

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION**

#### **JOINT SUBCOMMITTEE ON LONG-RANGE PLANNING**

**Call to Order:** By **CHAIRMAN ERNEST BERGSAGEL**, on February 17, 1995, at 7:00 A.M.

#### **ROLL CALL**

**Members Present:**

Rep. Ernest Bergsagel, Chairman (R)  
Sen. Ethel M. Harding, Vice Chairman (R)  
Sen. B.F. "Chris" Christiaens (D)  
Rep. Matt McCann (D)  
Rep. Tom Zook (R)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Nan LeFebvre, Office of the Legislative Fiscal Analyst  
Jane Hamman, Office of Budget & Program Planning  
Tracy Bartosik, Committee Secretary

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

**Committee Business Summary:**

Hearing: None  
Executive Action: HB 5

- Department of Military Affairs
- Department of Administration
- Department of Family Services
- Department of State Lands
- Department of Corrections and Human Services
- Department of Natural Resources and Conservation
- Montana University System
- Department of Fish, Wildlife and Parks

#### **EXECUTIVE ACTION ON DEPARTMENT OF MILITARY AFFAIRS**

#### **BILLINGS ARMORY**

**Lieutenant Colonel Allen Stricker** provided the committee with a copy of an amendment to HB 5 for the Billings Armory. **EXHIBIT 1**

**Motion/Vote:** **REP. TOM ZOOK** moved to approve an amendment to HB 5 for the Billings Armory, on page 3, line 26, striking

"\$12,009,800" and inserting "\$14,009,800." **Motion carried unanimously.**

*{Tape: 1; Side: A; Approx. Counter: 67}*

**CHAIRMAN ERNEST BERGSAGEL** stated he received a letter from the Billings Trade Port Authority indicating that they would pay approximately 50% of the heating costs for the Armory. **CHAIRMAN BERGSAGEL** indicated there is approximately \$80,000 worth of operational costs associated with the Armory. The Billings Trade Port Authority indicated they would pick up those costs for approximately four years of operation. That amount would equal approximately \$42,000 over the biennium. **CHAIRMAN BERGSAGEL** also mentioned that operational costs for this facility would be paid for by the state, not the federal government.

**Motion/Vote:** **REP. ZOOK** moved to approve the Billings Armory for the amount of \$14,009,800 in HB 5. **Motion carried unanimously.**

**CHAIRMAN BERGSAGEL** stated that it is the intent of this committee that the Department of Administration look at the possibility of either liquidating the old Billings Armory when it is vacated, or finding another use for the building.

**Ms. Jane Hamman, Office of Budget and Program Planning,** stated she has talked with the Department on that issue and the plan is that the Department of State Lands would be involved in the sale of the old Billings Armory, and that the proceeds generated would be deposited into the general fund. **CHAIRMAN BERGSAGEL** indicated it is the committee's intent to request that be considered as an option.

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#### **EXECUTIVE ACTION ON** **DEPARTMENT OF ADMINISTRATION**

##### **AMERICANS WITH DISABILITIES ACT (ADA) ACCESSIBILITY**

**CHAIRMAN BERGSAGEL** stated there is an amendment to HB 5 from the Department of Administration. He stated the amendment would not change the amount in HB 5, but would show that funding for this project is proprietary rather than cigarette tax money (from the Capital Projects Fund). **EXHIBIT 2**

**Motion/Vote:** **REP. ZOOK** moved to approve the amendment to HB 5 from the Department of Administration. **Motion carried unanimously.**

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**EXECUTIVE ACTION ON**  
**DEPARTMENT OF FAMILY SERVICES**

PINE HILLS IMPROVEMENTS AND THE PINE HILLS LODGE

**Motion/Vote:** REP. ZOOK moved to approve the Pine Hills Improvements for \$100,000 and the Pine Hills Lodge Planning project for \$100,000, for a total of \$200,000 in HB 5. **Motion carried with REP. McCANN voting no.**

**Motion/Vote:** REP. ZOOK moved to approve a conceptual amendment to change the language in HB 5 from Pine Hills "lodge replacement planning" to Pine Hills "campus planning." **Motion carried unanimously.**

