

## MINUTES

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

#### JOINT SUBCOMMITTEE ON LONG-RANGE PLANNING

Call to Order: By CHAIRMAN ERNEST BERGSAGEL, on January 9, 1995,  
at 8:00 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: HB 10 Montana State University-Northern  
- Tractor Resource Center  
HB 5 Long-Range Building Program  
- Department of Natural Resources  
Tongue River Dam  
Petrolia Dam Project  
Nevada Creek and Ruby Creek Dam  
Projects  
- Montana University System  
MSU Bioscience Facility Expansion  
Executive Action: NONE

{Tape: 1; Side: A; Approx. Counter: 000; Comments: n/a.}

#### HEARING ON HB 10 Montana State University - Northern

William Daehling, Chancellor, Montana State University -  
Northern, Havre said in the last biennium this Subcommittee  
funded the Northern Tractor Resource Center for about \$122,000.

The second year of the biennium those funds were cut because an impending lawsuit stopped the oil overcharge revenue flowing to the state. Those funds were intended to implement much of the research and development that had been done up to that point with funds from sources other than the State. He asked the subcommittee to consider funding this project for the coming biennium in the amount of \$125,000.

**Steven Don, Tractor Resource Center, MSU-Northern**, submitted written materials to support his testimony. **EXHIBIT 1** He stated that his position with the Tractor Center is half-time for one year. They have a board of directors and an advisory council. The overall mission of the Center is to provide an in-field tractor test and set-up service and to disseminate information to the agricultural community in Montana. The services they offer enhance the productivity performance of tractors, thereby increasing the potential profits of agricultural producers.

He said the board of directors includes MSU administrators and a representative from the Alberta Farm Machinery Research Center. The advisory council provides expertise and resources for the Center and consists of leaders in the agricultural field such as car and truck dealers, farmers, and agricultural educators from both MSU-Northern and MSU-Bozeman. He said they have a strong backing from the Department of Agriculture, Montana Wheat and Barley Committee, Montana Farmers Union, and numerous farmers throughout their service area, which they hope to expand in the future.

#### Questions From Subcommittee Members and Responses:

**SEN. ETHEL HARDING** asked what they do to make tractors more efficient. **Mr. Don** replied that the tractors they tested last summer were too heavy on the front and they found they could correct this problem by redistributing the balance and modifying tire pressures to make the tractors run more efficiently. It is important to have the same traction on the front as on the rear, and they determine this by correcting the slip-range per the weight.

**SEN. CHRIS CHRISTIAENS** asked what kinds of things they do to let farmers know about their services. **Mr. Don** replied that they contact farmers through MAGI, and various conventions of the Farmers Union and Montana Grain Growers. They may attend a farm forum in Shelby. In addition, they distribute brochures and advertise on TV, radio, and in newspapers.

**SEN. CHRISTIAENS** asked what they charge farmers for their services. **Mr. Don** answered it depends on the service and said for a full test, which includes weighing the tractor, doing a baseline run, making needed modifications with more runs, and a report, they would charge \$650 plus mileage. If they have to travel very far, they try to schedule several tractors in that area to cut down on mileage costs. If they only weighed a

tractor, they would charge \$250. They charge \$350 to weigh a tractor and rebalance it or to weigh a tractor and do a baseline run. They have a grant through the agricultural program for the tractor efficiency clinics, which is a 1:1 match and they charge a \$30 fee for farmers to attend. They recently had 23 participants at a Havre clinic. **Mr. Don** went on to describe the Resource Center Library which provides information from tractor dealers, tire dealers, engine dealers and the like. Farmers can also call them on the telephone to exchange information and get feedback from people at the Tractor Resource Center.

**SEN. CHRISTIAENS** said equipment is not included in the FY 97 budget, but is in the budgets for FY 95 and FY 96. He asked what kind of equipment is being requested for FY 97. **Mr. Don** replied that they need to purchase additional equipment to make it possible to send two teams to an area instead of one.

**REP. MATT MCCANN** asked how much they were suppose to receive in funding this biennium, but didn't. **Mr. Don** replied \$62,500.

**REP. MCCANN** said "Given the uncertainty of the oil overcharge fund based on pending litigation, do you have contingency plans for funding should you be appropriated the money by the committee, but not receive it?" **Mr. Don** replied yes and said they have applied for a grant through Cenex. They would have to reduce the hours of the employees and cut back on costs if the oil overcharge funds were not available.

**SEN. CHRISTIAENS** asked what would happen if they received both. "Would you double your services?" **Mr. Don** said they would like to increase their services during the summer and purchase additional tractors. They could respond to requests they presently cannot. They would travel more and have two teams running and could spread their services throughout the state. He said they have also had requests from states outside Montana. He said the interest is out there for more help.

**REP. TOM ZOOK** asked what is done with the income they receive for the services they provide. "Does that go back into the program?" **Mr. Don** said yes, it would go back into the program and would help them become self-sufficient. In the future, it would pay salaries.

**REP. ZOOK** asked if any administrative fees are paid out of the income. **Mr. Don** said yes, fees are paid to the college in the amount of \$1,600 per year.

**SEN. HARDING** referred to the other states that expressed interest in the program and asked if he's aware how many states have a similar program, or is this one a pilot. **Mr. Don** replied that as far as he knew their program was the only one where they actually visit the farm and test the tractors in the field. He said Nebraska tests models through a university, but it is under a controlled condition so they can get side-by-side comparisons. He

said requests for information about their services have come from as far away as Australia and Brazil.

**CHAIRMAN BERGSAGEL** said HB 10 is "pretty much fully funded so you will be competing with other programs. ... The testimony that was given to us last time was that you would be self-sufficient by now and you aren't." He said he thought it might be a "tough sell" to the subcommittee and asked **Mr. Don** if they had approached tire dealers such as Goodyear or Firestone for grants. **Mr. Don** said they are presently working with tractor companies such as John Deere, and are also working with Goodyear Tire. He recalled that when he testified last session and had hoped they'd be self-sufficient, it was with the expectation that they'd receive the requested \$225,000. "I think we have done a marvelous job in keeping this thing running with a half-time director through December."

**CHAIRMAN BERGSAGEL** said this program should sell because new tractors are cost-prohibitive for some farmers, and they are often looking for ways to upgrade their current equipment to run more efficiently. He said the program has potential and opportunity.

*{Tape: 1; Side: B; Approx. Counter: 000; Comments: n/a.}*

HEARING ON HB 5  
DEPARTMENT OF NATURAL RESOURCES & CONSERVATION  
Tongue River Dam

Introduction:

Gary Fritz, Administrator, Water Resources Division, Department of Natural Resources & Conservation (DNRC), said there were others present who would also address this project. Mark Simonich, director of DNRC; Glen McDonald, chief of the Water Projects Bureau; Jason Whiteman, head, Natural Resources Department, Northern Cheyenne Tribe and tribal attorney, Leland Pond.

**Mr. Fritz** said in 1933 President Roosevelt told Montana's Governor Cooney that if the state of Montana would put together legislation that would provide a mechanism to build water projects around the state, President Roosevelt would support that at the federal level, which he did. When that state legislation passed in 1933, the State Water Conservation Board was created to develop building projects. With the drought and depression of the 1930s, the purpose of these water projects were both to provide employment and to stabilize the agricultural economy through the building of irrigation projects. They ultimately built 181 projects of this kind all over the state. DNRC owns 45 of those projects, Tongue River Dam and Petrolia Dam being two of them.

The Tongue River Dam was built in 1938. He showed the subcommittee a chart and said the dam was located a few miles north of Sheridan, Wyoming, and about 100 miles south of Miles City. It stores 66,000 acre feet and about 75 irrigators irrigate 16,000 acres from the reservoir. He said the dam provides a tremendous recreational resource and is heavily fished. In particular, he noted that downstream the Tongue River Dam forms the eastern boundary of the Cheyenne Reservation. The Northern Cheyenne Tribe has water rights from the Tongue River.

In answer to a question on how high the reservoir can be raised, he said that mines that exist on either side of the reservoir limit how high the water can go, and they must take this into account as they discuss repair and rehabilitation.

**Mr. Fritz** said that this dam is a "high-hazard dam" which means if it were to fail it would cause loss of life and tremendous property damage downstream, estimated at up to \$5 million. The damage could reach as far as Miles City and many lives could be lost. He said the flood of 1978 caused substantial damage to the spillway, which poses the biggest problem with the dam. He said they have had serious problems with the spillway.

**CHAIRMAN BERGSAGEL** asked if they were keeping the water level low to prevent draining over the spillway. **Mr. Fritz** said yes, they keep the level of the reservoir artificially low, but have to maintain "the contractual amounts" out of the project. They have designed two possible solutions to the problem of the spillway: 1) Building a larger spillway, making the walls higher, and putting in special crests that will pass more water than would otherwise be possible, or 2) replacing the existing spillway and putting "roller compacting concrete over the entire dam embankment to let water actually spill over the face of the dam itself." He said this concept is new, but has money-saving possibilities and feels it might be a good alternative, one that has been forwarded to the Environmental Impact Statement on the project.

**Mr. Fritz** said one of the most important features of this project involves the neighboring Northern Cheyenne Tribe and said that, typically, Indian water rights are determined in court. Montana legislatures have established the Reserved Water Rights Compact Commission to negotiate with tribes and federal entities to arrive at agreements on water rights. He said that Susan Cottingham, administrator of the Compact Commission, is also present to speak at this meeting. The Compact Commission has negotiated with the Northern Cheyenne Tribe and reached a compact that provides all additional water developed through this project to go to the Tribe. He said that the compact is good for the State because it has been approved by all necessary parties and is beneficial to all involved. Because the compact is in place, the State benefits from the federal funds that will support 65% of the project costs.

**Mr. Fritz** cited an environmental feature that is the result of a Congressional mandate to include a Fish and Wildlife Environmental Enhancement Program. That project is cost-shared at 75% by the federal government and 25% by the State and the \$1.1 million in the FWP budget will be matched by \$3.5 million in federal funds. The enhancement program has already been established.

**Mr. Fritz** said they have made much progress and emphasized that financial commitments have already been made. The compact with the Northern Cheyenne Tribe was approved by the 1991 legislature, which includes the negotiations for funding from the federal government. The Tribe ratified and approved that compact by resolution in 1991 as well. He said that Congress adopted the compact as SB 1654 and "I can tell you that took incredible effort by our Congress to get that through in one session." He said an \$11.5 million loan was also approved by the 1993 legislature, which would take the form of a bond sale from the State to the Tribe, and the legislature guaranteed the repayment of that loan through coal severance tax proceeds (HB 12). The 1991 legislation was amended in 1993 to settle who would be responsible for paying environmental costs and it was the federal government. Four implementing documents are a result of all this, and they were signed by Governor Racicot in 1994. He has met with tribal leaders on two occasions and has cultivated a good working relationship with the Northern Cheyenne Tribe. These four documents were required to actually implement the Compact and were the result of a tremendous amount of work with the federal government and the Tribe. (See letter from Katherine Jabs, Bureau of Reclamation. **EXHIBIT 2**)

**Mr. Fritz** said the first internal draft of the EIS has been produced but will be done by the federal government because the funding has to come out with a record of decision. He hoped there would be no adverse environmental impacts, because he expected the project to be completed by the end of 1999.

**Mr. Fritz** then stated this is the biggest proposal they had ever brought before the legislature. He explained that the chart was intended to correct figures that were published in the budget book and wanted to clarify the reasons for the changes. He said the first amount is the federal money for the project and the difference between just next biennium's cost and the total cost, which is less than \$3 million. He said they need legislative authority to spend all those federal funds. The next line includes \$11.5 million which is a loan from the Northern Cheyenne Tribe to the state of Montana. The loan is actually coming from the federal government to the Tribe, so the Tribe can make the loan with zero interest for 39 years. The loan to the State will be paid back to the Tribe, not to the federal treasury. He said there was some discussion about whether or not HB 12 in 1993 authorized them to utilize the loan proceeds and it was determined that it did, so this requirement is not being asked of the subcommittee at this time. The Environmental Enhancement

program will cost \$3.5 million and will come from the federal government. He said the state special revenue funds originally asked for were \$3.275 million with the total remaining amount needed from this account \$3.5 million. The last item is \$1.1 million of FWP funds. He said this is the cost-sharing agreement between the federal government and the legislature signed off in previous actions. They are only asking for the authority to spend these monies and the appropriation of the state special revenue fund.

He said that the compact with the Tribe specifically calls for water to be delivered from this project in order for the compact to be valid, so if this project is not built, the compact becomes null and void and the Department would face litigation and loss of federal funds. And they would still be left with a high-hazard, unsafe dam. Presumably, they'd have to drain it and leave it empty.

**CHAIRMAN BERGSAGEL** asked whether the general fund impact would essentially only be the interest and principal on the \$11.5 million, and the rest would be pass-through federal funds and FWP money, over a period of 39 years.

**Mr. Fritz** explained that the loan would be repaid as follows: \$5 million from water users with the balance coming from revenues from the Broadwater Hydropower Project, built precisely for this reason. Therefore, there shouldn't be any impact to the general fund.

**SEN. HARDING** asked who the water users are who agreed to pay \$5 million. **Mr. Fritz** said there are 75 contracts with the Department for water use, and while they haven't signed the repayment contract, "we agreed in principle that they would repay the \$5 million."

**SEN. CHRISTIAENS** asked what kinds of repairs were made to the dam after the 1978 flood.

**Mr. Fritz** said they spent over \$1 million in repairs from federal disaster relief funds and they did concrete work patching the spillway and improving the walls, "band-aid work."

**SEN. CHRISTIAENS** asked if the additional four feet will take the water level close to the Decker mines.

**Mr. Fritz** replied that they have talked to the Decker mine operators and they are concerned about even a four-foot rise in water level, so have included \$1 million in this budget to pay for "de-watering" the mines should there be seepage.

**REP. MCCANN** asked how the tribes use their water.

**Mr. Fritz** explained that the compact provides up to 20,000 acre feet from the reservoir in addition to the 7,500 acre feet of

contracts already in place, and they can use up to 12,500 acre feet of natural flow from the river. The compact provides for protecting existing uses of the water by non-Indians. "There is always this fundamental question when you talk about Indian water rights, because they typically have very early priority dates" and how it has impacted the water use of non-Indians since the reservations were established. As long as the water comes from the Tongue River reservoir, there would not be impacts to non-Indian water use, as there might be if it was naturally flowing water.

**SEN. HARDING** requested more information on the history of the Tongue River Dam.

**Proponents' Testimony:**

**Jason Whiteman, Sr., Water Resource Administrator for the Northern Cheyenne Tribe and Acting Director, Natural Resource Department** mentioned that the tribal president and staff attorney were unable to attend, so he was there on their behalf to express their support of the Tongue River Dam project. He reiterated what **Mr. Fritz** said in terms of the benefits to the Tribe and how the loan would work, and said the federal government, the Tribe and the State have worked cooperatively to develop this project. He said the Tribe is involved in the National Environmental Policy Administration (NEPA) process where he has attended numerous meetings.

He described the four "disbursement agreements" that have been signed. He described how the loan funds from the federal government would be channeled through the Tribe to the state. The Tribe will get \$21.5 million for the Water Rights Settlement Act, of which \$11.5 million would be loaned to the state. He said the timing is important for the Tongue River Dam project and they can't have any delays because the process has begun, and there are many other entities involved besides the state.

**CHAIRMAN BERGSAGEL** asked if the balance between the \$21.5 million and \$11.5 million will be put toward additional water projects.

**Mr. Whiteman** responded yes, they are now identifying usage for funding appropriation and said that usage will be reservation-wide. They are looking at benefitting the whole Tribe out of the \$11.5 million in addition to the \$10 million.

