administration Building, Missoula Vo-Tech Center 80,000
 Replace Roofs, Montana University System 473,120
 Electrical Distribution System, Phase II, MSU 1,153,355
 Major Maintenance, Water Mains, University of Montana 130,000
 Exterior Door and Vestibules, Western Montana College 14,000
 Window Retrofit, Engineering Hall, Montana Tech 132,750
 Miscellaneous Projects, University of Montana
 Centennial Mall, Montana State University

Section 20. Section 3, Chapter 17, Special Laws of July 1992, is amended to read:

"Section 3. Capital projects appropriations. (1) The following money is appropriated for the indicated capital projects from the indicated sources to the department of administration, which is authorized to transfer the appropriated money among the necessary fund types for these projects:

Agency/Project

DEPARTMENT OF ADMINISTRATION

Hazardous Material Abatement, Statewide
 State Building Energy Retrofit, Statewide

Construction, Litigation, Architecture and Engineering Division 345,000
 Develop Alternate Water Supply, Capitol Complex
 Property Acquisition and Development, Capitol Complex

LRBPE

\$ 594,625

Other Funding Sources

Auxiliary 150,000
 Nonstate State Special Revenue 500,000
 Federal Special Revenue 1,000,000
 Auxiliary or Other 500,000
 Proprietary Funds 50,000
 Capitol Land Grant 20,000

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State Special Revenue 50,000
 State Special Revenue 26,000
 Federal Special Revenue 53,600
 Federal Special Revenue 50,000
 Federal Special Revenue 50,000
 Federal Special Revenue 211,000
 Federal Special Revenue 10,000
 Federal Special Revenue 100,000
 Federal Special Revenue 54,800
 State Special Revenue 24,000
 State Special Revenue 101,000
 State Special Revenue 22,000
 Federal Special Revenue 1,340,000
 Federal Special Revenue 80,000
 Federal Special Revenue 798,000
 Federal Special Revenue 689,597
 Oil and Gas State Special Revenue 116,950
 Enterprise Funds 170,000

Auxiliary 524,871

UM Building Fees 217,039
 Private Endowments 650,000

Libby Armory

MONTANA UNIVERSITY SYSTEM

Primary Electrical Vault Disconnect, Eastern Montana College
Install Fire Alarm System, University of Montana
Replace and Improve Roofs, University System
Improve Underground Utilities, Phase I, University System
Repair and Improve Heating System, Western Montana College
Improve Handicapped Access, University System
Replace Carpet, Great Falls Vo-Tech
Improve Sidewalks and Fire Access, University System
Window Retrofit Museum Building, Montana Tech
Various Improvements, University of Montana

Centennial Mall, Montana State University
Remodel Student Union Building, Western Montana College
Construct Engineering/Physical Sciences Complex,
Montana State University

Life Science Building, University of Montana
Construct Business Administration Building, University of Montana
Multipurpose Building, Northern Agricultural Research Center
Repair Northern Montana College Gymnasium

(2) For purposes of obtaining cash for the construction litigation appropriation authorized to request a budget amendment for transfer of any excess long-range engineering division of the department of administration is authorized to request a budget amendment for transfer of any excess long-range building project funds from any agency so long as the amendment does not move funds required to complete any authorized agency project.

(3) The following money is appropriated to the department of administration in the indicated amounts for the purpose of planning projects described in [section 12] and authorized in [section 13]:

Agency/Project

Preliminary Design for Prison Expansion
Preliminary Design, University System:
Engineering/Physical Sciences, MSU
Business Administration, UM

(4) The following money is appropriated to the department of administration for the university system:

Agency/Project

University System
Deferred Maintenance Projects and Equipment Approved
by the Board of Regents
Repair Northern Montana College Gymnasium
Equipment for Eastern Montana College

(5) Amounts not to exceed \$490,000 of federal special revenue money and \$163,333 of state special revenue money appropriated in the state parks maintenance and development statewide line item under subsection (1) may be added to the line item appropriations for motorboat access facilities statewide under subsection (1) or fishing access site acquisition statewide under [section 8(1)].

NEW SECTION. Section 21. Authorization for interentity loans. If funding in the amount of \$10,075,600 for the women's correctional center and \$6,705,000 for the miscellaneous prison projects in [section 18] is deleted, the department of administration is authorized an interentity loan for \$700,000 through the 1995 biennium.

NEW SECTION. Section 22. Coordination instruction. [Section 2] contains five park projects with a portion of funding from "state special revenue-other" that are contingent on new legislation being enacted that will generate \$2.9 million of new revenue for parks funding. In section "C" of House Bill No. 2, there is contingent language that states that \$597,542 of the appropriations for the parks division is contingent on passage and approval of new legislation that will generate new revenue for parks to provide funding for this appropriation. In the event new legislation does not generate enough revenue to fund both the \$597,542 in the parks division and the \$2.9 million in [section 2] of this bill, the funding for the parks division is the first priority, unless otherwise specified in the new legislation."