{Tape: 1; Side: A; Approx. Counter: 482}

**EXECUTIVE ACTION ON**  
**DEPARTMENT OF STATE LANDS**

PLAINS UNIT OFFICE

**Motion/Vote:** SEN. CHRIS CHRISTIAENS moved to approve the amendment to HB 5 for the Plains Unit Office, changing page 4, line 4 to read "Construct or Purchase Unit Office, Plains." **Motion carried unanimously. EXHIBIT 3**

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**EXECUTIVE ACTION ON**  
**DEPARTMENT OF CORRECTIONS AND HUMAN SERVICES**

ROOF REPLACEMENTS, MONTANA STATE HOSPITAL

SEN. CHRISTIAENS asked if there is another building on campus that could be used as a commissary. **Mr. Bob Anderson, Department of Corrections and Human Services**, stated that converting a building into a commissary would probably be more expensive than replacing the roof on the existing commissary.

**Motion/Vote:** REP. ZOOK moved to approve the roof replacements at the Montana State Hospital in Warm Springs in HB 5 for the amount of \$70,000. **Motion carried unanimously.**

EXPANSION, SWAN RIVER BOOT CAMP

**Motion:** SEN. ETHEL HARDING moved to approve an amendment changing the language in HB 5 from "Swan River Correctional Training Center" to "Correctional Boot Camp." **EXHIBIT 4**

**Discussion:** SEN. CHRISTIAENS stated he was strongly opposed to the Department moving the Swan River Boot Camp from its current location.

**Vote:** Motion carried unanimously.

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**EXECUTIVE ACTION ON**  
**DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION**

**PETROLIA DAM REHABILITATION**

**Motion:** SEN. CHRISTIAENS moved to approve an amendment to HB 5 for the Petrolia Dam Rehabilitation project. **EXHIBIT 5**

**Discussion:** Mr. Michael Taylor, Member of the Petrolia Water Users Association, stated that the water users are not objecting to taking over the dam, but they would like some questions addressed on the record. He stated the water users would like to call on the resources of the State to help make this transition. Mr. Taylor stated that the Petrolia Water Users Association is also in favor of some time restraints so the transition does not take place too rapidly. They are also concerned with potential liabilities and how some tax considerations would affect the association.

{Tape: 1; Side: B}

CHAIRMAN BERGSAGEL stated it is the committee's intent that the Department of Natural Resources and Conservation work closely with the Petrolia Water Users Association in every way, to address the issues associated with the land transfer.

Mr. Glenn McDonald, DNRC, indicated the Department would, in fact, work closely with the water users.

**Vote:** Motion carried unanimously.

{Tape: 1; Side: B; Approx. Counter: 135}

**EXECUTIVE ACTION ON**  
**MONTANA UNIVERSITY SYSTEM**

**UNIVERSITY OF MONTANA, AUTHORITY ONLY**

**Motion:** SEN. CHRISTIAENS moved to approve spending authority for the University of Montana in the amount of \$7,350,000.

**Discussion:** Mr. Jim Todd, University of Montana, reminded the committee of an amendment to HB 5 which he had previously handed out. **EXHIBIT 6**

**Motion withdrawn.**

**Motion:** SEN. CHRISTIAENS moved to approve an amendment to HB 5, page 5, line 2, deleting "\$6,450,000" and inserting "\$450,000." (See Exhibit 6)

**Discussion:** CHAIRMAN BERGSAGEL questioned what the \$450,000 in the amendment would be used for. Mr. Todd stated it would be used for the relocation of the Human Resources Building and the relocation of Printing Services.

**Vote:** Motion carried unanimously.

Ms. Nan LeFebvre, Office of the Legislative Fiscal Analyst, mentioned the committee had expressed interest in sponsoring a committee bill for the Prescott House project. If the amount for the project is included in HB 5, perhaps the committee could introduce a committee bill to provide the University with the bidding and design exemptions they want to go with the spending authority.

*{Tape: 2; Side: A; Comments: Vote not recorded due to end of tape.}*

**Motion/Vote:** REP. ZOOK moved to approve spending authorization in HB 5 for the Student Building Fees projects for \$400,000, and Grant projects for \$500,000. Motion carried 3 to 2 with REP. McCANN and CHAIRMAN BERGSAGEL voting no.

MONTANA STATE UNIVERSITY, AUTHORITY ONLY

Mr. Bob Lashaway, Director of Facilities for Montana State University, provided the committee with an overview of the requested authority only projects.