**REP. MCCANN** asked if funding would be for irrigated land use.

**Mr. Whiteman** replied yes, they've developed a 10-year irrigation plan for the Tribe to identify land along the Tongue River, or in this case, the Rosebud Creek Basin, for additional irrigation projects on the reservation.

**Susan Cottingham, Staff Director, Reserved Water Rights Compact Commission**, summarized the components of the settlement and said



it has been a long process which the Compact Commission has worked on since 1988. She said the negotiations that were finalized in 1991 are a very complicated set of agreements to implement the whole project. The Department has worked hard to make sure the State meets this commitment. A point she wanted to emphasize is that other tribes waiting to negotiate with the Compact Commission are keenly aware of this settlement, watching what happens, and hoping the state fulfills its commitments. She said it's critical that these projects move forward so they don't just have the settlement on paper, but one that's implemented on the ground.

The other point she wanted to make, aside from repairing the high hazard dam, is that this settlement would provide a major benefit for water users in the area. She described litigation that resulted in enabling the Tribe to "subordinate" its water rights to the existing water users, both in the Tongue River and Rosebud drainages. She said it would be an important benefit and encouraged their support of the spending authority for this project.

Mr. Fritz entered a letter into the record from a manager of area reclamation who supports the appropriations and authorization.

Opponents' Testimony: None

Questions From Subcommittee Members and Responses: None

HEARING ON HB 5  
DEPARTMENT OF NATURAL RESOURCES & CONSERVATION  
Petrolia Dam Project

Mr. Fritz said this project is smaller than the Tongue River Dam project, but is no less important to the people of the area. The project is seven miles southeast of Winnett. There is not a lot of water in that area. This project would provide irrigation water and is extremely important to the land owners' operation. Built in 1951, it stores 8,300 feet of water, and irrigates almost 5000 acres. They currently have about 20 contracts for water use that involve approximately 16 water users. There is also significant recreational use of the project, and while it sounds odd, it is about the only water in that country.

He stated the dam safety concerns on this project are similar to the Tongue River Dam; its spillway is simply too small. The safety concern associated with this project is actually more severe than with the Tongue River Dam. The spillway has a number of problems: it's too small and has structural problems. He showed a diagram of the dam and the voids underneath the spillway. The Department and the water users have tried to patch the spillway, but there are still voids and it's not structurally stable. If the water level increases over this project, "it's going to suck those spillway slabs out of there and potentially

cause the dam to breach." There is a very substantial seepage problem in the left abutment that can cause slumping of the dam embankment materials and ultimate failure of the project. Unfortunately, this project has more problems than the Tongue River Dam project.

They have put together the most cost-effective proposal to fix this dam, and have struggled over many years, because they've known there are substantial dam safety problems. They considered alternatives, but they are too expensive to be approved for funding. They feel they have come up with the best solution to fix the problem. The project has several aspects. One is to build an auxiliary spillway off to the right of the dam to route extra amounts of water. They could replace the spillway and take care of voids underneath it. Drains would be installed to take care of the seepage problem. The total cost of that project is about \$1.34 million. They are asking for an authorization of \$1,076,000. The water users would pay the balance and will provide their perspective when they testify.

The Montana Dam Safety Program believes this project is exceedingly unsafe. What they've been told is that they are going to have to drain this project for the upcoming irrigation season if nothing is done. The irrigators are upset about having their "lifeblood" drained out. He said they've tried to convince the "dam safety people" that it's okay to leave this dam at least partially full during the irrigation season to allow them to use the project. But the fact is, it's an exceedingly unsafe dam, and is not only high-hazard, but there is potential loss of life downstream if it were to fail and an estimated \$500,000 worth of damage. They recognize that it is unsafe and have to put some extreme measures into place.

If they are successful and receive the appropriation, they hope to have the construction completed by the fall of 1995. To do that, they have to get the design in place. He's not sure how they'll do that, but will attempt to have the project completed by the end of 1995.

**Mr. Fritz** also wanted to mention an emergency action plan for this project and an early warning system which would significantly add to the safety of residents downstream. The emergency action plan would be provided to the local disaster service so if there is some damage to the dam, the plan would explain the process, who to notify, etc.

#### Questions from Subcommittee Members and Responses:

**REP. ZOOK** asked what land would be acquired with the \$10,000 for land acquisition. **Charles Sims** said the area where the spillway would be built is the land they hope to purchase.

**SEN. HARDING** asked about his statement that the project would be completed by the fall of 1995, due to the fact the LRBP book

states 1998. **Mr. Fritz** replied that when they put their information together, they had not received the information from the Montana Dam Safety Program, so they moved the schedule up to address safety concerns.

**REP. MCCANN** asked how long the voids have existed in the dam. **Mr. Sims** said that in 1984 they found the voids. He asked if **Mr. Whisonant** could answer the question on filling voids. **Mr. Whisonant** said in 1984 the voids were first filled. Then two years later they worked on them again. They are not as bad now as they were then, but tomorrow they are going to be working on them again. They will fill the voids by using high pressure air to blow the gravel back in and then put slurry on top, so the concrete will have support from underneath and the gravel will settle a little bit.

**SEN. CHRISTIAENS** asked what kind of work is done to control seepage.

**Mr. Sims** said the reason the voids haven't gotten larger is from putting free draining materials underneath to push some of that water through so the pressure doesn't build up. Part of the rehab for the project is construction of a new spillway. This will put additional control measures in front of the spillway to keep water from flowing underneath. A much better drainage system will be installed.

**SEN. CHRISTIAENS** asked if there are any dams in the State that are safe. **Mr. Sims** said half are safe and half need work now and in the future.

**SEN. CHRISTIAENS** asked if the dams in need of work have been prioritized, and wondered if the committee is now hearing about the worst dams in the State. **Mr. Fritz** said that was correct. The Department has put together a six-year plan to address these projects, and have included in that plan a priority of those projects. The two they are discussing--the Tongue River and Petrolia--are the two worst. They have already rehabbed a number of the projects; these two are clearly the most unsafe now.

**REP. MCCANN** asked **Mr. Leo Salt** if they are going to go forward to fill patch the voids with concrete for the upcoming irrigation season. He answered that was correct.

#### Proponents' Testimony:

**Leo Salt**, Board of Directors, Petrolia Water Users Association, said he had with him two neighbors to testify and answer questions. He introduced **Joe Whisonant**, Board Director and **Charlie Sims**, water user from the project. He said they came to seek funds to keep the irrigation project working, and said it would be one of biggest nightmares he can think of if the dam goes down with 5,000 acres of irrigated land below it. The economy of that county would be severely damaged. They are now

doing repairs to try to store water for the coming season. There's not much snowmelt, but he hopes it will fill the reservoir. He heard all the repair plans, and said if the project were built today to the same standards as when it was first built, it wouldn't pass.

He said the dam has three major problems: 1) the concrete spillway underneath, 2) the expansion joints, and 3) the size of the spillway. Regulations now require a larger spillway. He has been on the board off and on for 40 years--was the youngest to start, now one of the oldest--and the problem on the north abutment has been there since the reservoir was built. The abutment goes into sand rock which automatically will seep into waters behind it. Two drains were drilled horizontally for 150 feet to relieve that pressure, but they still have a seepage problem. With the funding, that will be solved too.

**Mr. Salt** stated the Petrolia bench project is a very good project. He said it has one of the best repayment schedules and was the last project built by the State Water Board. It's built on the confluence of two creeks, and irrigates 5,000 acres of fertile land with natural drainage. He said it has good soil and drainage, a lake to store water, so it's a good project. The engineer already told them to bring the reservoir up to grade, so that will require the addition to the spillway. They want to design an earthen spillway that will take the pressure off the dam.

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He said there are 10 water users who would be affected by the dam's improvements and can help finance the project, but there's a limit to what they can do. **Mr. Salt** said if they were not able to store water and irrigate their land, crops including grain, irrigated pasture and alfalfa seed, would be virtually non-existent. He said the popular recreational use of the water would disappear. It would affect the county's tax base and the local merchants. About 10,000+ head of livestock in the area would be affected.

**REP. ZOOK** asked **Mr. Salt** to clarify that there were 5,000 acres irrigated and **Mr. Salt** responded that there are 4,863 under contract. **REP. ZOOK** clarified that there were ten irrigators and **Mr. Salt** answered yes, there are more contracts than that, but many are doubled up.

**REP. ZOOK** asked if the irrigation was all gravity-fed and **Mr. Salt** said no. **REP. ZOOK** said he was surprised at the \$200 per acre figure and thought it sounded like a "pretty good bargain" to irrigate the land.

**REP. MCCANN** asked if they have any other existing contracts to help pay for dam repair. **Mr. Salt** responded yes.

**Joe Whisonant** described the budget and said about \$35,559.74 is for the operating budget and the expense budget is \$36,472.50. He said that would provide a net profit of less than \$1,000. They used these figures for their 1995 projected budget. He said the payment to the State involves payments to DNRC of \$10,767.49 and to FHA of \$2,915 for a total of \$13,682.49. He said that's the total contract payment to the state. As **Mr. Salt** mentioned, he said they are willing to pay their share whatever it might be. He said the water users are planning to contribute to the project. If they fund what the governor's office suggested, they would still be short of what they need. He said the payment schedule is not available, but the water users hope to have it paid off in the near future. It's an ongoing project and they have projected a 50-cent increase per acre to operate and maintain the dam for the next three years, just to cover the existing expenses, without including the necessary restoration work.

**CHAIRMAN BERGSAGEL** said he understood that their current water charges are around \$8 per acre, and **Mr. Whisonant** responded that they increased it to \$8 per acre for the coming season without considering the major restoration project.

**CHAIRMAN BERGSAGEL** asked if it would be fair to say that the approximate \$400,000 they'd be responsible for out of the total project would probably add another \$4 to the per acre water charge. **Mr. Whisonant** said they would have to meet with all their users and agree with that probable charge.

**CHAIRMAN BERGSAGEL** asked if the water users' debt service costs per acre are roughly \$2 per acre, and they currently owe \$13,000. They agreed.

**CHAIRMAN BERGSAGEL** asked when that would be paid off. They couldn't answer, but think within the next ten years.

**CHAIRMAN BERGSAGEL** asked what their current agricultural production is, and they agreed that they're looking at two alfalfa crops per year, involving two irrigation seasons. He asked if they are planning on two tons per cutting and they said the average is 2.+ tons per cutting.

**SEN. CHRISTIAENS** asked who owns the land that will be purchased for the project. **Mr. Whisonant** said it's a private owner, a non-water user, by the name of Lund. They talked about battles they've had with other landowners in the past. He said the State owns the land all around the area except for this one place. He agreed that the price is high for the land, but they will do an appraisal to make sure they're not paying an exorbitant amount.

**REP. MCCANN** asked what the size of the land area is. They guessed about ten acres or less. He said the spillway would be 620 acres wide and maybe a quarter of a mile or less long. They said the value of the land could be affected by the existence of a cabin.

**Leo Salt** made some closing remarks as a proponent for the Petrolia Dam Project and said the project depends on stored water. He emphasized the value of the dam to the area and the necessity for the repair work that is required. He said it's absolutely crucial to be able to store water or they won't be able to irrigate.

**Joe Whisonant** stated that they have saved approximately \$45,000 to pay for repair work needed for projects such as ditch work, etc., and said their funds are needed for these kinds of tasks as well.

**Charlie Sims** said he was a newcomer to the project and took over a debt on a family farm and has attempted to learn how to conserve water. He said if they would have to go a year or two without water, he'd go out of business. He said it's crucial to their livelihood to have water. They are very concerned. He stated that they are having to take over a project that was never built to meet the requirements that are now in place. Their reservoir is now dry, so they need to be able to start storing water this spring. He's been there for 12 years and has yet to see a "normal" year for rainfall. If they get this grant and the water users see it being brought up to specification, they can solve the problem in two or three years.

**CHAIRMAN BERGSAGEL** said when they do a remodel or repair project, they have to go through the 100-year floodplain drainage for the spillways and asked if they could leave the spillway the same size and put in the emergency notification and still comply.

**Mr. Fritz** said they could not. It would probably pass the 75-year flood requirements and different size dams have different requirements for the size of the spillway. He said the requirements today specify one half of the probable maximum flood. He said if it doesn't have a recurrence, it might be around a 5,000 year flood. He discussed interim measures allowing it to pass the 500-year flood. He said these kinds of projects present serious hazards, and said Montana standards are somewhat less than other states and certainly less than federal standards. "A 100 year flood just won't cut it. I would say a minimum of a 500 year and probably more than that."

**CHAIRMAN BERGSAGEL** asked if they're talking about a total breach of the reservoir and **Mr. Fritz** said yes.

HEARING ON HB 5  
DEPARTMENT OF NATURAL RESOURCES & CONSERVATION  
Nevada Creek and Ruby Creek Dam Projects

**Mr. Fritz** said they are not asking for funds for these projects. He said they'll have their hands full with the Tongue River Dam and Petrolia and in order to balance the RIT account and to put

forth projects they can handle, they're only asking for funds for the other two.

**Mr. Simonich** wanted to respond to **SEN. CHRISTIAENS** concerns about their priorities and he said Nevada Creek and Ruby Creek are on their priority list, but with knowledge of the shortfall in the RIT money, they knew it would be late in the biennium before they could get to them, so said they'd put them off until the next legislative session. He referred to **Mr. Fritz's** statement that there were over 100 projects constructed in the state; the Department is down to 45 that they currently own. He said the Department is trying to eliminate some of those projects. He said they have never had adequate funding to keep them all maintained. Four years ago the legislature directed the Department to privatize 12 of their irrigation canals and they're in the process of doing that and have until July to complete that process. He said they have completed six of the 12 to date. He described the prioritizing process to privatize or abandon. He mentioned the List Creek Dam built in 1938 in McCone County that has never been functional. This is a typical example of the kind of project that should no longer be in state ownership. He mentioned legislation they would be introducing this session to deal with that.

**SEN. CHRISTIAENS** said it's important to have some kind of a priority listing for the dams to do long-range planning.

**Mr. Simonich** said they are doing long-range planning and they have a lot of work to do to bring these old dams up to code.

HEARING ON  
MONTANA UNIVERSITY SYSTEM

**Bill Lannan, Montana University System**, identified the overall needs within the university system in terms of deferred maintenance, standards and code compliance, and adaptive modifications. He referred to a booklet illustrating the condition of buildings and showed slides to the subcommittee.

**EXHIBIT 3**

*{Tape: 2; Side: B; Approx. Counter: 000; Comments: n/a.}*

**Mr. Lannan** continued his discussion about work that needs to be done. The last page of the exhibit summarizes the costs involved in the Adaptive Modification Needs of the Montana University System.

**CHAIRMAN BERGSAGEL** said he wanted to see the maintenance budgets for all the campuses from the last two bienniums to see if they can demonstrate that they have been addressing maintenance problems.

**James Todd, Vice President for Administration and Finance, University of Montana**, read written testimony. **EXHIBIT 4** He introduced the speakers from the UofM as identified on the handout and also referred to a breakdown of deferred maintenance and disability access modifications made through FY88. **EXHIBIT 5**

**Jim McPherson, Director, Physical Plant, Western Montana College**, described heating and cooling retrofitting work that needs to be done at the main building of Western Montana College.

**Questions from Subcommittee Members and Responses:**

**CHAIRMAN BERGSAGEL** asked if he said the gas costs were \$39,000 and the maintenance costs were \$20,000.

**Mr. McPherson** responded the maintenance costs for the heating system were almost \$20,000 last year. **CHAIRMAN BERGSAGEL** asked what his best projections were for the cost of gas going down. **Mr. McPherson** responded they are expecting a savings of \$5,800 per year.

**CHAIRMAN BERGSAGEL** wanted to clarify the figures and asked if the \$39,000 spent on gas was for the biennium and **Mr. McPherson** replied that it was for FY94. **CHAIRMAN BERGSAGEL** asked what their maintenance projections were and **Mr. McPherson** responded the costs will go down considerably, probably between 30-40%.

