

## MINUTES

### MONTANA SENATE 55th LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION

Call to Order: By VICE CHAIRMAN KEN MESAROS, on April 9, 1997,  
at 10:05 a.m., in Room 331.

#### ROLL CALL

**Members Present:**

Sen. Kenneth "Ken" Mesaros, Vice Chairman (R)  
Sen. Vivian M. Brooke (D)  
Sen. Delwyn Gage (R)  
Sen. Fred Thomas (R)  
Sen. Bill Wilson (D)

**Members Excused:** Sen. Don Hargrove

**Members Absent:** None

**Staff Present:** David Niss, Legislative Services Division  
Mary Morris, Committee Secretary

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

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: SR 17 - 4/5/97  
City of Missoula Land Board  
Proposal - 4/7/97  
Executive Action: None

Discussion: HB 177, HB 142

#### HEARING ON SR 17

**Sponsor:** SEN. DON HARGROVE, Senate District 16, Belgrade

**Proponents:** Susan Ames, Governor's Office

**Opponents:** None

**Opening Statement by Sponsor:**

SEN. FRED THOMAS, Senate District 31, Stevensville, on behalf of  
SEN. HARGROVE, stated the Resolution lists the great Montanans  
who are serving on various Boards. Committee members met with  
the individuals to discuss their roles, the appropriateness of  
their appointments and their willingness to serve on the Boards

listed. The service the appointed members provide to the state is indeed worthy of the committee's approval.

*{Tape: 1; Side: A; Approx. Time Count: 10:07; Comments: None.}*

Proponents' Testimony:

Susan Ames, Boards and Commissions Coordinator for the Governor's Office, noted that appointing Board members is a challenging, highly responsible task that requires a great deal of careful thought and consideration for each appointment.

The Governor, Lieutenant Governor and she want to assure the committee that the priorities in considering possible candidates lie in most benefitting each particular Board and bringing the best balance with each member's unique perspective.

In appointing members, the Office is always mindful of race, gender and geographical consideration. The Office routinely checks licenses for any complaints or problems and talks to the Board and staff about the effectiveness of its members. The Office also solicits input from various organizations, associations and other groups or individuals who would be valuable sources of information. Input is sometimes received from religious leaders and legislators.

She thanked the committee for their thorough investigations of the appointees. The people representing Montana on the Boards are quality individuals who can be trusted to address the state's concerns fairly and thoughtfully.

*{Tape: 1; Side: A; Approx. Time Count: 10:09; Comments: None.}*

Opponents' Testimony: None.

Questions From Committee Members and Responses: None.

Closing Statement:

SEN. THOMAS thanked Ms. Ames for her testimony and her service in the Governor's Office.

*{Tape: 1; Side: A; Approx. Time Count: 10:10; Comments: None.}*

HEARING ON THE CITY OF MISSOULA LAND BOARD PROPOSAL

Proponents: Michael Worrall, City of Missoula  
Geoff Badenoch, Missoula Development Agency  
Kari Lei Nelson, City of Missoula Redevelopment Agency

Opponents: None

Opening Statement:

**Bud Clinch, Director of the Department of Natural Resources and Conservation,** stated Montana maintains ownership of the beds of navigable rivers in the state. Easements have been used for various crossings of the rivers. Crossings have included pipelines, Department of Transportation roads, and city and county roads. In processing the applications, a computation is done of the area that would be impacted as a direct result of the installation, or of the area underneath an erected bridge. The computation is multiplied by the value of adjacent land on both sides of the river. That number is then multiplied by 50%. The resulting figure is the fee for the easement.

Current law allows government entities to seek a waiver of the easement fees. The City of Missoula is requesting a waiver of the fees for an easement to build a pedestrian bridge across the Clark Fork River which would connect the walking trail from one side to the other. The normal fee would be approximately \$5,300. That money would be paid to the state and deposited in the General Fund.

*{Tape: 1; Side: A; Approx. Time Count: 10:12; Comments: None.}*

Proponents' Testimony:

**Michael Worrall, with the firm of Carter & Burgess, consultant to the City of Missoula,** presented a letter from **Geoff Badenoch, Director of Missoula Development Agency.** (EXHIBIT 1)

He referred to a photograph (not submitted as an exhibit). The photograph shows a bridge constructed, constructed in 1906, at the California Street location. At that time, the county secured a right-of-way for the bridge. The bridge stood for 80 years. In the 1970's it was converted for use by pedestrians and bicyclists only. Due to age and unsafe conditions, the bridge was torn down in the 1980's. When the bridge was torn down, its replacement was conceived and right-of-ways and easements on either side of the river were maintained.

The bridge project is publicly funded. The bridge would serve as a component of the non-motorized transportation network in Missoula. The project involves a number of enhancements to the river corridor, one of which is the removal of the old foundations from the navigable waterway, which present a hazard to floaters and fisherman. The foundations would be replaced with a single pier on an island at the location. The pier would also enhance the character of the corridor.