**Motion/Vote:** REP. MATT McCANN moved to approve spending authorization in HB 5 for the amount of \$760,000 for Montana State University, which includes all authority-only requests from Montana State University, with the exception of the Bioscience facility. Motion carried unanimously.

**Motion:** SEN. HARDING moved to approve spending authorization in HB 5 for the amount of \$10,815,946 for Montana State University for the Bioscience Facility.

**Discussion:** REP. ZOOK said he felt the Bioscience Facility would be very valuable for both agriculture and the environmental communities of the state.

REP. McCANN asked for clarification on the operations and maintenance costs of the Bioscience Building. CHAIRMAN BERGSAGEL stated there is projected to be approximately \$800,000 of annual maintenance costs associated with this facility. The University System was asked to address this issue in order to mitigate the

effects to the taxpayers. The University System has come up with a rental assessment agreement that would charge for lab use, square footage, and other things associated with repairs and maintenance. The University's best estimate is that they would be able to come up with approximately 50% of the funding for those operational costs over the biennium. However, this is not a firm commitment.

**Vote:** Motion carried unanimously.

**CHAIRMAN BERGSAGEL** presented the committee with an amendment to HB 5 repealing Section 23, Chapter 624 of the 1993 Session Laws. **EXHIBIT 7** He stated the reason for the repealer was last session he included in HB 2 and HB 5 an amendment which stated that up to \$10 million of any excess revenue generated over \$30 million would be appropriated to maintenance. He stated the intent of the amendment is clear, however, in order to begin to work with a "clean slate" he is requesting the committee to approve the repealer.

**Motion/Vote:** **REP. ZOOK** moved to approve an amendment to HB 5 repealing Section 23, Chapter 624 of Montana Session Laws of 1993. Motion carried unanimously.

{Tape: 2; Side: A; Approx. Counter: 390;}

**Motion:** **SEN. CHRISTIAENS** moved to approve an amendment to HB 5, for spending authorization for a new stadium at Montana State University - Bozeman, with the condition that the amendment read "seek and expend only private funds" rather than "any private funds." **EXHIBIT 8**

**Discussion:** **Mr. Robert Specter, Vice President of Administration and Finance, Montana State University-Bozeman,** provided the committee with a copy of the "Athletic Complex Proposal" for MSU-Bozeman. **EXHIBIT 9** He stated that funding for this proposal, which is estimated to cost approximately \$12 million, would consist of private funds and donations only, with no obligation for operations and maintenance costs from the State. **Mr. Specter** asked the committee to assist the University with a committee bill which would offer exemption from the state bidding practices for the design and construction work associated with the facility. They ask for this specifically, because the University has donors in mind who they believe will be willing to donate the architectural and engineering services, as well as a portion of the construction. **Mr. Specter** also provided the committee with proposed committee bill language for this purpose. **EXHIBIT 10**

**SEN. CHRISTIAENS** mentioned that the University states the initial seating capacity for the facility will be 20,500. He then questioned how, if additional capacity is needed, would they expand. **Mr. Specter** stated that if a portion of the stadium site is not filled in with buildings, more seats could be placed there.

**SEN. CHRISTIAENS** questioned how the stadium would be made Americans With Disabilities Act (ADA) accessible. **Mr. Specter** indicated elevators, ramps appropriate in size and angles, and sections in seating reserved for wheelchairs would be used.

**Vote:** Motion carried 3 to 2 with **REP. McCANN** and **CHAIRMAN BERGSAGEL** voting no.

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**CHAIRMAN BERGSAGEL** suggested the exemption from the bidding process for both the Prescott House at U of M - Missoula, and the stadium at MSU - Bozeman be covered in the same committee bill.

**Motion/Vote:** **SEN. CHRISTIAENS** moved to include the MSU-Bozeman stadium in the committee bill, along with the Prescott House.

Motion carried with **CHAIRMAN BERGSAGEL** voting no.

{Tape: 2; Side: B}

**EXECUTIVE ACTION ON**  
**DEPARTMENT OF FISH, WILDLIFE AND PARKS**

**SOUTH SANDSTONE DAM REHABILITATION**

**Mr. Pat Graham, Director of the Department of Fish, Wildlife and Parks,** provided the committee copies of an amendment to HB 5 which makes the expenditure of the South Sandstone Dam funds contingent upon the Department's divestiture of the property.  
**EXHIBIT 11**

**Motion/Vote:** **REP. ZOOK** moved to approve amendments #1 and #2, to HB 5 from the Department of Fish, Wildlife and Parks for the South Sandstone Dam Rehabilitation project. (See Exhibit 11)  
Motion carried unanimously.