**SEN. CHRISTIAENS** asked if this was the cost for the heat for one building. **Mr. McPherson** said that was correct, for the old main hall with approximately 82,000 square feet. The main section was built in 1893, the center portion in 1907, and the southern portion in the 1930s.

**CHAIRMAN BERGSAGEL** asked if they've done an energy retrofit. **Mr. McPherson** responded yes, in the early 1980s.

**Rollo Shea, Director of Physical Facilities, Montana Tech of the University of Montana**, described the bond project that would renovate the main building at Montana Tech to bring it up to Americans with Disability Act (ADA) standards. He said that a recent survey showed that the museum building was the least accessible on campus due to stairways that provide the most entry to rooms in the building. He said the people that use the building are primarily students and staff, but thousands of tourists and members of the community visit the museum and earthquake study office, as well as senior citizen groups, school groups on field trips, boy scouts, and girl scouts. Because of this, they could be considered in noncompliance with this facility.

**CHAIRMAN BERGSAGEL** asked about the difference between the governor's budget proposal of \$350,000 and their estimate of \$1.6 million.



**Mr. Shea** said the Regent's #4 priority is for ADA in general, and is \$2 million. He said the governor's budget office has isolated this as a specific project and that's why it's separated from the others listed.

**SEN. CHRISTIAENS** asked if there are any federal funds available for this work. **Mr. Shea** said he didn't know of any.

**Bob Frazier, Chair, ADA Task Force, University of Montana**, gave an overview of the Americans with Disability Act (ADA) and its impact on the campus environment. He said there are many handicapped individuals who utilize the facilities at college campuses, especially veterans of the Vietnam War.

There are many historic buildings on the campus, so it was necessary to study the ADA needs which resulted in a 105-page document that describes the projects for the Missoula campus. They also published a progress report showing what they've done to comply with ADA. **EXHIBIT 6**

He showed slides describing the elevator at Montana Tech that is not adequate or suitable for people in wheelchairs. The entrances are also dangerous and difficult to open. They need to install ramps and elevators. They need to replace the old blackboards with white boards which would be used with more visible black lettering. Restrooms need to be retrofitted and he described problems being encountered there.

**CHAIRMAN BERGSAGEL** asked how many handicapped students are enrolled at the Missoula campus.

**Mr. Frazier** replied there are 398 people who have identified themselves as seriously disabled.

**Hugh Jesse, Director of Facilities Services, University of Montana - Missoula**, wanted to add more information on ADA accessibility, and referred to the priority listing for the UofM for their ADA requests. He said the self-identification study showed about \$11 million, and the \$5 million is the most urgent.

He described the roof replacements that are necessary for which the Regents have requested \$1.8 million; the governor's office has identified this as a #5 priority and has requested \$742,000. He said the six roofs are listed on the handout.

**Alex Capdeville, Dean, Helena College of Technology**, described the roof replacement project for a 1937 hangar at the airport; renovated in the early 1970s, but which has deteriorated over the years. It is 12,000 square feet and has a built-up roof with insulation. The estimate is based on the size of the facility and maintenance they've have done. This doesn't include the potential hazards if they don't correct the deterioration. The framework is made of open wood beams and they've had some leakage.

**CHAIRMAN BERGSAGEL** asked what the building is currently being used for.

**Mr. Capdeville** said they have about 28 students and this is a hangar facility for all of the aeronautics courses.

**Mr. Hugh Jesse** described other roof problems that need repair on college campuses. **Mr. Jesse** said the next project they would discuss is the UofM life/safety and code compliance request for \$13 million. Their highest priority is with fire protection. They want to install a fire alarm system to notify occupants of the need to evacuate in the event of a fire. He described the kinds of systems they have and why they are inadequate.

**SEN. CHRISTIAENS** asked if the existing equipment could be repaired. **Mr. Jesse** said they are repairing what they can, but some of it is out of date, so parts are not available. He said new systems are more reliable.

**CHAIRMAN BERGSAGEL** asked about the funding request of \$651,000 for a fire alarm system, and the governor's recommendation of \$500,000. He asked if they're just going to go down the list until they get to \$500,000. **Mr. Jesse** said that was correct, in priority order.

He then described the asbestos and hazardous materials removal project. The Regents have identified this as priority #11 - including asbestos and PCBs and underground storage tanks. He described threats of exposure that exist with some buildings. He said there are enormous costs involved with asbestos removal.

**CHAIRMAN BERGSAGEL** asked how much they project the cost would increase because of asbestos. **Mr. Jesse** said they would have a day and a half of setting up, covering the room in plastic, then working and cleaning up, which could be four times the cost.

**Jim McPherson, Western Montana College**, described the three problems they have at WMC. They need to conduct PCB testing in the approximate 28 transformers that have not yet been tested. They have requested this for the past four sessions. According to federal standards for testing, compliance and removal should have been completed by 1989. The estimated cost of \$87,400, he said might be a variable because they don't know what the cost will be until testing is completed. The testing itself will run between \$10,000 - \$15,000. He described numerous problems and costs involved in dealing with the cleanup of this material and said they are at-risk for health hazards.

**CHAIRMAN BERGSAGEL** asked if they own the equipment and **Mr. McPherson** said the college owns all the transformers in question. He said some are old, large transformers and are sitting in buildings that haven't been used since 1968, and pose the greatest risk. The disposal cannot be handled by UMC staff, but must be done by out-of-state contractors. They are the last

campus to have this done; the disposal has been completed on other campuses.

**Mr. McPherson** said the removed asbestos must be taken to local dumps that have been licensed to receive it. They have to hire someone to haul materials to another dump that is certified, and the closest is in Butte. He said there are "innumerable" places at risk that they work with on a constant basis, such as pipe removal involving leaky pipes covered with asbestos.

Underground tanks are out of date. Tanks are required to be removed if they are older than 25 years, according to present standards, prior to 1998. There's been preliminary work done, but nothing complete.

**REP. MCCANN** asked what the tanks hold. **Mr. McPherson** said they are fuel oil tanks. There are 10,000 and 20,000 gallon tanks and three 5,000 gallon tanks. Two larger tanks have not been in general use since natural gas was used in 1966. The two tanks have product in them, which also has to be disposed of.

**SEN. CHRISTIAENS** asked if there's funding available from the health department. **Mr. McPherson** said some planning work has been done by Architecture and Engineering.

**SEN. CHRISTIAENS** asked if the \$48,000 is for utilizing those funds. **Mr. McPherson** said they estimated that would be the cost to remove and replace the tanks.

**Tom O'Connell, Architecture and Engineering (A&E)**, said they have general appropriations on a statewide basis and have taken care of these hazardous materials. He described the work they're doing statewide.

**CHAIRMAN BERGSAGEL** asked if they've contacted local utilities such as Montana Power or Missoula Electric to see if they'd do the testing. **Mr. McPherson** said in order to have that done they need to receive the funding for testing.

**CHAIRMAN BERGSAGEL** wanted to clarify what they plan to do with the tanks once they're removed. **Mr. McPherson** said the two large tanks and one small tank will be removed and discarded. The other two tanks will continue to be used and will be relined and repaired.

**Mr. O'Connell** described the laboratory upgrade and repairs needed at Montana Tech and said it is #17 on the Regent's priority list. He described the Academic Infrastructures Program.

**Mr. Shea** described the Petroleum Building Renovation project at Montana Tech.

**SEN. CHRISTIAENS** asked if it would complete Phase I of a three-phase renovation. **Mr. Shea** said the lower level would be completed and then they'd do the upper floors.

**SEN. CHRISTIAENS** asked what the cost would be. **Mr. Shea** said it would probably be approximately a quarter of the cost.

**SEN. CHRISTIAENS** asked about the plans for completing the other two phases, in the next two bienniums? **Mr. Shea** said that's possible.

**CHAIRMAN BERGSAGEL** asked what types of sources are they using for a match. **Mr. Shea** said they are seeking donations.

**Mr. Shea** said they need to provide a backfeed for electrical distribution on the campus. In the past several years, they've had failures in the underground systems, and when it happens with the current system, every building downstream is out of power for about an hour. This will give them the capability to keep power going to the rest of the buildings on campus with the exception of the failed transmitter.

**Mr. Jesse** said at the Missoula campus they have over seven miles of sidewalks and over 50% are in need of replacement. \$396,000 is requested for the 30% of sidewalks with safety hazards or in need of repair to meet ADA compliance. The same problem exists at other campuses. They typically try to spend \$15,000 - \$20,000 per year, but are not keeping up.

**Mr. Jesse** discussed their request for spending authority for the following five items. They requested blanket authority for projects that haven't yet been identified because of the funding process on campus: 1) student building fee (he described the situation where they needed to cover a \$50,000 expense related to fees), 2) grant projects, to allow them to be addressed in a timely fashion, 3) relocation of the human resources office from the lodge; 4) shortage of space in academic areas such as the print shop in the Journalism Building, which they want to move to the Hardy Building because it is more suited to industrial use, and 5) ADA code deferred maintenance for some things the State can't fund.

**SEN. CHRISTIAENS** asked **CHAIRMAN BERGSAGEL** how the committee handled this kind of spending in the past. **Jane Hamman, OBPP**, said she would find out.

**CHAIRMAN BERGSAGEL** asked where funds originate from. **Mr. Jesse** said the first and last projects would be funded from student fees.

**CHAIRMAN BERGSAGEL** asked for elaboration on this. **Mr. Jesse** stated that they are seeking alternatives to funding mechanisms, and it's an issue in ADA projects whether or not student fees

should be used to support this work. The Regents do not believe that students should have to pay.

**Mike Malone, President, MSU**, said they have authority-only questions also, but wanted to discuss the Bioscience Building since there are people present to testify on that project. It was agreed that they would talk about their maintenance needs the next day.

#### HEARING ON MSU BIOSCIENCE FACILITY EXPANSION

**President Mike Malone** provided an overview of the Bioscience Facility construction project and said the idea for the addition to the current Plant Growth Center came out of a shared commitment between MSU and agricultural producers to improve the marketability of agricultural products in the global marketplace. Agriculture represents 40% of the state's economy and what they can do to replace costly reliance on pesticides, chemicals on crop and range land will prepare students to be effective in future. He said he also knew it was unlikely that the State's bonding capacity could absorb this project in the near future. Montana's congressional delegation helped them examine the possibility of competing for federal Cooperative States Research Service Facilities Research Program funds, which are not easy to come by. A feasibility study was conducted by the federal government. USDA was impressed with MSU's staff and after months of investigation they recommended that they secure funds to build this addition. It is an approximately \$8 million facility. It is necessary to provide a one-to-one match. Because it is unrealistic to request money from the legislature, USDA was asked to assist. The 1984 building would qualify as \$5.3 million of the \$8 million they need for the match, so MSU only needs to raise \$2.7 million toward the match.

The 1989 legislature reviewed plans for this addition and was assured restructure money would not be requested, but they would be responsible for operations and maintenance. He said everyone understood that they would come back to the legislature for building authority. He summarized by saying that after six years of hard work by all members of the congressional delegation, they finally received an appropriation for the last increment of the federal money in late 1994. Most of the funding is coming from ag producers.

He gave a brief overview of the Plant Growth Center, which he said has been a good investment. It's a greenhouse facility and attracts researchers from around the country. The Bioscience Building would be the second one of its kind in America where foreign pathogens, insects, and fungal varieties could be brought into an American environment and tested. The key to the whole building, aside from the expansion of the research already being done, is the quarantine laboratory that would be in the building.

They can introduce Eurasian insects, flea beetles, etc. that are host specific to weeds like leafy spurge. The only place they can do this kind of research now is in Maryland, and the backlog of demand there is very large, sometimes 8 to 10 years of work. This would be the facility for the western United States.

**Rob Spector, Vice President, MSU**, said that on Friday a memo was distributed from the Legislative Auditor that this would cost \$11.6 million, which is incorrect. He said they've met with **REP. TOM ZOOK** to clarify and he concurred.

**CHAIRMAN BERGSAGEL** said the auditor's staff acknowledged the error and they now are using the figure \$10,815,000.

**Mr. Spector** said this will be a very high tech and complex kind of facility and will differ from the typical classroom and other facilities on campus. For FY94, they took average costs and made an estimate, based on inflation, for FY98 and FY99, which is when the project would occur. He described costs involved in operations and maintenance for this building.

**REP. MCCANN** asked for clarification of the building maintenance cost and **Mr. Spector** said there is a national standard by which they avoid the accumulation of deferred maintenance by setting aside for building maintenance one percent of what they estimate current replacement value to be. He said the figures he gave are what it would cost to maintain the building over time.

He said the next question was who should pay for the costs he just described. He said they are requesting the State to absorb some costs, but don't expect them to pay for all O&M costs. They will be able to charge for services from scientists using the facility to mitigate some of the expense to the State.

**CHAIRMAN BERGSAGEL** said they are looking at an \$850,000 increase in the biennium. If there is no cost sharing by those using the facility, they will have to appropriate those funds for the operation each biennium.

**Mr. Spector** addressed the question about how they will be able to develop "recharges" to pay for costs. They don't have a figure yet because they haven't yet identified all the project participants. He said they would commit to do their very best to develop as much "recharge" as they possibly can to alleviate the State's responsibility.

**SEN. CHRISTIAENS** asked if they have any idea about grants for recharge. **Mr. Spector** responded that they do, and are looking at a minimum of 25% with a likelihood that they can increase it.

**CHAIRMAN BERGSAGEL** said he believed **SEN. CHRISTIAENS** was looking for an example of what kind of an industry might want to utilize the bioscience facility.

**President Malone** said there are several "offsets" and when they talk about recharges, there are a number of federal scientists. Up to 50 scientists are using the Plant Growth Center right now. They are predictable, but it's harder to predict any users' charges of scientists who come for short durations from other states or even other countries.

**SEN. CHRISTIAENS** said that most scientists do their work under grant funding and asked if out of that grant, a portion would be allocated to their facility. **Mr. Spector** agreed that would be the case.

**CHAIRMAN BERGSAGEL** asked if there was potential for private industry to utilize the facility, for example, Dow Chemical. **Mr. Spector** said there is some potential to develop user fees.

*{Tape: 3; Side: A; Approx. Counter: 000; Comments: n/a.}*

**CHAIRMAN BERGSAGEL** asked who will license the facility.

**Robert Lashaway, MSU**, said the USDA inspection service has very stringent requirements and this would be the only facility with that kind of containment for plant pathogens. Pathogens do not harm animals or humans and there are other facilities that have more potentially harmful, biological agents. He said they can't deny that there will always be the possibility that a pathogen could come into the facility, escape and cause a problem in Montana, but there is a very small possibility, especially when compared to the chances taken by importers who bring in commodities from around the world that introduce far more contaminants. This would be a more controlled situation. He stressed that the facility has to be built to very precise specifications.

**President Malone** said they want to be very responsible in addressing the issue of operational costs. They are going to strive to get the percentage of recharge up to a third or even more. They will determine how many users there are in the semi-arid part of the U.S. who are currently using the Maryland facility or wish to.

**Proponents' Testimony:**

**Steve McDonnell, Director, Montana Wheat and Barley Committee, Three Forks farmer. EXHIBIT 7**

**Lanny Christman, Board of Directors, Montana Wheat and Barley Committee, Dutton farmer. EXHIBIT 8**

**Merlin Boxwell, Montana Grain Growers Association, Cut Bank farmer. EXHIBIT 9**

**Mark Peterson, Havre farmer**, said he came to support the bioscience research facility because it will benefit the people

of Montana in many ways. He said the yields on his farm in the past 30 years have doubled due to better management, proper use of fertilizers and improved crop variety, made possible by research at MSU. He said the push nationwide is to reduce the use of chemicals which would leave farmers with few alternatives. He said bioscience research is the answer. This facility will help develop crops and create new jobs, and bring in outside research funding resulting in an increased tax base in the state. He asked the subcommittee to consider where else they could invest so little and receive so much.