Renumber: subsequent sections

110,000

827,000 Federal Special Revenue
1,007,745

14,000 Auxiliary
350,000 Plant
200,000 Auxiliary

2,584,600 Federal, Higher Education Funds,
and/or Donations
1,600,000 Plant
600,000 Auxiliary

2,215,435 Higher Education Funds and/or Donations
12,000,000 Federal Special Revenue
1,858,320 Higher Education Funds and/or Donations
150,000 Higher Education Funds and/or Donations
1,700,000 Higher Education Funds and/or Donations

Other Funding Sources

LRBPF
\$ 877,500

1,165,290 Higher Education Funds and/or Donations
421,099 Higher Education Funds and/or Donations
183,606 Higher Education Funds and/or Donations
LRBPF

Other Funding Sources

\$ 517,500 General Fund
283,000 General Fund
600,000 General Fund

25. Page 8, lines 8 and 10.

Strike: "9"

Insert: "22"

Office of Legislative Fiscal Analyst

EXHIBIT 1
DATE 3/17/93
HB 5 444-2986}

PRIORITY LISTING
CAPITAL CONSTRUCTION PROGRAM PROPOSAL
FUNDED WITH CURRENT REVENUES
1994 - 1995 BIENNium

AS APPROVED BY THE LONG RANGE BUILDING COMMITTEE IN HB #5

EXHIBIT 2
DATE 3/17/93 pm
HB 5

Priority	Agency/Project	Accounting Entity	FUNDING SOURCE				TOTAL
			L.R.B.F.	State Special Revenue Funds	Federal Special Revenue Funds	Other Funds	
1.	Upgrade Fire Safety Systems, Department of Corrections & Human Services	05007	\$150,000				\$150,000
2.	Install Fire Safety System, Department of Family Services	05007	\$627,000				\$627,000
3.	Upgrade Boiler #3, Montana State University	05007 71218	\$519,000			\$346,000	\$865,000
4.	Miscellaneous Repairs, Department of Family Services	05007	\$143,500				\$143,500
5.	Environmental Hazards Fund, Department of Administration	05007	\$850,000 \$723,000				\$850,000 \$723,000
6.	Electrical Upgrades, Montana Tech	05007	\$130,000				\$130,000
7.	Improve Steam & Condensate Line, Montana State University	05007 71218	\$450,000			\$300,000	\$750,000
8.	University Systems Roofs	05007	\$666,564				\$666,564
9.	Replace Roofs, Department of Corrections & Human Services	05007	\$140,000 \$75,000				\$140,000 \$75,000

PRIORITY LISTING

CAPITAL CONSTRUCTION PROGRAM PROPOSAL FUNDED WITH CURRENT REVENUES 1994 - 1995 BIENNIUM

AS APPROVED BY THE LONG RANGE BUILDING COMMITTEE IN HB #5

EXHIBIT 2
DATE 3/17/93
HB 5

Priority	Agency/Project	Accounting Entity	L.R.B.F.	State Special Revenue Funds	Federal Special Revenue Funds	Other Funds	TOTAL
10.	Demolition Projects, Department of Administration	05007	\$187,600 \$37,600				\$187,600 \$37,600
11.	Handicapped Access, Department of Administration	05007	\$230,000				\$230,000
12.	Install Elevator, LA Building, University of Montana	05007	\$280,000				\$280,000
13.	Install Elevator Old Main, Western Montana College	05007	\$242,500				\$242,500
14.	A&E Construction Litigation, Department of Administration	05007	\$200,000				\$200,000
15.	Environmental Controls, Center for the Aged	05007	\$355,180				\$355,180
16.	Repairs & Improvements, Military Affairs	05007	\$185,000 \$50,000				\$185,000 \$50,000
17.	Improve Parking Lots, Department of Administration	05007	\$120,000				\$120,000
18.	Maintenance & Improvements, Montana School for the Deaf and Blind	05007	\$107,192 \$35,000				\$107,192 \$35,000

EXHIBIT 2
 DATE 3/17/13
 HB 5 En

PRIORITY LISTING

CAPITAL CONSTRUCTION PROGRAM PROPOSAL
 FUNDED WITH CURRENT REVENUES
 1994 - 1995 BIENNIIUM

AS APPROVED BY THE LONG RANGE BUILDING COMMITTEE IN HB #5

Priority	Agency/Project	Accounting Entity	FUNDING SOURCE				TOTAL
			L.R.B.F.	State Special Revenue Funds	Federal Special Revenue Funds	Other Funds	
19. Historical Society Climate Control, Department of Administration		05007	\$85,000				\$85,000
20. Various Maintenance Projects, Department of State Lands		05007	\$50,000				\$50,000
TOTAL			\$5,718,536			\$646,000	\$6,364,536
			\$3,026,664			\$346,000	\$3,372,664

DATE 3/17/93
HB 5-17-93
FY97

FTE	FY94 Legis Act Program 20 WCC CL	FY95 Legis Act Program 20 WCC CL
Personal Services	32,85	32,85
Operating	998,894	1,011,879
Equipment/Debt	\$196,564	\$201,546
	<u>\$1,196,366</u>	<u>\$1,214,313</u>
01100 General Fund	1,188,566	1,206,513
02922 ICO Donations	3,000	3,000
06037 Wcc Industries	4,800	4,800
	<u>\$1,196,366</u>	<u>\$1,214,313</u>

Community Corrections

01100 General Fund	168,000	168,000
	<u>168,000</u>	<u>168,000</u>
Total WCC Build		
01100 General Fund	1,356,566	1,374,513
02922 ICO Donations	3,000	3,000
06037 Wcc Industries	4,800	4,800
	<u>\$1,364,366</u>	<u>\$1,382,313</u>

Net Cost Biennium

* Includes \$72,416 for variable costs at WCC at Warm Springs for the first half of FY95