**Motion/Vote:** **REP. ZOOK** moved to approve \$264,000 in HB 5 for the South Sandstone Dam Rehabilitation project. Motion carried unanimously.

**ULM PISHKUN, PHASE I**

**CHAIRMAN BERGSAGEL** reminded the committee of an amendment to HB 5 which corrects an error in the introduced version of the bill by including Federal funding for the Ulm Pishkun project in HB 5.

**Motion/Vote:** **REP. McCANN** moved to approve an amendment to HB 5 from the Department of Fish, Wildlife and Parks, which would include Federal funding for the Ulm Pishkun project in HB 5.  
Motion carried unanimously.

**Motion/Vote:** REP. McCANN moved to approve Phase I of the Ulm Pishkun project for the amount of \$1,063,000 in HB 5. **Motion carried unanimously.**

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SPRING MEADOW WILDLIFE AND EDUCATION CENTER

**Motion/Vote:** REP. ZOOK moved to approve \$625,000 in HB 5 for the Spring Meadow Wildlife and Education Center for the Department of Fish, Wildlife and Parks. **Motion carried unanimously.**

CHAIRMAN BERGSAGEL stated it is this committee's understanding and intent that the property for the Spring Meadow Wildlife and Education Center has been acquired and will be transferred to the Department of Fish, Wildlife and Parks. The \$625,000 that has been authorized for expenditure is for the construction of an animal shelter to be located on the Spring Meadow Lake complex, with the balance of those funds going toward planning and/or facility use. It is not the intent of this committee to in any way encumber the next legislature to any future action on this project, only to offer the Department an opportunity for the animal shelter. It is also the committee's understanding that there is a potential for private funds to be made available for the operations and maintenance costs of any future projects that may be proposed at this complex. It would be the responsibility of the next legislature to consider any proposal that may come forth.

Ms. LeFebvre, Office of the Legislative Fiscal Analyst, presented the committee with an amendment to HB 5 concerning the Department of Fish, Wildlife and Parks. EXHIBIT 13 CHAIRMAN BERGSAGEL stated that this amendment does not increase or reduce the funding sources for the related projects, but identifies those funds already statutorily appropriated.

**Motion/Vote:** SEN. CHRISTIAENS moved to approve an amendment to HB 5 regarding identification of the funding source for some of the Department of Fish, Wildlife and Parks projects. (See Exhibit 13) **Motion carried unanimously.**

**Motion/Vote:** REP. ZOOK moved to approve HB 5 as amended. **Motion carried unanimously.**

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CHAIRMAN BERGSAGEL gave REP. BOB RANEY the opportunity to brief the committee on a bill which he is sponsoring, and how it would affect the committee's actions if it passed.

REP. BOB RANEY stated HB 349 deals with the reorganization of fisheries across the State of Montana. He also stated that HB 349 would take half of the money obtained by the Department of



Fish, Wildlife and Parks from fishing license fees, and redirect it to provide for the protection and enhancement of Montana fisheries by upgrading the quality of spawning streams and other habitats for natural fish reproduction.

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**REP. RANEY** also asked the committee to rethink their actions on Department of Fish, Wildlife and Parks projects, in regard to fish hatcheries and the fish health laboratory.


**CHAIRMAN BERGSAGEL** offered **Mr. Pat Graham, Director of the Department of Fish, Wildlife and Parks**, the opportunity to respond to the comments made by **REP. RANEY**.

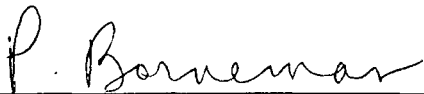
**Mr. Graham** stated that the passing of HB 349 would result in a major change in the way the Department runs its fish hatcheries. He stated he has asked his staff to look into what those changes would be and how they would be dealt with.

**CHAIRMAN BERGSAGEL** stated that if **REP. RANEY'S** bill passed both the House and the Senate, there would be a need to put contingency language in HB 5.

ADJOURNMENT

Adjournment: 10:00 a.m.

  
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ERNEST BERGSAGEL, Chairman

  
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for TRACY BARTOSIK, Secretary

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