**Mike Green, MSU, Associated Students of Montana State University.**  
**EXHIBIT 10**

**Ralph Peck, Department of Agriculture,** reiterated the previous testimony that stated the importance of the bioscience research center to Montana's agricultural industry. He urged the committee's support.

**Linda Reed, Economic Development Advisor, Governor's Office,** said they see the operations that would occur under this proposal as an opportunity to continue the vitality of Montana's largest business sector and providing opportunities to farmers to be competitive and profitable in the global market. It's also an opportunity to build on Montana agricultural strengths and become a world leader in this particular area. It would have tremendous impacts, not only to individual Montanans in terms of revenue generation, but also in terms of overall revenue to the State. She urged their consideration of this project.

**Opponents' Testimony:** None

**Questions from Subcommittee Members and Responses:**

**CHAIRMAN BERGSAGEL** asked if this request will require increased staff for the operation of the facility.

**Mr. Spector** said this was included in the maintenance plan. They estimated 3.64 FTE, 2.0 of which are custodial staff, the remainder are bits and pieces of staff services that will be called upon as this building is established.

**President Malone** said that existing science staff will not be affected.

**Mr. Spector** addressed the question regarding other funding mechanisms such as matching grants, licensing and patenting to reinvest in the facility.

**Mr. Lashaway** described case by case situations that could provide additional revenue for the operation of the facility.



**CHAIRMAN BERGSAGEL** said they would need the assurance that the state of Montana would be reimbursed for the construction of the facilities.

**Mr. Spector** said they could prepare a response to his concern and would get that to him.

**Mr. Lashaway** said his own personal opinion is that the economic return to the State would be in the form of increased productivity and increased tax revenue, and it would more than offset the cost of the facility. He said the BioTech firm in Bozeman located there because they are looking forward to the expansion of this facility and would utilize it. Other "bio" companies could also be attracted to Bozeman to utilize this facility. Scientific FTE will probably be introduced in the future.

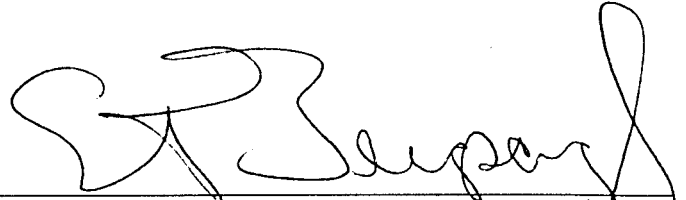
**CHAIRMAN BERGSAGEL** said the subcommittee members have an agricultural background and recognize the benefits of the project and support it. He said that with just 50,000 farmers and ranchers left in the state, however the rest of the population may think it's just another "free ride" or subsidy. From their perspective, it's difficult to sell these kinds of projects to the legislature. He explained why they have to demonstrate an ability to repay the state funding and said he'd appreciate their cooperation in providing the information the committee needs.

**CHAIRMAN BERGSAGEL** agreed that farmers' reliance on chemicals has to decrease and said the argument isn't on the value of the bioscience center but the ability to pay for it and the perception of the public and legislature.

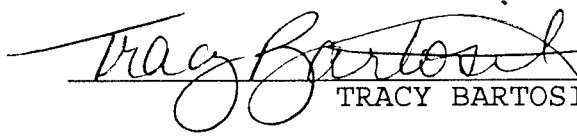
**Mr. Lashaway** reiterated the importance of the project and other expansion projects at the Plant Growth Center. **EXHIBIT 11**

ADJOURNMENT


Adjournment: 12:00 p.m.



REP. ERNEST BERGSAGEL, Chairman



TRACY BARTOSIK, Secretary



PATTI BORNEMAN, Recording Secretary

Note: These minutes were written by Patti Borneman.

EB/TB/pb

# LONG RANGE PLANNING

## Joint Appropriations Subcommittee

ROLL CALL

DATE 1-9-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Ernest Bergsagel, Chairman	X		
Rep. Matt McCann	X		
Rep. Tom Zook	X		
Sen. Ethel Harding, Vice Chairman	X		
Sen. Chris Christiaens	X		



EXHIBIT 1  
DATE 1-9-95  
#B 10  
J.S. LONG RANGE  
PLANNING

Chancellor

September 15, 1994

Dave Lewis, Budget Director  
Office of Budget and Program Planning  
P.O. Box 200802  
Helena, MT 59620-0802

Dear Dave,

Enclosed is a proposal from our Tractor Resource Center for consideration in the allocation of Stripper Well Oil Overcharge funds.

Like many other proposals funded from the last Legislative Session, we were not able to access the second year of the appropriation because of the pending law suit. We would very much like to have the review committee again look at this project so that we can complete the project implementation process.

If we can provide you or the committee with additional information concerning the tremendous support we are getting from the agricultural community on this project, please don't hesitate to contact me.

I also wish to thank you for your support on the RIT issue, and I was certainly pleased that the Legislative Finance Committee chose not to include our statutory appropriation in their recommendations for the 95 Session.

Best wishes in your deliberations and preparations for the 95 Legislature.

Sincerely,

William Daehling  
Chancellor

/db



## Northern Tractor Resource Center

Montana State University-Northern

P. O. Box 7751, Havre, MT 59501

(406)265-3756

*"Putting Horsepower To Work"*

**DATE:** September 15, 1994

**TO:** Dave Lewis, Budget Director  
Office of Budget and Program Planning

**FROM:** Steven K. Don  
Coordinator, Northern Tractor Resource Center

**RE:** Stripper Well Oil Overcharge Application (House Bill 10)

### Proposed Project

Funds from the Stripper Well Oil Overcharge will be used by Montana State University-Northern to aid the Northern Tractor Resource Center (NTRC) in its ongoing activities. These activities include:

- \* In-field testing and set-up of agricultural tractors to maximize efficiency
- \* Tractor efficiency education and information dissemination through regional workshops and on-site clinics
- \* An unbiased and independent resource library
- \* Applied agricultural tractor efficiency research for dissemination

The overall objective of the NTRC is to provide Montana agricultural producers with an unbiased and independent resource for tractor test/set-up, education and expertise that will enhance the productivity, performance and efficiency of agricultural tractors. The NTRC is operated as a non-profit entity affiliated with Montana State University-Northern. However, some income will be generated via the services offered to help sustain the center's operation.

### Requested Amount

Montana State University-Northern is requesting \$125,000 for the 1997 biennium to aid in funding the Northern Tractor Resource Center.

A half-time NTRC Coordinator will continue to be employed year round and 3 part-time personnel will also be hired during the summer months to conduct the NTRC activities.

Half-time Coordinator -	.5 FTE
3 Test/set-up, clinic personnel -	.25 x 3 = .75 FTE

### Benefits of the Project

Montana's agricultural producers need to become more aware of tractor inefficiencies, what it is costing them and what can be done to correct them. In addition, farmers need access to in-field tractor testing and set-up services so their tractors can be customized to match the unique combinations of soils, tires, implements and other operating variables.

*In-Field Tractor Test/Set-up : Tractor Efficiency Clinics : Education & Information*

Benefits the producers will receive will include:

1. Large savings on repair, maintenance and fuel conservation
2. Improved agricultural tractor and machinery performance, productivity and efficiency
3. Increased returns resulting from lowered input costs
4. The availability of unique applied research and beneficial resources and services
5. An independent and unbiased resource for information pertaining to agricultural tractors

EX 1  
1-9-95  
HB 10

### Estimate of Energy Savings

Montana State University farm management specialists estimate a 4-wheel drive 225 horsepower tractor, if used 600 hrs/year, will use \$5,940.00 of fuel per year and have repairs of \$5,200.00 per year. Tractor efficiency studies and testing done by the NTRC suggests it may be possible to decrease fuel and repair costs by at least 20% for many tractors. This will be accomplished through correct weighting, correct engine RPM, correct tire air inflation pressure and other optimizing techniques. Based on the above fuel and repair cost figures, this will result in an estimated savings of \$2,228.00 per tractor. Multiplied by the number of producers potentially assisted by the NTRC and the result is appreciable savings in fuel and repairs & maintenance for the agricultural industry in Montana.

Another example is the "gear-up, throttle back" theory. Engine performance curves are used to show producers the importance of operating in a higher gear and at a lower RPM. The result is immense fuel conservation and therefore lower input costs for the producer over the life of the tractor.

### Conclusion

The Northern Tractor Resource Center will help optimize tractor productivity and efficiency by conducting in-field testing & set-up for an agricultural producer under the producers own field conditions. To the best of our knowledge, the NTRC will be the only facility in North America with an emphasis on computerized in-field testing and set-up of agricultural tractors.

The NTRC will have an extremely positive impact on Montana agricultural producers. Oil Overcharge monies and other resources invested will result in immediate savings through fuel conservation and generate returns to producers for several years to come.

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## Farmer A vs Farmer B

### Gear-up/Throttle-down Fuel Consumption Example

Assume both farmers have the same tractor, same engine, same transmission, same size implement, etc.

#### Farmer A:

Runs engine (in tractor) at 2100RPM.

From fuel consumption curve, the engine will consume .355 lb fuel/BHP-hr.

Engine will develop 360BHP

$$360 \times .355 = 127.8 \text{ lbs of fuel/hour}$$

(Assuming 1 gallon #2 Diesel fuel weighs 7.2 lbs)

$$\frac{127.8}{7.2}$$

$$= 17.75 \text{ gallons fuel/hour}$$

#### Farmer B:

Runs engine at 1700RPM (lowest part of the fuel curve)

From fuel consumption curve, the engine will consume .345 lb fuel/BHP-hr

Engine will develop 340BHP

$$340 \times .345 = 117.3 \text{ lbs of fuel/hour}$$

(Assuming 1 gallon #2 Diesel fuel weighs 7.2 lbs)

$$\frac{117.3}{7.2}$$

$$= 16.29 \text{ gallons fuel/hour}$$


So Farmer B will use **1.46 gallons less fuel** than Farmer A if he operates in a higher gear and at a lower engine RPM. His field speed will still remain the same so he will still get the same amount of field work done as Farmer A.

Putting this into \$\$ figures: 1 gallon fuel = 70c/gallon  $1.46 \times .70 = \$1.02$  saved/ hour of operation  $\times 5000$  hours (life expectancy of the tractor) = \$5100

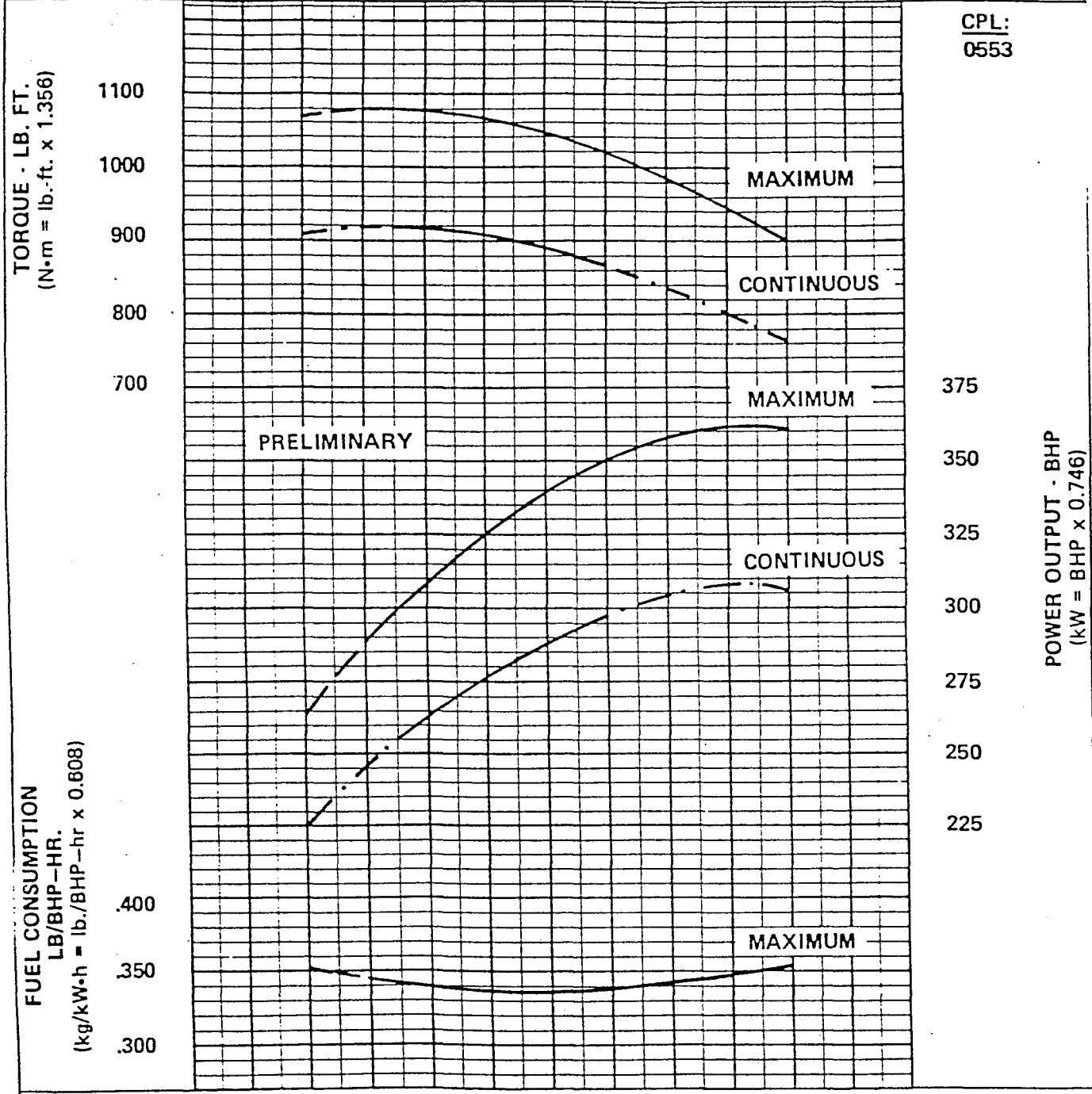
If half of the agricultural producers in Montana were able to save half of this amount of fuel: 500 hours (average yearly operation)  $\times \$0.51 = \$255$   $\times 6000$  farmers = **\$1,530,000** saved per year.

Putting this figure again into energy use: 1 gal #2 diesel fuel contains 144,000 BTU  $\times 1.46$  gals = 210,240 BTU/hour. If an average house has a furnace with 85,000 BTU/hour output, the energy saved by the farmer in one hour could potentially heat a house for 2 hours.

# USING ENGINE PERFORMANCE CURVES

	CUMMINS ENGINE COMPANY, INC. Columbus, Indiana 47201 ENGINE PERFORMANCE CURVE	ENGINE MODEL:	CURVE NUMBER:	
		NTA-855-C	P-4135-A	
	ASPIRATION:		DATE:	BY:
TURBOCHARGED & AFTERCOOLED		1/26/83	E. E. M.	

DISPLACEMENT: 855 in<sup>3</sup> ( 14.0 litre) NO. OF CYLINDERS: 6 RATING:  
BORE: 5.5 in ( 140 mm) STROKE: 6.0 in ( 152 mm) BIG CAM III HP (kW) @ RPM  
All data is based on the engine operating with fuel system, water pump, lubricating oil pump, air cleaner, and muffler; not included are alternator, compressor, fan, optional equipment and driven components. 360 (269) @ 2100



Curves shown above represent engine performance capabilities at SAE Standard J816b conditions of 500 ft. (150m) altitude (29.00 in. Hg [736mm Hg] dry barometer), 85°F (29°C) air intake temperature, and 0.38 in. Hg (9.6mm Hg) water vapor pressure with No. 2 diesel fuel. The engine may be operated without changing the fuel setting up to 12,000 ft. ( 3 600 m) altitude. For sustained operation at high load factors at higher altitudes, the fuel rate of the engine should be adjusted to limit performance by 4% per 1,000 ft. (300m) above 12,000 ft. ( 3 600 m) altitude. The engine altitude capability is based upon an inlet air temperature representative of the ambient temperature for that altitude. See reverse side for application rating guidelines.