FY94	FY95
Build	Build
WCC MOD	WCC MOD
0,00	13,33
\$0	\$363,555
<u>\$36,325</u>	<u>\$363,449</u>
<u>\$36,325</u>	<u>\$876,104</u>
36,325	876,104 *
0	0
0	0
<u>\$36,325</u>	<u>\$876,104</u>
(168,000)	(168,000)
<u>(168,000)</u>	<u>(168,000)</u>
(131,675)	708,104
0	0
0	0
<u>(131,675)</u>	<u>\$708,104</u>

FY94	FY95
Build	Build
WCC Total	WCC Total
32,85	46,18
<u>\$998,894</u>	<u>\$1,375,434</u>
<u>\$232,909</u>	<u>\$564,995</u>
<u>\$1,232,991</u>	<u>\$2,090,417</u>
1,224,891	2,082,617
3,000	3,000
4,800	4,800
<u>\$1,232,991</u>	<u>\$2,090,417</u>
0	0
<u>0</u>	<u>0</u>
1,224,891	2,082,617
3,000	3,000
4,800	4,800
<u>\$1,232,991</u>	<u>\$2,090,417</u>

FY96	FY97
Annualized	Annualized
WCC	WCC
53,35	53,35
<u>\$1,802,834</u>	<u>\$1,802,834</u>
<u>\$687,685</u>	<u>\$696,613</u>
<u>\$2,291,407</u>	<u>\$2,300,335</u>
2,283,606	2,292,534
3,000	3,000
4,800	4,800
<u>\$2,291,406</u>	<u>\$2,300,334</u>

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/17/93 pm BILL NO. 5 NUMBER

MOTION: Rep. Wanzenried moved to delete reference to delaying
the women's correctional center for two years from the
amendments. Exhibit 1

Motion failed 5 - 13

NAME	AYE	NO
REP. ED GRADY, V. CHAIR		X
REP. FRANCIS BARDANOUVE		X
REP. ERNEST BERGSAGE		X
REP. JOHN COBB		X
REP. ROGER DEBRUYKER		X
REP. MARJ. FISHER		X
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN		X
REP. WM. RED MENAHAN		X
REP. LINDA NELSON		X
REP. RAY PECK	X	
REP. MARY LOU PETERSON		X
REP. JOE QUILICI		X
REP. DAVE WANZENRIED	X	
REP. BILL WISEMAN		X
REP. TOM ZOOK, CHAIR		X
	5	13

**Amendments to House Bill No. 5
Introduced Bill**

**Requested by Representative John Johnson
For the Committee on Appropriations**

**Prepared by Jim Haubein
March 16, 1993**

EXHIBIT 4
DATE 3/17/93
HB 5

Amending Amendments

1. Amendment No. 24, page 4.

Strike: Section 17 in its entirety.

{Office of Legislative Fiscal Analyst

444-2986}

HOUSE OF REPRESENTATIVES

APPROPRIATIONS COMMITTEE

ROLL CALL VOTE

DATE 3/17/93 pm BILL NO. 5 NUMBER _____

MOTION: Rep. John Johnson moved to adopt an amendment, Exhibit 4
to strike Section 17 in its entirety.

Motion failed 7 - 11

NAME	AYE	NO
REP. ED GRADY, V, CHAIR		X
REP. FRANCIS BARDANOUVE		X
REP. ERNEST BERGSAGE		X
REP. JOHN COBB		X
REP. ROGER DEBRUYKER		X
REP. MARJ. FISHER		X
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON		X
REP. MIKE KADAS		X
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARY LOU PETERSON		X
REP. JOE QUILICI	X	
REP. DAVE WANTZENREID	X	
REP. BILL WISEMAN		X
REP. TOM ZOOK, CHAIR		X
	7	11

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/17/93 pm BILL NO. HB 5 NUMBER

MOTION: Rep. Grady moved to delay action on the Libby armory and
the Montana State University Engineering/Physical Science building
for two years.

Motion failed on a tie vote

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE		X
REP. ERNEST BERGSAGEI	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON		X
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS		X
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN		X
REP. LINDA NELSON		X
REP. RAY PECK		X
REP. MARY LOU PETERSON		X
REP. JOE QUILICI		X
REP. DAVE WANZENREID		X
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	9	9

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/17/93 pm BILL NO. HB 5 NUMBER

MOTION: Rep. Bergsagel moved to accept the priority listing
for capital construction projects.

Motion carried unanimously.

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGEL	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARY LOU PETERSON	X	
REP. JOE QUILLICI	X	
REP. DAVE WANZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	18	0

FINANCING OPTIONS

Montana State University
Engineering/Physical Science Building

The University of Montana
Business Administration Building

EXHIBIT 5
DATE 3/17/93
HB 5

Historically low interest rates and the dedication of interest earnings on the unexpended balances on the construction fund for the combined MSU/UM buildings make it possible for the State of Montana to proceed with the two projects at a FY1995 biennial cost substantially below the cost estimate considered by the Long Range Building Committee. Furthermore, it is possible to further reduce the FY1995 biennial cost by using Capital Appreciation Bonds (CABs).

In December 1992, the Department of Administration calculated the FY1995 biennial principal and interest payments for the two projects. The estimates (Exhibits A and B) identified the anticipated total General Fund costs for debt service for the two projects as \$4,064,025, assuming level debt payments of 15 years at an average coupon of 5.911%.