**Kari Lei Nelson, City of Missoula Redevelopment Agency,** supported the proposal.

*{Tape: 1; Side: A; Approx. Time Count: 10:16; Comments: None.}*

Opponents' Testimony: None.

Questions From Committee Members and Responses:

SEN. DEL GAGE asked how much the project will cost and how it is being financed.

Mr. Worrall responded that the project is 80% funded with Congestion Mitigation Air Quality Funds under the federal Intermodal Surface Transportation Efficiency Act. The remaining 20% is city funding. The overall project cost is \$800,000.

SEN. GAGE asked if the easement fee is one-time only.

Mr. Clinch stated the fee is one-time only.

SEN. VIVIAN BROOKE asked if the bridge will provide a walkway onto the island.

Mr. Worrall responded that the bridge will not provide access to the island. However, in the overall non-motorized/pedestrian network, the bridge will connect existing and planned riverside trails on either side of the river.

SEN. MESAROS asked if the new bridge will be in the same location as the old bridge.

Mr. Worrall responded that it will. Only the superstructure of the old bridge was removed. The original piers and abutments are still in place. They are similar in style to a number of bridges built at the time. There are two concrete pilings in the water with cables tying them together. They are a hazard to floaters on the river and the new project would remove them. The structures would be replaced with a modern pier on the island, which would not be in the low water regimen of the river.

SEN. MESAROS asked if the project is approved and budgeted by the city.

Mr. Worrall stated the funds are in place and the construction is set to begin this year. The project is widely supported in the community.

SEN. GAGE asked if the Land Board has taken a position on the proposal.

Mr. Clinch responded that the proposal has not yet gone before the Land Board. However, the Land Board acted favorably on a similar proposal from the City of Glendive. There has been an increase in the number of entities which realize there is an option for them to perfect an easement and, perhaps, waive fees.

{Tape: 1; Side: A; Approx. Time Count: 10:21; Comments: None.}

DISCUSSION ON HB 177

**SEN. THOMAS** stated he and **David Niss, Legislative Fiscal Division**, are working on an amendment which would require prior disclosure of any donations in excess of \$5,000 made by the candidate to his/her own campaign. The disclosure would be filed with the Commissioner of Political Practices. Such a provision would not limit what the candidate can do, but would require a two week notice of the intention to donate.

*{Tape: 1; Side: A; Approx. Time Count: 10:23; Comments: None.}*

DISCUSSION ON HB 142

**SEN. BROOKE** stated she has received many letters about the fact that HB 142 had been tabled. She has discussed with the Chairman the idea of bringing the bill off the table. She had thought the amendments would be simple, but has discovered they are quite complex. It is not her intent to get the bill out of committee at any means, however, she would like to see some discussion of the bill.

The employees who are counting on the bill passing are under the assumption that will have the choice right away. Amendments she has seen indicate the choice will be delayed. She is concerned that the employees are being deceived.

**SEN. MESAROS** stated it is not his intention to delay action on the bill, but there has been a delay with the amendments.

**Mr. Niss** explained that one of the last sections of the bill has a staged amortization rate period. TIAA-CREF, wanted to substitute a study of the actuarial positions of the funds sometime after 1999 and then recommend legislation. With the payback of PERS that would have ended in 1999, there was no contingency to cover the possibility that the legislature would either fail to consider or kill the bill. The reimbursement time period had faulted at the time of the legislative study. To remedy that situation, two pages of new amendments have been produced which he has not had the opportunity to review.

**SEN. THOMAS** stated he hopes something will be worked out even if it doesn't meet the expectations of the time frame. It seems changes have been made behind the legislators' backs. The people who want the bill deserve to have information.

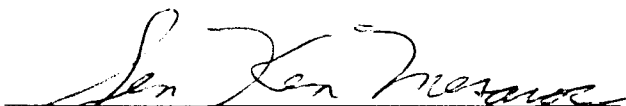
**SEN. GAGE** stated he received many calls regarding the bill. He told the callers the bill was tabled because it was moving in a direction which did not give the new people any option. It appeared there was going to be a study on the state's retirement plan during the next interim and the bill would be part of that study.

Most people to whom he spoke indicated their desire is to provide an option for the new people. He would like to take another look at the bill.

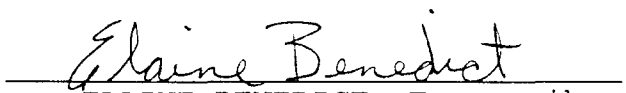
**SEN. MESAROS** indicated that most of the people who called him thought the bill would provide the full option to jump back and forth. The people want to have control of their own destiny.

ADJOURNMENT

Adjournment: 10:30

  
SEN. KEN MESAROS, Vice Chairman

  
MARY MORRIS, Secretary

  
ELAINE BENEDICT, Transcriber

KM/EMB