STANDARDS DEPT.



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Proposed Budget: FY95 - FY97

	FY95	FY96	FY97
<b>EXPENSES</b>			
Coordinator/ tester	\$15,600	\$15,600	\$15,600
Summer staff/ testers	\$21,000	\$21,000	\$21,000
Student	\$ 7,500	\$ 7,500	\$ 7,500
Misc. Services	\$ 250	\$ 250	\$ 250
Supply/Materials	\$ 800	\$ 800	\$ 800
Communications	\$ 850	\$ 850	\$ 850
Promotion/ Marketing	\$ 3,600	\$ 3,600	\$ 3,600
Travel	\$ 2,000	\$ 2,000	\$ 2,000
Rent/Meeting Room	\$ 200	\$ 200	\$ 200
Indirect/ Administration	\$ 1,600	\$ 1,600	\$ 1,600
Equipment	\$ 5,000	\$ 5,000	
Van/Trailer Rental	\$ 4,100	\$ 4,100	\$ 4,100
<b>TOTAL</b>	<b>\$62,500</b>	<b>\$62,500</b>	<b>\$57,500</b>
<b>INCOME</b>			
Oil Overcharge	\$62,500	\$62,500	
Tractor Test/Set-up 36 tractors Mileage charges	\$25,200 \$ 4,100	\$25,200 \$ 4,100	\$25,200 \$ 4,100
Montana Wheat & Barley Committee (Part student wage)	\$ 1,700		
From previous year		\$31,000	\$60,300
<b>TOTAL</b>	<b>\$93,500</b>	<b>\$122,800</b>	<b>\$89,600</b>
<b>INCOME less EXPENSES Transferred to next year</b>	\$31,000	\$60,300	\$32,100

## Endorsees of the Tractor Center

Leo Giacometto

Director,  
Montana Department of Agriculture

Ralph Peck

Administrator,  
Montana Department of Agriculture

Ron Adams

Marketing Officer,  
Montana Department of Agriculture

Larry Johnson

Montana Agricultural Development Council  
MSU-Northern Foundation Board of Directors

Fred Elling

Vice-Chairman,  
Montana Wheat and Barley Committee

Doug Johnson

Chairman,  
CENEX regional grants committee

Mike Malone

President,  
Montana State University-Bozeman

Tom McCoy

Dean of Agriculture,  
Montana State University-Bozeman

William Daehling

Chancellor,  
Montana State University-Northern

Norm Sullivan

President,  
Montana Farmers Union

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Tractor Test/Set-up

Summer, 1994

Kevin Shrauger, North of Havre - 1150 Versatile

Dennis Keller/John McIntosh, North of Havre - 525 Big Bud

Carl Mattson, Chester - 9280 Case-IH  
Front wheel assist Case-IH

Jr. Scheuerman, Havre - 525 Big Bud

Bud Borlaug, Gilford - Big Bud

Jerome Lincoln, Joplin - Steiger

Fred Elling, Rudyard -

Bart Bitz, Box Elder - Big Bud

Oscar Trunk, Geraldine - John Deere

Tom Butcher, Lewistown -

Fred Colver, Lewistown -

Aaron Boehm, Rudyard - 525 Big Bud

Dale Schuler, Carter - 8850 John Deere  
8850 John Deere  
8850 John Deere

Judy & Dale Vermulm, Cut Bank - 8850 John Deere

Gary Broyles, Rapelje -

William Downs, Billings -

John Fordy, Froid -

DATE 1-9-95 1/9/95HB 5

United States Department of the Interior  
BUREAU OF RECLAMATION  
Great Plains Region  
Montana Projects Office  
P.O. Box 30137  
Billings, Montana 59107-0137

IN REPLY  
REFER TO:

MT-422

Mark Simonich, Director  
Montana Dept. of Natural Resources and Conservation  
1520 East Sixth Avenue  
Helena, MT 59620-2301

Subject: Status of Tongue River Dam Project / Northern Cheyenne Settlement Act Implementation.

Dear Mark:

Following are our thoughts and observations regarding the status and history of the Tongue River Dam Project.

The Northern Cheyenne Indian Reserved Water Rights Settlement Act of 1992 was the culmination of 19 years of effort by the Northern Cheyenne Tribe to permanently quantify and guarantee their water rights. The Settlement Act is the result of an arduous negotiation process involving much cooperation among the Tribe, the State of Montana, and the Federal government. It reflects well on all parties that a negotiated settlement was reached, thereby avoiding costly litigation and the damage to working relationships arising therefrom.

Central to the Settlement Act is the Tongue River Dam Project involving repair and enlargement of the Tongue River Dam. In order for all involved parties to reap the benefits provided by the Settlement Act, it is imperative that all aspects of the Act including the Tongue River Dam Project be fully implemented.

From our perspective the benefits arising from the Act are as follows:

The Northern Cheyenne Tribe attains final and permanent settlement of its Federal Reserved Water Rights as promised by treaty and upheld by Winter's Doctrine case law. The Tribe also receives a development fund to assist them in developing their water and improving economic conditions on the reservation. Additionally, Tribal members living downstream of the Tongue River Dam gain the peace of mind that a repaired dam will bring.

The State of Montana receives federal cost-share funding to repair the un-safe Tongue River Dam, thereby enabling the State to meet its dam safety responsibilities at a cost significantly lower than in the absence of the Act.

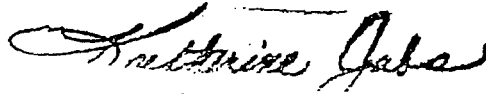
EX 2  
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The Federal government, as trustee for the Northern Cheyenne, is provided the mechanism through which it can address certain aspects of its Indian Trust Asset responsibilities.

An additional benefit to all parties arises from provisions in the Act for the conservation, development and enhancement of fish and wildlife habitat in the Tongue River Basin.

We encourage the State of Montana to continue its support of the Settlement Act and work toward full implementation of the Act so that the promise of this historic legislation can be realized.

Sincerely,



Katherine Jabs  
Area Manager

EXHIBIT 3  
DATE 1-9-95  
#B 5

# MONTANA UNIVERSITY SYSTEM

## Asset Preservation Needs

January 1995

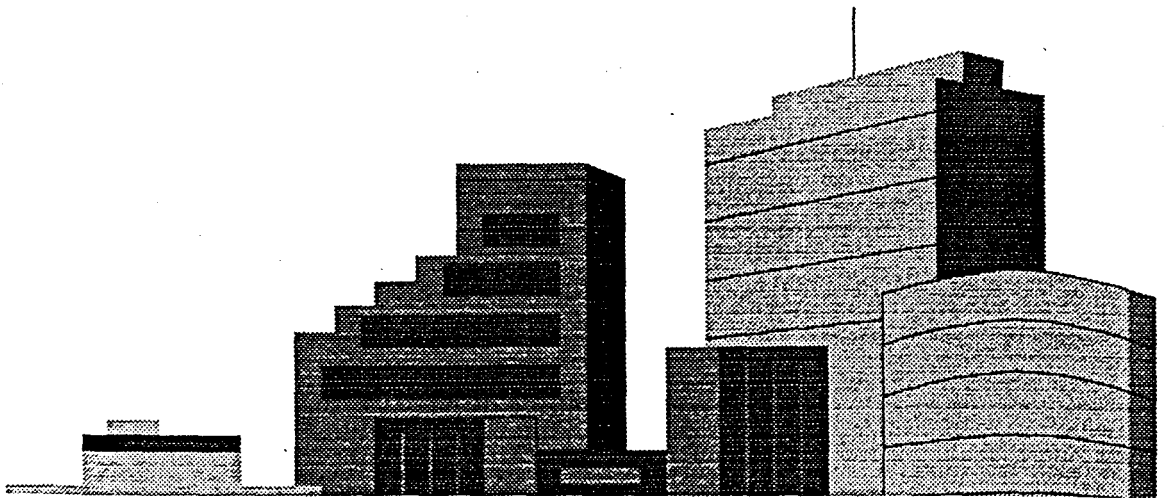


Exhibit 3  
February 9, 1995

The original of this document is stored at the Historical Society at  
225 North Roberts Street, Helena, MT 59620-1201. The phone number is  
444-2694.

EXHIBIT 3  
DATE 1-9-95  
#B 5

# MONTANA UNIVERSITY SYSTEM

## Asset Preservation Needs

January 1995

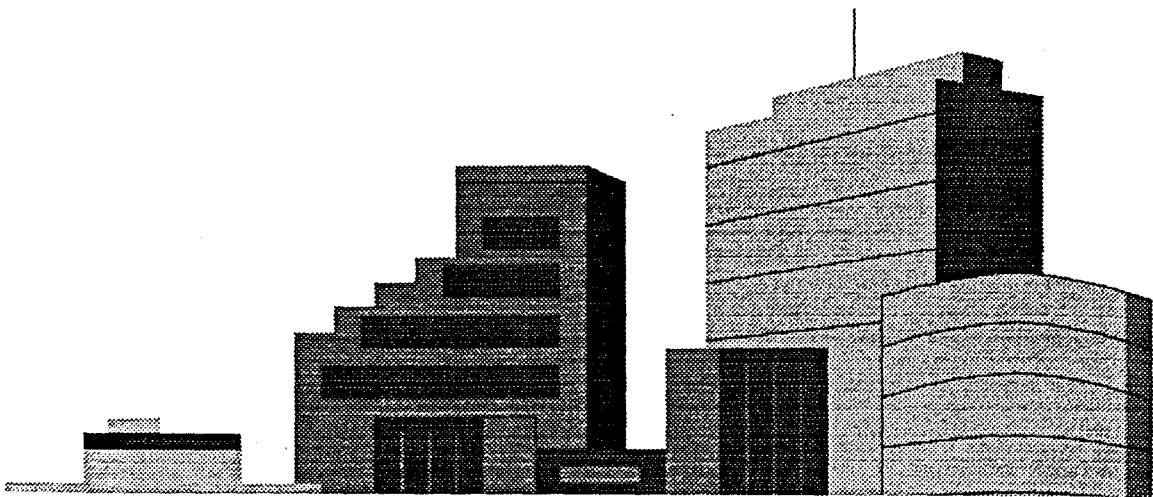


Exhibit 3  
February 9, 1995

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**LONG RANGE PLANNING SUBCOMMITTEE**  
**The University of Montana Presentation**  
**January 9, 1995**

EXHIBIT 4  
DATE 1-9-95  
#B 5

**The University of Montana Presentors**

James E. Todd, Vice President for Administration and Finance, The University of Montana, Missoula  
Alex Capdeville, Dean, Helena College of Technology  
Bob Frazier, Chair, ADA Task Force, The University of Montana, Missoula  
Hugh Jesse, Director of Facilities Services, The University of Montana, Missoula  
Jim MacPherson, Director of Physical Plant, Western Montana College of The University of Montana  
Rollo Shea, Director of Physical Facilities, Montana Tech of The University of Montana

**Projects to be Presented**

<u>Campus</u>	<u>Project</u>	<u>Estimated Project</u>
WMCUM	Repair Old Main Steam Traps	\$ 55,000
All, UM	Handicapped Access	2,000,000
All	Roof Replacements	1,871,900
All	Life Safety, Code Compliance	1,000,000
WMCUM/UMM	Asbestos Removal/Hazardous Materials	375,500
MTUM	Classroom/Laboratory Repairs	210,000
UMM	Renovate Health Services & Botany Annex	350,000
MTUM	Phase I, Renovate Main Hall	950,000
MTUM	Petroleum Building Renovation	600,000
All	Sidewalk Repair/Replacement	396,420
MTUM	Electrical Loop/Utility Renovations	440,000
UMM	Student Building Fee Projects (Authority Only)	400,000
UMM	Grant Projects (Authority Only)	500,000
UMM	Relocation of Human Resources (Authority Only)	150,000
UMM	Relocation of Print Shop (Authority Only)	300,000
All	ADA and Code/Deferred Maintenance (Authority Only)	6,000,000

**Projects for Presentation on February 14, 1995**

<u>Campus</u>	<u>Project</u>	<u>Estimated Project</u>
MTUM	Chemistry Building Renovation	
	State Funds	\$4,536,000
	MT/Gift Funds	<u>1,509,000</u>
	Total	\$6,045,000
UMM	Pharmacy Addition/Renovation	
	State Funds	\$2,000,000
	Gift Funds	<u>2,000,000</u>
	Total	\$4,000,000

**Code**

UMM The University of Montana, Missoula  
MTUM Montana Tech of The University of Montana  
WMCUM Western Montana College of The University of Montana  
HCOT Helena College of Technology



# **LONG RANGE PLANNING SUBCOMMITTEE HEARING**

**Helena, Montana**

**January 9, 1995**

## **COMMENTS**

**by**

**James E. Todd**

**Vice President for Administration and Finance**

**The University of Montana, Missoula**

Mr. Chairman, Members of the Committee, my name is Jim Todd and I serve as the Vice President for Administration and Finance of The University of Montana, Missoula. George Dennison wanted very much to be here for this hearing, but a previous commitment which he had to honor prevents his attendance. But, on his behalf, permit me to express the appreciation of all four campuses of The University of Montana for the opportunity of presenting our capital construction needs for the next biennium.

The University's capital construction needs have been identified through a formal process that involved representatives from each of the campuses at Missoula, Butte, Dillon and Helena. The University of Montana request incorporates the needs of not only the four-year campuses, but the two-year (former Vo-Tech Centers) campuses in Missoula, Butte and Helena as well. The list of projects to be discussed with you today represents the priorities jointly identified and evaluated by the campuses of The University of Montana.

At the outset, let me express the appreciation of all four campuses for the assistance you have given in the past. We invite you to each of the campuses to see what a difference your help has made or will make not only in the preservation of the State's capital assets, but in the learning opportunities of students as well. The new Gallagher Business Administration Building at Missoula - now scheduled for completion in the first half of calendar year 1996 - will make a significant difference to many future students. Likewise, the new elevators funded by LRBP appropriations, have opened learning opportunities for the hundreds of physically impaired students, and the asset preservation and code compliance appropriations have preserved State assets for use by thousands of future students.

The four campuses have and will continue to supplement LRBP appropriations for deferred maintenance, standards/code compliance, adaptive modifications and new construction with institutional, student revenue, bond proceeds, and private funds. The University continues to work hard to deal with deferred maintenance, life and safety issues and disability access. Your support of the University's capital needs has made a difference, and, coupled with resources contributed by students and private sources, your continued support will be essential to serving increasing numbers of students on all four campuses.

Included in the handout is a summary of authorized capital construction projects which are currently under construction or in the planning stage. The summary identifies the source of funding for each of the projects, and is intended to demonstrate that the campuses of The University of Montana have taken the initiative to address deferred maintenance, code compliance, disability access and new construction issues. Students and friends of the University have provided

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HBS

generous support, and we have become increasingly dependent on them to assist us in resolving our capital construction problems.

It is my understanding that your Committee has a special interest in identifying the increased costs to the State of Montana as a result of capital construction projects, both current and future. Of the approximately \$64 million in current capital construction projects identified on the handout, only one (the Gallagher School of Business Administration Building) requires a new building plant operation and maintenance building appropriation, and the necessary appropriation for the Gallagher Building is included in the Governor's recommended appropriation for the next biennium. Last week, you apparently asked about the maintenance and operation of costs for the Davidson Honors College building, which was bid last month. In testimony in the 1993 Legislative Session, President Dennison stated that the University would absorb the costs for maintaining the facility. In the University's request for the next biennium, we have honored that commitment, and no additional State support has been requested for the Davidson Building - or for any other facility except the Gallagher Building. All of the other projects will either result in cost savings, have no additional costs or will be funded from self supporting auxiliary revenues. None of the proposed projects under discussion with you today will require additional State appropriations, and the University will not submit any request for new building plant operation and maintenance support for any of them.