Using tax exempt interest rates on a \$112 million General Obligation issue handled by D.A. Davidson in early March 1993, the FY1995 biennial principal and interest payments for the two projects could be reduced to \$3,553,454, assuming level debt service on 20 year serial bonds at an average coupon of 5.062% (Exhibit C). Moreover, by designing the FY1995 interest earnings of \$1.571 million on the construction fund, the net obligation of the State's General Fund would be reduced to \$1,982,454 - almost \$400,000 below the December 1992 estimate for the MSU project alone.

A second option would be to use a combination of serial bonds and Capital Appreciation Bonds (Exhibit D). Again, using actual interest rates from early March 1993, the FY1995 biennium debt service could be reduced to \$2,710,507, and the net obligation of the State's General Fund (after dedicating FY1995 interest earnings on the construction fund) would be reduced to \$1,139,507 - less than half the cost of the MSU project included in the December 1992 estimate.

A third option would be to schedule a sufficient amount of principal to mature over the FY1995 biennium to match the interest earnings on the construction fund, thereby eliminating any General Fund obligation in FY1995. The third option is displayed in Exhibit E.

Therefore, the three options - compared to the December 1992 estimate - are as follows:

	FY1995 Principal and Interest Payments	FY1995 Interest Earnings, Construction Fund	FY1995 General Fund Obligation
December 1992 Estimate	\$4,046,025	\$	\$4,064,025
Option 1 (Serial Bonds)	3,553,454	<1,571,000>	1,982,454
Option 2 (Serials & CABs)	2,710,507	<1,571,000>	1,139,507
Option 3 (Serials & CABs)	1,515,165	<1,571,000>	<55,835>

A detailed schedule on the principal and interest costs (excluding the FY1995 interest earnings on the construction fund) is attached as Exhibit F.

Table 7
 Additional Bonds for New Project

Project Building	Anticipated Amount	Anticipated Sale Date
Montana Prison Expansion	\$ 1,200,000	March, 1993
Women's Correctional Center	\$10,075,600	September, 1993
MSU Engineering/Physical Science Bldg.	\$18,401,510	October, 1993
UofM Business Admin. Bldg.	\$13,022,975	September, 1993

Table 8 shows anticipated total general fund costs for debt service in the 1995 biennium and through the life of the bonds. Included in the total general fund costs are debt service for:

- 1) Western Montana College (WMC) bonds issued in 1985 to build a swimming pool. The pool was never built, due to lack of revenue. In the 1989 session, the legislature approved the transfer of the bond proceeds (less \$280,000 appropriated to WMC) to the capital projects fund and the assumption of the remaining debt service as a general fund obligation;
- 2) the 1992 Refinancing Bonds; and
- 3) the additional bonds detailed in Table 7 for projects approved by the 1991 Legislature. The debt service estimates are based on average interest rates of 5.911 percent and level debt service payments for 15 years.

 Table 8
 General Fund Debt Service

Fiscal Year	1985 Series Total (WMC)	1992 Refinancing Debt Service Schedule	New Bonds	Total Debt Service
1993	150,460	\$12,383,825	\$0	\$12,534,285
1994	149,327	9,062,196	1,319,837	10,531,360
1995	147,689	10,674,833	4,374,442	15,196,964
1996	150,017	10,501,118	4,362,952	15,014,087
1997	137,991	2,949,945	4,354,988	7,442,924
1998	153,012	(272,640)	4,337,416	4,217,788
1999	143,682	(229,308)	4,349,874	4,264,248
2000	156,744	(215,596)	4,330,929	4,272,077
2001	145,548	(220,675)	4,322,757	4,247,630
2002	0	(228,728)	4,323,788	4,095,060
2003	0	(219,684)	4,314,355	4,094,671
2004	0	(218,753)	4,313,510	4,094,757
2005	0	(210,772)	4,299,283	4,088,511
2006	0	(215,129)	4,310,398	4,095,269
2007	0	(223,459)	4,288,176	4,062,717
2008	0	(220,944)	4,287,520	4,066,576
2009	0	(224,894)	4,109,504	3,884,610
2010	0	(64,159)	0	(64,159)
	\$1,334,470	\$42,807,176	\$65,997,729	\$110,139,375

Table 6
 Debt Service For 1983A Bond Series

Fiscal Year	1983 Issue	1992 Refinancing Bonds	Savings
1993	\$10,800,673	\$12,383,825	(\$1,583,152)
1994	11,511,367	9,062,196	2,449,171
1995	10,716,228	10,674,833	41,393
1996	10,482,091	10,501,118	(19,027)
1997	3,113,237	2,949,945	163,292
1998	(39,318)	(272,640)	233,322
1999	(6,874)	(229,308)	222,434
2000	8,744	(215,596)	224,340
2001	3,924	(220,675)	224,599
2002	383	(228,728)	228,245
2003	594	(219,684)	220,278
2004	1,623	(218,753)	220,376
2005	7,196	(210,772)	217,968
2006	2,596	(215,129)	217,725
2007	(6,209)	(223,459)	217,250
2008	(4,514)	(220,944)	216,430
2009	(7,554)	(224,894)	217,340
2010	<u>151,776</u>	<u>(64,159)</u>	<u>215,935</u>
	\$46,735,196	\$42,807,176	\$3,928,019

As Table 6 shows, debt service costs will actually be \$1.6 million higher in fiscal 1993 under the refinancing, but will be \$2.5 million lower in the 1995 biennium. Under the refinancing, the bonds for four buildings (Eastern Montana College, MSU, Department of Labor and Industry, and the State Fund) were included. The four agencies transfer funds to the Department of Administration for their portion of the debt service payment. However, the four will continue making payments, based on the 1983A bond schedules, to the general fund. This results in increased general fund debt service costs in fiscal 1993, but additional revenue in 1998 and beyond to help pay debt service due on the new bonds.