In developing the University's list of projects for consideration by your Committee, we continue to be cognizant of the State's financial situation. We distinguished between those projects which should and can be funded from campus resources, and those projects which are beyond the resources available to the University. We will continue to do our part in funding, but we must continue to look to the LRBP process for those projects for which other funds cannot be identified.

Before turning to brief presentations on each of the proposed projects of The University of Montana, permit me to echo the comments of Commissioner Baker on the desperate need for appropriations for deferred maintenance and disability access. We are aware that members of this Committee and others in the Legislature are sensitive to our plight, and have been vocal in the need for developing alternative funding mechanisms. Governor Racicot's proposal will help, but a very large liability still remains. We continue to offer our assistance in identifying alternative sources for funding for deferred maintenance and disability access issues.

The names of the individuals from the campuses of The University of Montana who will speak to each of the projects are identified on our handout. We intend to be brief as we go through the list. Let me introduce, then, the individuals who will present the projects of The University of Montana. They are:

Alex Capdeville from the Helena campus  
Bob Frazier from the Missoula campus  
Hugh Jesse from the Missoula campus  
Jim MacPherson from the Dillon campus  
Rollo Shea from the Butte campus

Thank you, and we will start with the repair of the Old Main Steam Traps on the Western campus.

UNIVERSITY CAPITAL CONSTRUCTION PROJECTS  
The University of Montana

EX 4  
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HBS

Campus	Project	State Appropriation	Student Revenue Bonds	Private Gifts	Other	TOTAL
UMM	Rosemary & William Gallagher Building	\$13,206,581	-	\$2,279,419	-	\$15,486,000
UMM	Robert T. Pantzer Residence Hall	-	8,000,000	-	-	8,000,000
UMM	Family Housing Complex	-	7,772,000	-	-	7,772,000
UMM	Residence Hall Renovations	-	7,000,000	-	-	7,000,000
UMM	University Center Renovations	-	4,000,000	-	1,177,000	5,177,000
UMM	Student Health Center Addition	-	1,900,000	-	1,250,000	3,150,000
UMM	Davidson Honors College	-	-	2,000,000	-	2,000,000
UMM	Washington Grizzly Stadium Expansion	-	1,800,000	-	-	1,800,000
UMM	Land Acquisition	-	1,650,000	-	-	1,650,000
UMM	Renovate the Lodge	-	1,300,000	-	-	1,300,000
UMM	Parking Lot Expansion	-	1,000,000	-	-	1,000,000
UMM	Renovate Basement School of Law	-	-	1,000,000	-	1,000,000
UMM	Parking Lot Renovations	-	900,000	-	-	900,000
UMM	Renovate Student Center	-	900,000	-	-	900,000
UMM	Residence Hall, Lubrecht Forest	-	875,000	-	-	875,000
UMM	Construct Student Center	-	600,000	-	-	600,000
UMM	Construct Locker Rooms, Stadium & Fieldhouse	-	-	500,000	-	500,000
UMM	Renovate Prescott House	-	-	500,000	-	500,000
UMM	Energy Conservation, Performing Arts	182,756	-	-	182,756	365,512
UMM	Energy Conservation, University Center	-	-	162,905	-	325,810
UMM	Energy Conservation, Science Complex	152,377	-	-	152,377	304,754
UMM	Construct Community Center, Family Housing	-	-	-	300,000	300,000
UMM	Electronic Security System, Residence Halls	-	-	-	300,000	300,000
UMM	Energy Conservation, Library	-	-	-	-	293,345
UMM	Elevator, Liberal Arts Building	280,000	-	-	-	280,000
UMM	Cabling System, Residence Halls	-	-	-	250,000	250,000
UMM	Energy Conservation, Heating Plant	120,356	-	-	120,356	240,712
UMM	Energy Conservation, Pharmacy/Psychology	112,528	-	-	112,528	225,056
UMM	Roof, Schreiber Gym	208,000	-	-	-	208,000
UMM	Energy Conservation, Social Science	-	-	-	-	189,838
UMM	Physical Education Roof	-	-	-	126,250	126,250
UMM	River Bowl Fields	-	-	125,000	-	125,000
UMM	Replace Roof, Elrod at Yellow Bay	115,000	-	-	-	115,000
UMM	Energy Conservation, Fieldhouse	52,080	-	-	52,080	104,160
UMM	Energy Conservation, Lodge	-	-	46,650	46,650	93,300
UMM	Improve Fire Lane Access & Upgrade	86,000	-	-	-	86,000
UMM	Roof, Botany Building	72,000	-	-	-	72,000
UMM	Fire Alarm System - Various Buildings	70,000	-	-	-	70,000
UMM	Planning, Pharmacy/Psychology Building	-	-	60,000	-	60,000
UMM	Fire Alarm System, Mathews Hall	-	-	-	57,000	57,000
UMM	Rugby Field, South Campus	-	-	50,000	-	50,000
UMM	Construct METNET Lab	-	-	-	50,000	50,000
MTUM	Museum Steps Exterior	25,000	-	-	-	25,000
MTUM	Ballast & Lamp Retrofit, Library	-	-	16,000	-	16,000
TOTAL		\$14,682,678	\$37,697,000	\$6,739,974	\$4,339,902	\$63,942,737

EXHIBIT 5  
DATE 1-9-95  
# 5

THE UNIVERSITY OF MONTANA  
SELF-FUNDED  
DEFERRED MAINTENANCE

SUMMARY

Fiscal Year 1994	\$725,558
Fiscal Year 1993	\$693,976
Fiscal Year 1992	\$197,043
Fiscal Year 1991	\$207,130
Fiscal Year 1990	\$362,300
Fiscal Year 1989	\$149,316
Fiscal Year 1988	\$83,220

(5)

**THE UNIVERSITY OF MONTANA  
SELF-FUNDED  
DEFERRED MAINTENANCE**

FISCAL YEAR 1993

<u>Project Title</u>	<u>Cost</u>
Misc. Renovate Continuing Education	\$20,725
Facilities Services Construction Work Room	10,454
Door Holders/Locks, Campus Store Returns, Exit Signs	1,729
Install Outlets, Exit Lights, Campus Stores Returns	3,498
Brantly Remodel Entrances	5,627
Repair Irrigation	1,572
Repair Bleachers	2,480
Petro. Nat. Fill Station	3,391
Facilities Services Exhaust System	5,756
Forklift	4,652
Ethernet Install Labor Area	1,296
Install Net Wiring	3,064
Repair New Forklift	7,452
Under Ground Fuel Tank	6,057
Art Annex Heated Gutters	3,307
PM Fountains	1,132
ACA Bldg Classroom Enhancements	21,864
ACE Bldg. Automatic Door Openers	25,400
ACA Bldg. Fixed Seating Repairs	6,086
ACA Bldg. Install Atomic Exit Signs	1,711
ACA Bldg Handicap Door Openers	3,133
ACA Bldg. Safety Inspections	5,904
ACA Bldg. Lock Repairs	18,273
Low-Aux Heating Source	8,474
UGLH Piping Chiller H2O	13,816
UGLH Roof Repair	1,916
LA Language Lab (103)	3,402
LA 2nd Floor Flood Repair	3,672
LA Flood Repairs	1,437
Field House Science Fair	2,756
Field House Graduation	4,841
McGill Hall Fire Doors	5,139
Pharm/Psych Aluminization/Roof	1,548
Pharm/Psych Waterproof Lights	1,132
Pharm/Psych Replace Showers - All Labs	2,240
Pharm/Psych Move Pictures/Cabinet	1,127
Pharm/Psych Roof Repairs	1,983
Forestry Paint Rooms	1,358
Forestry Paint Offices	2,376
Mount Forestry Atomic Exit Signs	2,098
Level 5 Net Work System	5,159
Remodel 303	3,591
Remodel 310,311 A-C	22,992
Schreiber Gym Remove Wall in Rm 124	3,289
Science Complex Acid Cabinets	3,935
Science Complex Renovate Vent System	1,468
Science Complex Remove Asbestos	1,598
Paint Chem/Pharm 207	1,304
Remodel Chem/Pharm 207	2,691
Classroom Enhancement Chem/Pharm 204	6,850
Remove Countertops Chem/Pharm 303	2,484
Paint Chem/Pharm 9	2,760
Renovate Chem/Pharm 9	7,249
Replace Countertops Chem/Pharm 303	3,958
Chem/Pharm Network Wiring	15,730
Add Doorway 2nd Floor Hallway CP	1,413
Outlets for Computers CP207	1,819

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<u>Project Title</u>	<u>Cost</u>
Install new Hot Water Heater CP	3,684
Assist Contractor - Sewer/Steam Line	5,510
Bricks-Grizzly Circle	2,010
Raise Fence - Child Care - ASUM	1,694
Misc. Work - ASUM Child Care	1,508
Assist Contractor - Sewer/Steam Line	13,562
Assist Survey Tech - Time Capsule	2,002
Repair Sidewalk, Field House	1,052
Labor & Materials - Confined Space Program	1,364
Prep. Land for Foot Bridge Project	4,153
Install Playground Equipment, McGill	2,969
Install Auto. Irrigation System - Math	3,780
Install Auto. Irrigation System - E. Beckwith/Arthur	2,873
Purchase Trash Recepticals	5,460
Turn on Irrigation, Parking Lots	1,865
Landscape & New Irrigation - BA	1,860
Grizzly Circle Bricks, Deliver & Caulk	6,802
Exterior Building Signs	3,620
Material & Water to construct light carts - Craig Circle	19,596
Replace Sidewalk - So. Entrance Soc. Science	2,853
Install Code Blue Emergency Phones	4,992
Dig up & Repair Condensate Pipe - BA	3,183
Paint Interior Social Science	2,898
Paint Interior Social Science	5,138
Presidents Booth	1,082
LA New Hot Water Heaters - West	11,090
LA 443 Remove Asbestos	4,425
PM Library Furniture	1,330
Fine Arts/Custodial Services	2,902
Fine Arts/Replace Floor Tile	3,606
Fine Arts/Handicapped Door	3,447
Journalism/Run Channel Across 2nd Floor Hallway	1,242
Journalism/Misc. Renovations	7,538
Journalism/Replace Floor Tile	8,059
Health Science/ New Office	6,337
Health Science/Cabinet Remodel	1,330
Health Science/Install Wiring	16,511
Health Science/New Pump on Dishwasher	1,163
Health Science/Shelves, peg board	1,230
Health Science/Weather Strip overhd.door	1,026
Health Science/Replace Tile	1,158
Health Science/Remove Asbestos	7,830
Health Science/Repair Air Handler	3,707
Main Hall/Paint	3,545
Main Hall/Replace Hot Water Tank	1,222
Main Hall/Install Custodial Closet	1,434
Main Hall/Remodel 18 & 20	17,778
Level 5 Wiring	<u>200,000</u>
TOTAL	\$725,588

**THE UNIVERSITY OF MONTANA  
SELF-FUNDED  
DEFERRED MAINTENANCE**

FISCAL YEAR 1993

<u>Project Title</u>	<u>Cost</u>
Roof Repair Building 32	\$ 17,000
Classroom Enhancement Liberal Arts	56,000
Montana Theater Aisle Lights	1,600
Forestry 201 Repairs	9,000
Field House Basketball Floor	5,500
Building Directories	5,500
Academic Handicap Levers	9,000
Art Annex New Gas Meter	3,000
Lighting Botany	2,296
Schreiber Roof	6,000
PARTV Roof	5,000
Paint & Tuckpoint Forestry, Journalism, University Hall	51,000
Interior Paint Social Science	42,000
Paint Curbs & Traffic	17,000
Exit Light Repair	4,235
Replace Chemistry Lights	3,827
Grid System Field House	4,800
Install Back-up Steam Line	64,422
Renovate Grizzly Circle	116,946
Theaters Dimming Systems	11,000
Fine Arts Theater Replace Carpet	16,920
Business Administration Remodel Restrooms	13,924
Library Remodel Restrooms	15,000
PARTV Lighting for Montana and Masquer Theaters	5,000
Music Lighting in Recital Hall	20,000
PARTV Montana Theater Lighting Control Board	37,500
Science Complex Renovate Ventilation System	24,000
Chemistry/Pharmacy Classroom Enhancements	5,100
Chemistry Install Sinks, Showers, Etc.	21,500
Art Annex Kiln Room Repair/Renovations	25,000
Replace DI Water Pipe	10,000
Academic Buildings - Energy Efficient Lighting	54,406
Academic Buildings - Exit Lighting Retrofit	<u>10,500</u>
<b>TOTAL</b>	<b>\$ 693,976</b>

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THE UNIVERSITY OF MONTANA  
SELF-FUNDED  
DEFERRED MAINTENANCE

FISCAL YEAR 1992

<u>Project Title</u>	<u>Cost</u>
Botany Interior Paint	\$ 43,000
Sidewalk Replacement	10,000
Renovate Kiosks	5,000
Social Science Air Conditioning	5,347
Forestry Hallway Repairs	14,000
McGill Hall Air Plenum	10,500
Building Directories	6,500
Library Rewire Telecommunications	25,000
1325 Gerald Windows	12,000
Rankin Hall Retro Lights	4,337
Schreiber Rewire & Lights	5,054
McGill Hall Lighting	9,600
Forestry Lights & Maintenance	2,583
Chemistry/Pharmacy Eye Wash Replacement	11,385
Handicap Ramps Liberal Arts, Field House, Alumni	8,537
Social Science Lights	4,300
Science Complex 361 Hood Replacement	9,000
Science Complex 405 Hood Replacement	4,700
Chemistry 306 Lab Bench	<u>6,200</u>
 TOTAL	 \$ 197,043



THE UNIVERSITY OF MONTANA  
SELF-FUNDED  
DEFERRED MAINTENANCE

FISCAL YEAR 1991

<u>Project Title</u>	<u>Cost</u>
PARTV Montana Theater Lighting	\$ 1,979
PARTV Emergency Lighting	1,172
Bicycle Pads Maintenance	1,075
600 Beckwith Asbestos	3,608
Replace Projection Screen Repair	1,458
1325 Gerald 1990 Work Maintenance	19,825
Sidewalk Maintenance Sixth Street	1,158
Liberal Arts 144 Maintenance	1,331
Brantly Sidewalk Maintenance	1,038
PARTV Buss Bar Replacement	4,858
Curb Cuts & Sidewalk Maintenance	2,352
730 Eddy Lawn Restoration	3,969
Schreiber 202 Lighting	2,636
Schreiber 303 Renovation	3,186
Schreiber 204 Renovation	3,471
Social Science 252, 254 Remodel	7,926
Corbin Exterior Paint	31,000
Traffic Paint	5,814
University Hall Irrigation Upgrade	1,111
Botany Sidewalk	1,701
Music Hard Wood Floor Replacements	1,087
PARTV Paint Public Areas	6,135
Liberal Arts Wheelchair Ramp	2,846
Handicap Drinking Fountains Maintenance	14,891
PARTV Roof Repairs	1,630
Forestry 303 Maintenance	2,065
Journalism 106 Paint	2,156
Academic Buildings Fire Marshal Work	11,015
Academic Buildings Department of Labor	11,255
Field House Remove Asbestos	2,846
1325 Gerald Maintenance	1,072
1325 Gerald Roof Deck Repairs	4,600
PARTV Sound Control Panel Replacements	1,693
Tunnel Asbestos	8,200
Dunham Bush Compressor Maintenance	33,000
Chemistry/Pharmacy Handicap Rail	<u>1,971</u>
 TOTAL	 \$ 207,130

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THE UNIVERSITY OF MONTANA  
SELF-FUNDED  
DEFERRED MAINTENANCE

FISCAL YEAR 1990

<u>Project Title</u>	<u>Cost</u>
Art Annex Grounds Work	2,193
Art Annex 2" Gas Line	1,339
Asbestos Removal - Botany	1,793
Brantly Hall Basement Restroom Maintenance	4,335
Brantly Hall Multi Restroom Replacement	21,338
Chemistry/Pharmacy 206	1,506
Asbestos Removal - Chemistry/Pharmacy Hallway	3,112
Asbestos Removal - Chemistry Pharmacy Fourth Floor	5,790
Lab Counters - Chemistry Pharmacy	5,632
Lab Benches - Chemistry Pharmacy	16,630
Asbestos Removal - Chemistry Pharmacy 3, 4, 5, 9, 11	5,839
Upgrade Electrical System Paint Shop	4,601
Install Footing Around Building 24	3,026
Fine Arts Stairs	4,146
Forestry Remodel Room 201	2,077
Asbestos Cleanup	31,936
Parking Lot Signs	13,606
Install Light Poles - Campus	15,181
Asbestos Removal - Heating Plant	12,868
Construct Doorway Social Science Room 130-128	1,062
Replace Handicap Door Opener to Elevator Social Science	3,314
University Hall Room 123-121 Maintenance	1,333
Remodel Brantly B1-B6	15,682
Renovate Corbin Room 40	31,363
Chemistry Lab Counter	5,480
Schreiber Gym Handicap Access	9,612
Library Microfilm Reading Area	19,768
626 Eddy Handicap Access	5,000
Journalism Building Photography Lab	68,018
Library Automatic Doors	5,005
730 Eddy Remodel Basement	13,885
University Theater Lighting Replacement	21,436
Air Conditioning Unit	<u>4,394</u>
<b>TOTAL</b>	<b>\$ 362,300</b>

THE UNIVERSITY OF MONTANA  
SELF-FUNDED  
DEFERRED MAINTENANCE

FISCAL YEAR 1989

<u>Project Title</u>	<u>Cost</u>
Asbestos Removal - Journalism 308	\$ 5,051
Asbestos Removal - Journalism 108	4,425
Improve Acoustics Math 108 & 109	4,373
Exhaust Fans Math	2,062
Asbestos Removal - McGill 008	14,825
Asbestos Removal - 600 E. Beckwith	1,289
1325 Gerald Bath Fixture Maintenance	2,363
1325 Gerald Bath Maintenance	4,033
Schreiber Gym Room 303 Maintenance	3,407
Schreiber Gym Room 204 Maintenance	3,396
Schreiber Gym Room 304 Maintenance	6,898
Replace Carpet Math 212	2,312
Brantly Safety Panic Bars	2,368
Chemistry/Pharmacy Lab Bench	2,950
Asbestos Removal - Corbin Room 40	1,984
Asbestos Removal - University Hall	2,615
Science Complex Acid Lab Ventilation System Replacement	14,247
Asbestos Removal - 612 Eddy	3,970
Asbestos Removal - 730 Eddy	10,077
Install Audio/Visual Science Complex 333 & 334	1,397
Asbestos Removal - University Hall 123	1,715
University Hall Main Front Hall	22,874
University Hall Room 110 & 111 Drop Ceiling	5,073
Field House Shower Room	8,440
Asbestos Removal - Fine Arts Mechanical Room	4,592
Asbestos Removal - Forestry	3,402
University Ave. Water Main	1,330
Math Steam Tunnel Asbestos Test	3,931
Fiberoptics Project	2,385
Install Signs Parking Lots	<u>1,532</u>
 TOTAL	 \$ 149,316

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THE UNIVERSITY OF MONTANA  
SELF-FUNDED  
DEFERRED MAINTENANCE

FISCAL YEAR 1988

<u>Project Title</u>	<u>Cost</u>
Install Outlet Journalism Room 212	\$ 2,979
Cleanup Loose Asbestos - Steam Tunnels	24,231
Construct Window Screens Math	1,274
Cable Pull Academic Buildings	5,893
Install Lights Grounds	1,000
Asbestos Removal - Academic Buildings	1,829
Liberal Arts Carpet Replacement	1,037
Install Conduit University Hall	3,335
Loading Dock Repairs Chemistry/Pharmacy	1,001
Asbestos Removal - University Hall	4,115
Fire Hydrants	3,587
Assist Primary Electrical Distribution Phase II	1,503
Install Footings Building 24	2,961
Fence Landscape Heating Plant	2,398
Landscape West of Labor Shop	3,807
Art Annex Electrical Work	1,274
Journalism Conduit	1,446
Asbestos Removal - Heating Plant	2,406
Asbestos Removal - Fine Arts	3,525
Replace Aluminum Door Schreiber Gym	4,138
Move Asbestos Fittings Health Science	2,172
Remove Transite Art Annex Pool	4,083
Pipe Penetrations Health Science	1,629
Asbestos Removal - 616 Eddy	<u>1,597</u>
 TOTAL	 \$ 83,220

**HANDICAPPED ACCESSIBILITY PROJECTS**  
**COMPLETED BY**  
**THE UNIVERSITY OF MONTANA**

SUMMARY

Fiscal Year 1994	\$52,500
Fiscal Year 1993	\$634,500
Fiscal Year 1992	\$351,169
Fiscal Year 1991	\$130,000
Fiscal Year 1990	\$153,902
Fiscal Year 1989	\$77,148

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## THE UNIVERSITY OF MONTANA

### HANDICAPPED ACCESSIBILITY PROJECTS

#### 1994 PROJECTS

Install Accessible Doors, Recreation Annex	\$5,500
New Sidewalk, West of Field House	24,000
Renovate Restrooms, Rankin Hall	10,000
Replace Lift, Treasure State Dining Room, Lodge	<u>13,000</u>
<b>TOTAL</b>	<b>\$52,500</b>

#### 1993 PROJECTS

Construct Mobility Impaired Access Ramp, Math	\$50,000
Construct Mobility Impaired Access Ramp, Rankin	30,000
Install Handicap Access Door, Miller Hall	15,000
Handicap Restroom Access, Health Service Basement	17,000
Renovate Rooms for Accessibility, Science Complex	25,000
Accessible Weight Room, Campus Recreation	45,000
Improve Hallway Lighting, DSS Offices, Corbin Hall	850
Portable DSS Taping Studio, DSS Offices, Corbin Hall	4,500
Safety Gate, Corbin 026	650
Install Elevator, Liberal Arts Building	242,500
Install Elevator, Business Administration Building	<u>204,000</u>
<b>TOTAL</b>	<b>\$634,500</b>

#### 1992 PROJECTS

Install Fire Exits/Escapes, Turner Hall	\$30,000
Install Elevator, Business Administration Building	204,000
Install Electric Door Openers, UC	10,000
Install Electric Door Openers, Various Locations	25,000
Install Electric Door Openers, Lecture Hall & Library	20,000
Install Electric Door & Opener, Science Complex	4,800
Install Handicap Lift, Grizzly Pool	2,469
Install Call Lights/Audible Signals in Elevators, Mansfield Library	10,000
Remodel Restrooms, Miller Hall	24,900
Construct Six Handicapped Bus Stops	<u>10,000</u>
<b>TOTAL</b>	<b>\$351,169</b>

#### 1991 PROJECTS

Install Electric Door Openers, Various Locations	\$20,000
Construct Handicap Ramp, Field House	15,000
Build Ramps for Graduation Stage	8,000
Renovate Restrooms, Business Administration	15,000
Install Visual Fire Alarms, Campuswide	10,000
Renovate Restrooms, Mansfield Library	15,500
Construct Handicap Ramps, UC and Tennis Court	20,000
Install Curb Cuts in Lot J	1,800
Remodel Apartment, Family Housing	<u>25,000</u>
<b>TOTAL</b>	<b>\$130,000</b>

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## HANDICAPPED ACCESSIBILITY PROJECTS

### 1990 PROJECTS

Handicap Curb Cuts Campuswide	\$24,000
Door and Signage Renovations	20,000
Renovate Restrooms, Jesse and Aber	17,000
Renovate Restrooms and Locker Rooms, McGill	24,990
Construct Handicap Ramp, Building #32	8,069
Construct Handicap Ramp, Liberal Arts	12,096
Install Electric Door Openers: UC, Lodge, McGill, Field House, PARTV	17,601
Remodel Restrooms, Liberal Arts	14,197
Install Handicap Drinking Fountains	14,449
Install Phone for Access to Human Resources	<u>1,500</u>
<b>TOTAL</b>	<b>\$153,902</b>

### 1989 PROJECTS

Construct Handicap Ramp & Sidewalk, Brantly	\$23,000
Renovate President's Restroom, Brantly	23,543
Renovate Basement Restroom, East Brantly	4,335
Construct Handicap Ramp, Corbin	19,880
Electric Door Openers, Main Entrance, Mansfield Library	<u>6,390</u>
<b>TOTAL</b>	<b>\$77,148</b>

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DATE 1-9-95  
#B 5

**ADA TEAM  
SELF-EVALUATION  
AND  
TRANSITION PLAN  
PROGRESS REPORT**

August 22, 1994

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## SELF-EVALUATION AND TRANSITION PLAN

The Self-evaluation and Transition Plan identified a variety of barriers. This report details those that have been removed, barrier removal in progress, and those barriers that have not been addressed.

Three sources of funding are presently committed to address the Transition Plan: the Long Range Building Program, Building Fees, and Auxiliary Services. The LRBP requires approval by the State of Montana, including the Board of Regents, the Legislature, and the Governor. All long range building access projects on the campus are listed in the University top priority category. Most Transition Plan barriers have been referred to the LRBP. Building Fees and Auxiliary Services are controlled, with some restrictions, by The University. These, building fees and auxiliary services augment LRBP.

Proposals to remove most Transition Plan barriers have been forwarded to the 1995 LRBP process through the Board of Regents. The Team anticipates further LRBP decisions will be made in the 1995 legislative process.

### BARRIERS REMOVED

- ◆ Designate compliance officers: The University has named a Team which, in addition to its ADA responsibilities, acts as the Section 504 compliance committee. The Team meets weekly to carry out its duties. Team members are: Robert Frazier (chair), Kathy Crego, David Haas, Jim Lopach, Jim Marks, Fred Reed, and Janet Sedgley.
- ◆ Improving the complaint procedure: An Alternative Dispute Resolution procedure has been developed in addition to the University grievance process. The EEO Office, although physically inaccessible, notifies the public of grievance or dispute information available on alternative formats -- tape cassettes, braille, large print, and computer disk publications -- including posters and procedural handbooks.
- ◆ Evaluate and revise the medical documentation for readmission to the University regarding withdrawal based solely on disability: The practice of placing a medical hold on University readmissions for disability reasons has been

Center Scheduling, the Registrar, and Continuing Education.

- ◆ Review all collective bargaining agreements prior to renewal to determine any clauses which limit or prohibit participation or membership because of a disability: Human Resource Services completed review of staff collective bargaining agreements and revised agreements to insure no discriminatory provisions.
- ◆ Review all policies related to benefits: All policies have been reviewed by the administration, and there will be an ongoing process to insure compliance.
- ◆ New policies implemented:
  - A policy on universal access was implemented.
  - Established transition plan as a "living document" for campus change.
  - Established planning process elevating all ADA projects in the Long Range Building Program to first priority.
  - Established "open access" policy to campus committee meetings.
  - Began educational programs for staff and faculty through Human Resources. Additional contacts were made by faculty and ADSUM.
  - Established ADA Team approval process of all campus building or remodeling projects.
  - Established dialogue with campus academic departments to provide recommendations for greater access to campus publications (ie: diskettes and tapes.)
  - Established weekly meetings of ADA Implementation Team which provide greater access to the campus community.
  - Established new contract terms with Mountain Line Transportation that assures equal accessibility and cost of bus services.
- ◆ Building and construction:
  - Completed construction of a ramp to access the lower level of Rankin Hall and programs within the building.
  - Completed construction of a ramp to access the Math building, the Math Lab, and associated programs.
  - Initiated renovation of the Oval sidewalk system to provide easier access to campus sidewalk framework.
  - Installation of campus backbone for Information Technologies network.
  - Installation of elevator to Business Administration building.
  - Approval for installation of elevator in Liberal Arts building.
  - Acquisition of computer systems and equipment in the Mansfield Library, which continues to improve access to information.

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Some areas need alternative formats for printed information. Review of these areas will continue in the 94-95 school year.

- ◆ Develop a University-wide policy regarding self-identification of disabilities and a process of referral and assistance: Steps have begun in Human Resources and Disability Services for Students to define and develop a University policy.
- ◆ Develop a procedure for monitoring long-term trends in recruitment, retention, graduation, and withdrawal of students with disabilities to anticipate future needs and to provide necessary services in a timely manner: Disability Services for Students continues to set annual objectives and publish annual reports, but no formal data collection efforts have been accomplished. Additional growth in student numbers requesting disability services has limited DSS attention to essential requests. Alternatives for collection of information will be explored in 94-95.
- ◆ Develop student information for all departments regarding requirements and policies specific to departments: Various schools or departments -- Social Work, Pharmacy, and Psychology -- have requested and received advice from the ADA Team, Disability Services for Students, and the EEO Office regarding program applications and processes. A proposal for expanding this item will be pursued in 94-95.
- ◆ Establish an accessible location for the posting of all scholarships, post-graduate opportunities, internships, and other kinds of off-campus placement: Accessible locations for such information include the Lodge, University Center, and Mansfield Library. Due to the nature of a University campus, it is an arduous task to provide and monitor all information. Many campus departments do not have accessible sites for posting bulletins with specific departmental information.
- ◆ Begin comprehensive training programs for all advising and placement personnel regarding the rights of students with disabilities and disclosure of disabilities: Training sessions have been offered for employees. The next step will offer training to advising and placement personnel. Disability Services for Students is working with The University College to streamline advising of students with disabilities.
- ◆ Conduct training programs for all faculty: While training has been offered to all University employees, formal offerings specifically tailored to faculty have not been conducted. A request to the administration for faculty training and production of a faculty guide is included for 94-95.
- ◆ Develop ongoing training programs: Educational programs have

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Students, in conjunction with the School of Education and Continuing Education, have supported limited course work in sign language. These courses are not for interpreter preparation.

- ◆ Establish an interpreter screening test: No formal screening test has been adopted, but the Disability Services for Students Deaf/Hard of Hearing Specialist does screen interpreter applicants informally prior to offering a position to a potential employee. The Deaf/Hard of Hearing Specialist is a RID certified interpreter who has been authorized to assist RID in the certification of other interpreters. The specialist also works closely with the Montana Registry of Interpreters for the Deaf (MRID). MRID is working for the development of an interpreter screening requirement in Montana.
- ◆ Establish Reader Programs: Improvements to the Disability Services for Students reading program include: earlier advertising to recruit employee and volunteer readers, increasing the volunteer workforce through building relationships with faculty/instructors, and the purchase of more equipment for student and production use. A computerized reading machine was provided and installed in the Mansfield Library which greatly improves reading access to library materials and textbook reading. With these improvements to the reader program come increased usage. Disability Services for Students will seek additional funding in future budget processes.
- ◆ Develop a policy for captioning video material used on and off campus: IMS has purchased closed caption decoders for video presentations. No formal policy has yet been adopted, but will be studied in 94-95.
- ◆ Include any ADA information in all handbooks, catalogues, manuals, and guidelines available to the public -- including posters, advertisements radio/television broadcasts: Many University publications include information on accessibility, and a coordinated effort to include this information will be conducted. Compliance can be facilitated by adding appropriate information regarding accessibility to documents produced at Printing Services.
- ◆ Providing course materials in alternative formats: Disability Services for Students works closely with Recording for the Blind and the Montana Talking Books Library. For example, Disability Services for Students assists in production of RFB electronic texts, and supports increased funding for the Talking Books Library. Resolution of this issue lies largely with publishing companies at the present time.