New Bonds

Table 7 shows the additional general obligation bonds that are scheduled for sale in calendar 1993 to finance projects approved by the 1991 Legislature.

LATEST PRE-93 SESSION PROJECTIONS

above 1-1993 *

MT STATE PRISON* 6/1	CORRECTIONAL CTR. WOMEN 6/4/93	LIBBY ARMY 6/1
ISSUE 3/93 PAY DEBT 9/93	ISSUE 9/93 PAY DEBT 3/94	ISSUE 3/93 PAY DEBT 9/93

Assumptions:
Level debt payments, 15 yrs. Average coupon 5.911%.

Note: **Balance of \$19,360,745 Prison Project (\$18,160,745) unknown**

Source: Piper Jaffray level-debt service schedules of 6/92.

filename:...\119ZUPD1

EXHIBIT B

EXHIBIT 5
DATE 3/17/93
HB 5

* combine & merge all June, 1993 (+ NDC planning costs).

EXHIBIT C

 EXHIBIT
 DATE 3/17/93
 HB 5 PM

STATE OF MONTANA
 LONG-RANGE BUILDING PROGRAM BONDS
 (COMBINED U of M AND MSU PROJECTS) - CURRENT COUPON BONDS

DEBT SERVICE SCHEDULE

DATE	PRINCIPAL	COUPON	INTEREST	PERIOD TOTAL	FISCAL TOTAL
4/ 1/94			815,351.25	815,351.25	815,351.25
10/ 1/94	1,120,000.00	2.250000	815,351.25	1,935,351.25	
4/ 1/95			802,751.25	802,751.25	2,738,102.50
10/ 1/95	1,150,000.00	3.000000	802,751.25	1,952,751.25	
4/ 1/96			785,501.25	785,501.25	2,738,252.50
10/ 1/96	1,190,000.00	3.450000	785,501.25	1,975,501.25	
4/ 1/97			764,973.75	764,973.75	2,740,475.00
10/ 1/97	1,235,000.00	3.750000	764,973.75	1,999,973.75	
4/ 1/98			741,817.50	741,817.50	2,741,791.25
10/ 1/98	1,280,000.00	3.950000	741,817.50	2,021,817.50	
4/ 1/99			716,537.50	716,537.50	2,738,355.00
10/ 1/99	1,335,000.00	4.150000	716,537.50	2,051,537.50	
4/ 1/ 0			688,836.25	688,836.25	2,740,373.75
10/ 1/ 0	1,395,000.00	4.300000	688,836.25	2,043,836.25	
4/ 1/ 1			658,843.75	658,843.75	2,742,680.00
10/ 1/ 1	1,455,000.00	4.500000	658,843.75	2,113,843.75	
4/ 1/ 2			626,106.25	626,106.25	2,739,950.00
10/ 1/ 2	1,525,000.00	4.600000	626,106.25	2,151,106.25	
4/ 1/ 3			591,031.25	591,031.25	2,742,137.50
10/ 1/ 3	1,595,000.00	4.700000	591,031.25	2,186,031.25	
4/ 1/ 4			553,548.75	553,548.75	2,739,580.00
10/ 1/ 4	1,675,000.00	4.800000	553,548.75	2,228,548.75	
4/ 1/ 5			513,348.75	513,348.75	2,741,897.50
10/ 1/ 5	1,755,000.00	4.900000	513,348.75	2,258,348.75	
4/ 1/ 6			470,351.25	470,351.25	2,738,700.00
10/ 1/ 6	1,845,000.00	5.000000	470,351.25	2,315,351.25	
4/ 1/ 7			424,226.25	424,226.25	2,739,577.50
10/ 1/ 7	1,940,000.00	5.100000	424,226.25	2,366,226.25	
4/ 1/ 8			374,756.25	374,756.25	2,738,982.50
10/ 1/ 8	2,045,000.00	5.200000	374,756.25	2,419,756.25	
4/ 1/ 9			321,586.25	321,586.25	2,741,342.50
10/ 1/ 9	2,155,000.00	5.250000	321,586.25	2,478,586.25	
4/ 1/10			265,017.50	265,017.50	2,741,603.75
10/ 1/10	2,270,000.00	5.300000	265,017.50	2,535,017.50	
4/ 1/11			204,862.50	204,862.50	2,739,880.00
10/ 1/11	2,395,000.00	5.350000	204,862.50	2,599,862.50	
4/ 1/12			140,796.25	140,796.25	2,740,658.75
10/ 1/12	2,525,000.00	5.400000	140,796.25	2,665,796.25	
4/ 1/13			72,621.25	72,621.25	2,738,417.50
10/ 1/13	2,665,000.00	5.650000	72,621.25	2,737,621.25	
4/ 1/14					2,737,621.25

EXHIBIT 5
 DATE 5/17/93
 HB 5

STATE OF MONTANA
 LONG-RANGE BUILDING PROGRAM BONDS
 (COMBINED U of M AND MSU PROJECTS) - CURRENT COUPON BONDS

DEBT SERVICE SCHEDULE

DATE	PRINCIPAL	COUPON	INTEREST	PERIOD TOTAL	FISCAL TOTAL
-----	-----	-----	-----	-----	-----
	34,550,000.00		21,065,730.00	55,615,730.00	
ACCRUED					
	34,550,000.00		21,065,730.00	55,615,730.00	
	-----		-----	-----	-----

Dated 10/ 1/93 with Delivery of 10/ 1/93
 Bond Years 416,180.000
 Average Coupon 5.061687
 Average Life 12.045731
 M I C X 5.061687 X Using 100,0000000

PREPARED BY D.A. DAVIDSON & Co.