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distributed to faculty in 93-94.

- ◆ Former drug usage: Review of policies has begun and will continue in the 94-95 year.
- ◆ Develop a procedure which provides interpreters at all University activities: Although no formal procedure has been developed, Disability Services for Students interpreters can provide services for non-students. However, the time available for non-student services is extremely limited. The supply of non-university interpreters is short as well, thus resulting in a limitation of interpreter services for many University-wide activities.
- ◆ Purchase two sets of adaptive vehicle controls for University motor pool vehicles and one lift-equipped van for the University motor pool: No controls or van have been purchased. Instead, the Motor Pool rents accessible transportation, as needed, from Beech Transportation of Missoula.
- ◆ Develop a travel policy regarding provisions for a driver on an as-needed basis: A campus-wide policy has been developed. Those persons needing accessible vehicles are offered drivers through a contractor that provides the driver and a vehicle.
- ◆ Develop a policy of maintenance of all adaptive equipment in an expeditious manner: No policy has been developed. However, most adaptive equipment does receive timely maintenance at the present time. As The University acquires more assistive technologies, a formal equipment maintenance program will become increasingly important.

### NO PROGRESS TO DATE

- ◆ Develop a policy regarding the timely purchase of textbooks and the provision of materials in an alternative format: No formal policy has been developed, but Disability Services for Students is planning for the development and implementation of such a policy in conjunction with the UC Bookstore. Some faculty have expressed an interest in formalizing the process.
- ◆ Develop a policy regarding the provision and location of all materials for academic programs in an accessible location: No policy has been set, but an inventory of items will be undertaken in order to develop a University policy in 94-95.
- ◆ Develop periodic evaluation of academic programs which addresses access issues: Use periodic accreditation as an



# **Wheat & Barley Committee**

EXHIBIT 7  
DATE 1-9-95  
# 5

750 Sixth Street S.W. – P.O. Box 3024, Great Falls, Montana, 59403-3024

**TESTIMONY OF THE  
MONTANA WHEAT AND BARLEY COMMITTEE**

**Great Falls, Montana**

**PRESENTED BY**

**STEVE McDONNELL, DIRECTOR**

**For the record of**

**the**

**LONG RANGE PLANNING SUB-COMMITTEE  
OF HOUSE APPROPRIATIONS**

**ON**

**MSU BIOSCIENCE RESEARCH CENTER**

**HELENA, MONTANA**

**JANUARY 9, 1995**

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IN SUPPORT OF THE MSU BIOSCIENCE RESEARCH CENTER

Mr. Chairman, and members of the committee. My name is Steve McDonnell. I am the director of District VI of the Montana Wheat and Barley Committee, as well as a farmer and businessman at Three Forks, Montana.

The Montana Wheat and Barley Committee strongly supports the construction of the Agricultural Bioscience Research Center on the campus of Montana State University. And, the Committee's support is not now, nor will it be in the future, just in words. Like a large number of farmers and ranchers have done personally, the MW & BC has pledged to match federal monies for the center's construction, in our case, \$200,000. And, the Committee has given \$924,492 over the years in equipment and research grants to support a key component of this Center, the Cereal Quality Facility.

The Montana Wheat and Barley Committee is entirely funded by the producers of those commodities in this state. It receives no Montana general fund support and no federal government support. The voting Committee members are all people like myself, active wheat and barley farmers who pay to further the work of the Committee. When we sit down to make decisions on about how our money, and that of our friends and neighbors, will be spent, we look hard at projects that farmers need and want. There is no way that the Committee could have already paid over a million dollars toward the aims and purposes of this proposed Bioscience Research Center, without being very sure that it is something we really need.

We are not so provincial as to believe that this facility will only benefit Montana farmers. It goes without saying that agriculture in Montana is the number one industry and contributes the most to its tax rolls. The Bioscience Center will subsequently benefit all Montana citizens by making this state more competitive in environmental and quality issues for the future. This proposed research facility can greatly aid our state's economy by working toward reduced cost of production, value-added commodities and environmentally-friendly cultural practices.

The Montana Wheat and Barley Committee, and the people we work for, asks your support on this project.



# ontana

## Wheat & Barley Committee

EXHIBIT 8  
DATE 1-9-95  
# 5

750 Sixth Street S.W. - P.O. Box 3024, Great Falls, Montana, 59403-3024

TESTIMONY OF THE  
MONTANA WHEAT AND BARLEY COMMITTEE

Great Falls, Montana

PRESENTED BY

LANNY CHRISTMAN, DIRECTOR

For the record of

the

LONG RANGE PLANNING SUB-COMMITTEE  
OF HOUSE APPROPRIATIONS

ON

MSU BIOSCIENCE RESEARCH CENTER

HELENA, MONTANA

JANUARY 9, 1995



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## MSU BIOSCIENCE CENTER SUPPORT

Mr. Chairman and members of the Committee, my name is Lanny Christman. I am a member of the Montana Wheat and Barley Committee and represent District IV, from my farm at Dutton, Montana.

The construction of a Bioscience Center at MSU is an exciting prospect to anyone in this state who is interested in mitigating production costs on the farm; finding extra value in raw and/or processed commodities; and biologically controlling diseases, insects and weeds.

A large share of the value-added research in wheat and barley that is now ongoing at MSU is coming from the Cereal Quality Laboratory and the Plant, Soil, and Environmental Sciences Nutrition Laboratory -- two totally separate laboratories, with two sets of staff, equipment and goals. This new facility will allow the fulfillment of a long-time objective: combining these programs under a single mission statement, in one place and under one management, in the new Cereal Quality Facility in the Bioscience Center.

In combination with plant breeding efforts, this segment of research has been the main focus of the Montana Wheat and Barley Committee's support at MSU for many years. Montana's customers, both domestic and international, are being more and more demanding of the quality specifications that will be addressed in this Cereal Quality Facility. There is no way to emphasize enough how important we, on the Wheat and Barley Committee, feel it is for Montana to get into a position where we have a fighting chance to stay competitive in the fiercely-competitive world we envision in the decade ahead.

I consider farmers to be among those who stand in the front ranks as environmentalists. The Bioscience Center will be a working testimony to those of us on the land, and our counterparts in the cities, that we in this state are committed to research which will find alternatives to the standard, expensive ways we now have in dealing with pests and disease that threaten not only our food supply, but our pocketbook, as well.

I join with my fellow members on the Montana Wheat and Barley Committee in urging you to support the construction of this Bioscience Center at MSU. Thank you for your consideration.



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P.O. Box 1165 • 750 6th Street S.W. • Great Falls, Montana 59403 • 406/761-4596

Testimony of the  
Montana Grain Growers Association  
in support of the BioScience Building at MSU

Mr. Chairman, members of the Committee, my name is Merlin Boxwell. I farm in the Cut Bank area and am currently the President of the Montana Grain Growers Association. I am here to ask you to authorize the construction of the proposed BioScience Building at MSU. We have been involved with this project since its inception. We have watched our entire Congressional Delegation throw its support behind this project. We have watched as private donors have rallied to meet the matching fund requirements of the project. Now we are here to ask the State of Montana to allow this dream to be completed.

There are many reasons why this building and its programs are important to the economy and life of our State. I would like to key in on one that we believe is extremely important.

There is no doubt that this country is trending toward less and less government support of farmers in terms of commodity programs. As we prepare to debate the 1995 Farm Bill, there is no question that we will be faced with substantial cuts in commodity programs. And in succeeding years those cuts will continue until we must receive all of our income from the marketplace.

This means that for farmers to continue being an important part of this state's economy, we must be more and more competitive with both our foreign competitors and our fellow farmers here in the U.S.

This facility will help us in two ways. First, it will house programs that will allow us to seek more economical and safer ways to combat weeds, diseases and insects. We must step up our efforts to find biological agents that are harmful to pests that increase our cost of production. Secondly, this facility will help us design agriculture products that meet the needs of our customers. Both our domestic and foreign customers are becoming much more specific in their requirements. This building will help us produce wheats and barleys that meet those requirements. In short, it will help us protect our environment and reduce our cost of production, while at the same time, meeting the needs of our customers.

This is a great chance for the State of Montana to build a strong and unique research program that will not only benefit Montana's agriculture, but agriculture in our region. We ask that you support the authorization of the BioScience Building.

Mike Green, lobbyist  
44 N. Last Chance Gulch #14  
Helena, MT 59601  
449-7462  
447-6536 (beeper)

EXHIBIT 10  
DATE 1-9-95  
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ASSOCIATED STUDENTS MONTANA STATE UNIVERSITY • BOZEMAN, MT 59717 • (406) 994-2933

Testimony presented to the Long Range Planning Jt. Subcommittee

1/9/95

The Associated Students of Montana State University- Bozeman urge the passage of H.B. 5. We strongly support the deferred maintenance projects and the Federally and privately funded Ag-Bioscience facility project. I would like to specifically address some of the perceived benefits to students from the construction of the Bioscience facility.

Growth in the bio-tech industry has prompted the Board of Regents to approve the addition of a Bio-technology degree within the College of Agriculture. The expansion of green house facilities and additional bio-tech lab space would allow students in this and other degree programs to participate and benefit from increased research opportunities.

The presence of a state of the art research facility will aid MSU's quest to recruit the highest caliber faculty members to fill future vacancies.

Firms such as Bozeman Biotech and Ecopharm are only two of the many new Montana firms currently working with Biotechnology. As employment opportunities in bio-technology are increasing we hope that our education system can adapt to meet the demands of this new field. While the project is expected to draw additional bio-tech industries to the state, it will also provide MSU graduates with an "edge" in an increasingly competitive job market. We appreciate the fact that this facility not only expands our educational horizons but also offers increased opportunity to apply that education to a job here in Montana.

The potential benefits for students are difficult to quantify. However, expanded research opportunities under the guidance of experienced, quality faculty, coupled with the possible increases in in-state employment opportunities, makes this project a welcome addition to the education of MSU students and to the economy of Montana.



STATE OF MONTANA  
Office of the Legislative Auditor

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EXHIBIT 11  
DATE 1-9-95  
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LEGISLATIVE AUDITOR:  
SCOTT A. SEACAT

LEGAL COUNSEL:  
JOHN W. NORTHEY

January 6, 1995

DEPUTY LEGISLATIVE AUDITORS:

MARY BRYSON  
Operations and EDP Audit

JAMES GILLET  
Financial-Compliance Audit

JIM PELLEGRINI  
Performance Audit

Representative Earnest Bergsagel  
PO Box 9  
Capitol Station  
Helena MT 59620

Dear Representative Bergsagel:

Attached is information you requested regarding the Bioscience Facility expansion at the Montana State University. If you have questions or need additional information, please feel free to contact us.

Sincerely,

A handwritten signature in cursive script that reads "Jim Pellegrini".

Jim Pellegrini  
Deputy Legislative Auditor

TC/v/951-44.1tr

Attachment

A handwritten signature in cursive script, possibly reading "M. Bryson".

Office of the Legislative Auditor

BIOSCIENCE FACILITY  
Montana State University

Legislative Request #95L-44  
January 6, 1995

This memorandum responds to a request for information regarding the building program request for authority to construct additions to the Bioscience Facility at Montana State University (MSU) to provide additional space in the Plant Growth Center.

BACKGROUND

The Bioscience Facility will supplement the existing MSU College of Agriculture, Plant Growth Facility (greenhouse and laboratories), which was originally constructed in April 1987 at a cost of approximately \$5.3 million. According to MSU staff, facility expansion for pathogen laboratory and greenhouse capabilities was anticipated at the time of the initial construction. Building program requests for expansion were included in both the 1992-1993 and 1994-1995, as well as the 1996-1997 Capitol Construction Program documents.

BUILDING PROJECT REQUEST FUNDING

The Bioscience Facility addition in the 1996-1997 Capitol Construction Program is a building "authority only" priority. The project is listed as Priority Number 63 of 72. Construction funds are planned as a combination of federal grant appropriations and private/corporate gifts and donations.

Federal Grant Appropriations

The expansion/addition, planned for completion in July 1998, has an estimated cost of \$10,250,000, plus \$820,000 for architectural/engineering, and \$505,946 for contingencies; total is \$11,575,946 (source: Fiscal Years 1996-1997 Capitol Construction Program). Over the past four fiscal years, MSU has received appropriations authority through the United States Department of Agriculture (USDA) Facility Grant Program. Federally appropriated funds total \$5.3 million and staff indicate approval of an additional \$2.3 million was received in December 1994. Federal appropriations would total \$7.6 million, but are contingent upon a 1 to 1 state match.

Private/Corporate Donations Needed for State Match

USDA authorities are allowing the original construction costs for the Plant Growth Center to be applied to the state match requirement, approximately \$5.3 million. The remaining match requirement,

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anticipated at approximately \$2.3 million is being raised by MSU through gifts and donations. This amount would meet the federal match requirement for the \$7.6 million. According to staff, donations are approaching \$1 million.

Federal appropriations (\$7.6) plus planned donations (\$2.3) totals approximately \$10 million, which was an original expansion construction estimate. Current estimates leave \$1.6 million in additional funding needed, plus approximately \$1.3 million in donations. A total of \$2.9 appears to still be required.

#### Operations and Maintenance (O&M) Funding

According to MSU staff, O&M funding for facility operations beginning in July 1998 is being evaluated. Staff indicated a projection would be available for the Long Range Planning Committee hearing scheduled for January 9, 1995. Regardless of the amount, O&M appropriations would be required initially for this facility during the 1998-99 biennium, if construction authority is approved and construction is completed as planned.

#### BIOSCIENCE FACILITY ACTIVITY

The Bioscience Facility will provide space for the study of pathogens (microorganisms capable of causing disease) in the control of agricultural pests (weeds and insects). The facility expansion will provide several capabilities:

Pathogen Quarantine Facility - Equipment and facilities (USDA-approved) for the testing of pathogens on host plants, which includes both laboratory testing and greenhouse quarantine. Currently, MSU has limited capability to accomplish laboratory testing, but lacks the quarantine and controlled greenhouse capabilities to determine effects (positive or negative) of pathogens. Most of MSU's pathogen work is submitted to the USDA facility at Ft. Detrick, Maryland. The USDA backlog is currently projected to be several years. Contact with USDA scientists at Ft. Detrick indicates the MSU capability will provide a needed duplication of pathogen evaluation capability. Approximately 5000 of the projected 55,000 square feet of the facility will be dedicated to this capability. Staff also anticipate a proportionate share of operating costs, about 10 per cent.

Agricultural Research and Cereal Quality Improvement - The state-of-the-art facility will provide a research capability allowing the integration of sustainable agricultural production, conventional control of weeds, insects and diseases, and biocontrol strategies. Biocontrol strategies include such as pathogens for weed control and microbes used as for control of soilborne pathogens. Additionally, the facility will allow for the development of improved, more competitive wheat and barley varieties.

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Expanded Greenhouse - The expansion of a controlled greenhouse, will increase pathogen quarantine and research capabilities. Increased evaluation of various biocontrol products could allow for more rapid development of new cereal varieties.

Staff and Workload

Existing MSU staff will conduct the majority of the laboratory work and research. Additional MSU staff are not planned. Contract solicitations are anticipated by staff, because of the comprehensive capabilities of the facility. In all likelihood, additional scientists and technicians will use the facility, but would be supported by funds from such contracts. USDA scientists already use the existing facilities at MSU and want to use the expanded capabilities as well. According to MSU staff, USDA has indicated a willingness to provide annual operating funds based on their utilization (percentage) of the facility.

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Long Range Planning SUBCOMMITTEE      DATE 1/9/95

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