EXHIBIT D
 DATE 3/17/93
 HB

STATE OF MONTANA
 LONG-RANGE BUILDING PROGRAM BONDS
 (U. of M AND NSU PROJECTS) - UTILIZING CAS'S

DEBT SERVICE SCHEDULE

DATE	PRINCIPAL	COUPON	INTEREST	PERIOD TOTAL	FISCAL TOTAL
4/ 1/96			374,521.25	374,521.25	374,521.25
10/ 1/96	1,605,000.00	2.250000	374,521.25	1,979,521.25	
4/ 1/97			356,445.00	356,445.00	2,335,966.25
10/ 1/97	1,650,000.00	3.000000	356,445.00	2,006,445.00	
4/ 1/98			331,715.00	331,715.00	2,338,180.00
10/ 1/98	1,700,000.00	3.450000	331,715.00	2,031,715.00	
4/ 1/99			302,390.00	302,390.00	2,334,105.00
10/ 1/99	1,745,000.00	3.750000	302,390.00	2,067,390.00	
4/ 1/00			269,296.25	269,296.25	2,336,686.25
10/ 1/00	1,835,000.00	3.950000	269,296.25	2,104,296.25	
4/ 1/01			233,055.00	233,055.00	2,337,351.25
10/ 1/01	1,910,000.00	4.150000	233,055.00	2,143,055.00	
4/ 1/ 0			193,422.50	193,422.50	2,336,477.50
10/ 1/ 0	1,990,000.00	4.300000	193,422.50	2,183,422.50	
4/ 1/ 1			150,637.50	150,637.50	2,334,060.00
10/ 1/ 1	2,080,000.00	4.500000	150,637.50	2,230,637.50	
4/ 1/ 2			103,837.50	103,837.50	2,334,475.00
10/ 1/ 2	2,120,000.00	4.600000	103,837.50	2,283,837.50	
4/ 1/ 3			53,697.50	53,697.50	2,337,535.00
10/ 1/ 3	2,285,000.00	4.700000	53,697.50	2,338,697.50	
4/ 1/ 4					2,338,697.50
10/ 1/ 4	2,136,849.80		1,423,150.20	3,620,000.00	
4/ 1/ 5					3,620,000.00
10/ 1/ 5	2,013,154.40		1,606,845.60	3,620,000.00	
4/ 1/ 6					3,620,000.00
10/ 1/ 6	1,892,898.00		1,727,102.00	3,620,000.00	
4/ 1/ 7					3,620,000.00
10/ 1/ 7	1,776,406.40		1,843,593.60	3,620,000.00	
4/ 1/ 8					3,620,000.00
10/ 1/ 8	1,663,824.60		1,956,175.40	3,620,000.00	
4/ 1/ 9					3,620,000.00
10/ 1/ 9	1,567,532.40		2,052,467.60	3,620,000.00	
4/ 1/10					3,620,000.00
10/ 1/10	1,475,367.20		2,144,632.80	3,620,000.00	
4/ 1/11					3,620,000.00
10/ 1/11	1,387,292.60		2,232,707.40	3,620,000.00	
4/ 1/12					3,620,000.00
10/ 1/12	1,303,200.00		2,316,800.00	3,620,000.00	
4/ 1/13					3,620,000.00
10/ 1/13	1,223,017.00		2,396,983.00	3,620,000.00	
4/ 1/14					3,620,000.00

EXHIBIT _____
 DATE 3/17/93
 HB 5/1/93 P.M.

STATE OF MONTANA
 LONG-RANGE BUILDING PROGRAM BONDS
 (U of M AND MSU PROJECTS) - UTILIZING CAB's

DEBT SERVICE SCHEDULE

DATE	PRINCIPAL	COUPON	INTEREST	PERIOD TOTAL	FISCAL TOTAL
.....
	35,439,542.20		24,498,532.80	59,938,075.00	
ACCRUED					
	35,439,542.20		24,498,532.80	59,938,075.00	
.....

Dated 10/ 1/93 with Delivery of 10/ 1/93
 Bond Years 357,192.098
 Average Coupon 6.858644
 Average Life 10.078914
 M I C X 6.858644 X Using 100.0000000

PREPARED BY D.A. DAVIDSON & Co.

EXHIBIT E

STATE OF MONTANA
LONG-RANGE BUILDING PROGRAM BONDS
NET DEBT SERVICE OF ZERO DURING NEXT BIENNIAL

DEBT SERVICE SCHEDULE

EXHIBIT 5
DATE 3/17/93
HB 5 p.m.

DATE	PRINCIPAL	COUPON	INTEREST	PERIOD TOTAL	FISCAL TOTAL
4/ 1/94			255,197.50	255,197.50	
10/ 1/94	250,000.00	2.250000	255,197.50	505,197.50	760,395.00
4/ 1/95			252,385.00	252,385.00	
10/ 1/95	250,000.00	3.000000	252,385.00	502,385.00	754,770.00
4/ 1/96			248,633.00	248,633.00	
10/ 1/96	250,000.00	3.430000	248,633.00	498,633.00	747,270.00
4/ 1/97			244,322.50	244,322.50	
10/ 1/97	573,000.00	3.730000	244,322.50	819,322.50	1,043,645.00
4/ 1/98			233,541.25	233,541.25	
10/ 1/98	3,795,000.00	3.950000	233,541.25	4,028,541.25	4,262,082.50
4/ 1/99			158,590.00	158,590.00	
10/ 1/99	3,690,000.00	4.150000	158,590.00	3,848,590.00	4,007,180.00
4/ 1/ 0			82,022.50	82,022.50	
10/ 1/ 0	3,815,000.00	4.300000	82,022.50	3,897,022.50	3,979,043.00
4/ 1/ 1					
10/ 1/ 1	2,787,431.35		1,207,568.65	3,995,000.00	3,995,000.00
4/ 1/ 2					
10/ 1/ 2	2,747,244.45		1,407,755.55	4,155,000.00	4,155,000.00
4/ 1/ 3					
10/ 1/ 3	2,595,161.00		1,554,839.00	4,150,000.00	4,150,000.00
4/ 1/ 4					
10/ 1/ 4	2,443,800.60		1,696,199.40	4,140,000.00	4,140,000.00
4/ 1/ 5					
10/ 1/ 5	2,299,556.20		1,835,443.80	4,135,000.00	4,135,000.00
4/ 1/ 6					
10/ 1/ 6	2,167,420.50		1,977,579.50	4,145,000.00	4,145,000.00
4/ 1/ 7					
10/ 1/ 7	2,102,735.20		2,182,264.80	4,285,000.00	4,285,000.00
4/ 1/ 8					
10/ 1/ 8	2,015,433.70		2,369,566.30	4,385,000.00	4,385,000.00
	31,783,783.00		17,180,604.50	48,964,387.50	
ACCRUED	31,783,783.00		17,180,604.50	48,964,387.50	

Dated 10/ 1/93 with Delivery of 10/ 1/93

Bond Years 254,919.007

Average Coupon 5.987963

Average Life 9.027214

M I C X 5.987963 % Using 100.0000000

PREPARED BY D.A. DAVIDSON & Co.

FINANCING OPTIONS

Montana State University
Engineering/Physical Science Building

The University of Montana
Business Administration Building

	1985 Series 1992 Refinancing Existing Debt. Service	December 1992 Estimate	Option 1 Serials	Option 2 Serials & CABS (c)	Option 3 Serials & CABS (c)
FY1994	\$9,221,523	\$875,511	\$815,351	\$374,521	\$760,395
FY1995	10,822,522	3,188,514	2,738,103	2,335,986	754,770
FY1996	10,651,135	3,179,850	2,738,252	2,338,180	747,270
FY1997	3,087,936	3,174,115	2,740,475	2,334,105	1,063,645
FY1998	(119,628)	3,160,398	2,741,791	2,336,686	4,262,083
FY1999	(85,626)	3,170,133	2,738,355	2,337,351	4,007,180
FY2000	(58,852)	3,155,857	2,740,374	2,336,477	3,979,045
FY2001	(75,127)	3,149,513	2,742,680	2,334,060	3,995,000 c
FY2002	(228,728)	3,150,399	2,739,950	2,334,475	4,155,000 c
FY2003	(219,684)	3,143,118	2,742,138	2,337,535	4,150,000 c
FY2004	(218,753)	3,142,643	2,739,580	2,338,698	4,140,000 c
FY2005	(210,772)	3,131,444	2,741,897	3,620,000 c	4,135,000 c
FY2006	(215,129)	3,140,233	2,738,700	3,620,000 c	4,145,000 c
FY2007	(223,459)	3,121,683	2,739,578	3,620,000 c	4,285,000 c
FY2008	(220,944)	3,122,843	2,738,982	3,620,000 c	4,385,000 c
FY2009	(224,894)	3,111,778	2,741,343	3,620,000 c	-
FY2010	(64,159)	-	2,741,604	3,620,000 c	-
FY2011	-	-	2,739,880	3,620,000 c	-
FY2012	-	-	2,740,659	3,620,000 c	-
FY2013	-	-	2,738,417	3,620,000 c	-
FY2014	-	-	2,737,621	3,620,000 c	-
Average Coupon	N/A	5.911	5.062	6.859	5.988
Present Value Savings	N/A	-	-	(\$659,861)	-

EXHIBIT
DATE 3/17/93
HB 5

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/17/93 BILL NO. HB 5 NUMBER

MOTION: Rep. Wanzenried moved to strike "Construction of the
business administration building at the University of Montana
is delayed until after July 1, 1995." from (3), Section 18,
Amendment No. 24.

NAME	AYE	NO
REP. ED GRADY, V. CHAIR		X
REP. FRANCIS BARDANOUVE		X
REP. FOREST BERGSAGER		X
REP. JOHN COBB		X
REP. ROGER DEBRUYKER		X
REP. MARJ. FISHER		X
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON		X
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN		X
REP. WM. BOB MENAHAN	X	
REP. LINDA NELSON		X
REP. RAY PECK	X	
REP. MARY LOU PETERSON		X
REP. JOE QUILLICI	X	
REP. DAVE WANZENRIED	X	
REP. BILL WISEMAN		X
REP. TOM ZOOK, CHAIR		X
	6	12

HOUSE OF REPRESENTATIVES

ADDITIONAL INFORMATION

COMMITTEE

ROLL CALL VOTE

DATE 3/17/93 pm BILL NO. HB 5 NUMBER

MOTION: Rep. Grady moved to delay the construction of the
Montana State University Engineering/physical sciences building
for two years.

Motion carried 11 - 7

NAME	AYE	NO
REP. ED GRADY, V. CHAIR	X	
REP. FRANCIS BARDANOUVE		X
REP. FOREST BERGSAGER	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON		X
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS		X
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN		X
REP. LINDA NELSON	X	
REP. RAY PECK		X
REP. MARY LOU PETERSON	X	
REP. JOE QUILLICI		X
REP. DAVE WANTZENREID		X
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	11	7

HOUSE OF REPRESENTATIVES

ADDITIONAL INFORMATION

COMMITTEE

ROLL CALL VOTE

DATE 3/17/93 pm BILL NO. 5 NUMBER

MOTION: Rep. Grady moved to delay the construction of the
Libby armory for two years.

Motion carried 11 - 7

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE		X
REP. FOREST BERGSAGER	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER		X
REP. JOHN JOHNSON		X
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN		X
REP. LINDA NELSON	X	
REP. RAY PECK		X
REP. MARY LOU PETERSON	X	
REP. JOE QUILICI		X
REP. DAVE WENZENREID		X
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	11	7

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/17/93 pm BILL NO. HB 5 NUMBER ACTION: Rep. Bergsagel moved HB DO PASS AS AMENDED.

Motion carried 11 - 7

NAME	AYE	NO
REP. ED GRADY, V. CHAIR	X	
REP. FRANCIS BARDANOUVE		X
REP. FOREST BERGSAGEL	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON		X
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS		X
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON		X
REP. RAY PECK		X
REP. MARY LOU PETERSON	X	
REP. JOE QUILLICI		X
REP. DAVE WENZENDORF		X
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	11	7

PROPOSED AMENDMENT TO HB 655
FIRST (WHITE) COPY

EXHIBIT
DATE 3/17/93 P.M.
HB 655

1. Title, line 4 and 5.
Following: "ACT"
Strike: "REQUIRING" on line 4 through "MILLION" on
line 5
Insert: "APPROPRIATING \$200,000"
2. Title, line 5 and 6.
Following: "MONEY"
Strike: "BE" on line 5 through "IN" on line 6
Insert: "FOR"
3. Title, line 6 and 7.
Following: "RESTORATION"
Strike: "ACCOUNT" on line 6 through "MCA." on line 7
Insert: "PROGRAM."
4. Page 1, line 10 through page 4, line 25.
Strike: Section 1 and Section 2 in their entirety
Insert: "Section 1. Appropriation. There is
appropriated from federal Dingell-Johnson
money to the department of fish, wildlife and
parks the amount of \$200,000 for the biennium
ending July 1, 1995, to be used in the river
restoration program provided for in 87-1-257."

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/17/93 pm BILL NO. HB 655 NUMBER ACTION: Rep. Grady moved to adopt amendments, Exhibit 1

Motion carried 17 - 1

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. FOREST BERGSAGE	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN		X
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARY LOU PETERSON	X	
REP. JOE QUILLICI	X	
REP. DAVE WANTZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	17	1

HOUSE OF REPRESENTATIVES

ADDITIONAL COMMITTEE

COMMITTEE

ROLL CALL VOTE

DATE 3/17/93 pm BILL NO. HB 655 NUMBER MOTION: Rep. Grady moved HB 655 DO PASS AS AMENDED.

Motion carried 16 - 2

NAME	AYE	NO
REP. ED GRADY, V. CHAIR	x	
REP. FRANCIS BARDANOUVE	x	
REP. FOREST BERGSAGE		x
REP. JOHN COBB	x	
REP. ROGER DEBRUYKER	x	
REP. MARJ. FISHER	x	
REP. JOHN JOHNSON	x	
REP. ROYAL JOHNSON	x	
REP. MIKE KADAS	x	
REP. BETTY LOU KASTEN		x
REP. WM. RED MENAHAN	x	
REP. LINDA NELSON	x	
REP. RAY PECK	x	
REP. MARY LOU PETERSON	x	
REP. JOE QUILLICI	x	
REP. DAVE WANTZENREID	x	
REP. BILL WISEMAN	x	
REP. TOM ZOOK, CHAIR	x	
	16	2

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/17/93 pm BILL NO. HB 11 NUMBER _____MOTION: Rep. Kasten moved to eliminate all general funds
from the bill.

Motion carried 14 - 4

NAME	AYE	NO
REP. ED GRADY, V. CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. FOREST BERGSAGER	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON		X
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS		X
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARY LOU PETERSON	X	
REP. JOE QUILLICI		X
REP. DAVE WENZENREID	X	
REP. BILL WISEMAN		X
REP. TOM ZOOK, CHAIR	X	
	14	4

HOUSE OF REPRESENTATIVES

ADDITIONAL INFORMATION

COMMITTEE

ROLL CALL VOTE

DATE 3/17/93 pm BILL NO. HB 11 NUMBER

MOTION: Rep. Royal Johnson moved HB 11 DO PASS AS AMENDED

Motion carried 13 - 5

NAME	AYE	NO
REP. ED GRADY, V, CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. FOREST BERGSAGER		X
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS		X
REP. BETTY LOU KASTEN		X
REP. Wm. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARV LOU PETERSON	X	
REP. JOE QUILLICI		X
REP. DAVE WENZENREID	X	
REP. BILL WISEMAN		X
REP. TOM ZOOK, CHAIR	X	
	13	5