

## 1 HOUSE BILL NO. 5

2 INTRODUCED BY T. CALLAHAN

3 BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING MONEY FOR CAPITAL PROJECTS FOR THE BIENNIUM ENDING JUNE 30, 2009; PROVIDING FOR  
6 OTHER MATTERS RELATING TO THE APPROPRIATIONS; PROVIDING FOR A TRANSFER OF FUNDS TO THE LONG-RANGE BUILDING PROGRAM ACCOUNT;  
7 PROVIDING FOR A TRANSFER OF FUNDS TO THE FISH, WILDLIFE, AND PARKS CAPITAL PROJECTS ACCOUNT; AND PROVIDING AN IMMEDIATE EFFECTIVE  
8 DATE."

9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11

12 NEW SECTION. **Section 1. Definitions.** For the purposes of [sections 1 through 14], unless otherwise stated, the following definitions apply:

13 (1) "Authority only" means approval provided by the legislature to expend money that does not require an appropriation, including grants, donations, auxiliary funds,  
14 proprietary funds, and university funds.

15 (2) "Capital project" means the acquisition of land or improvements or the planning, capital construction, renovation, furnishing, or major repair projects authorized  
16 in [sections 1 through 14].

17 (3) "LRBP" means the long-range building program account in the capital projects fund type.

18 (4) "Other funding sources" means money other than LRBP money, including special revenue fund money, that accrues to an agency under the provisions of law.

19

20 NEW SECTION. **Section 2. Capital project appropriations and authorizations.** The following money is appropriated for the indicated capital projects from  
21 the indicated sources to the department of administration. Funds not requiring legislative appropriation are included for the purpose of authorization. The department of

1	administration is authorized to transfer the appropriations and authority among the necessary fund types for these projects:					
2	Agency/Project	LRBP	State	Federal	Other	Authority
3		Fund	Special	Special	Funding	Only
4			Revenue	Revenue	Sources	
5	MONTANA SCHOOL FOR THE DEAF AND BLIND					
6	Replace Boiler	600,000				600,000
7	DEPARTMENT OF ADMINISTRATION					
8	Roof Repairs and Replacements, Statewide	3,000,000	392,160	68,040		3,460,200
9	Code/Deferred Maintenance Projects, Statewide	2,500,000				2,500,000
10	Hazardous Materials Abatement, Statewide	500,000				500,000
11	Code/Deferred Maintenance Projects, Capitol Complex				550,000	550,000
12	Authority only funds consist of general services division internal service funds.					
13	Upgrade Fire Protection Systems, Statewide	500,000				500,000
14	Fire Protection Measures, Capitol Complex				500,000	500,000
15	Authority only funds consist of general services division internal service funds.					
16	Upgrade State Environmental Laboratory, Helena	1,000,000		1,000,000		2,000,000
17	Repair/Preserve Building Envelopes, Statewide	1,500,000				1,500,000
18	Campus Infrastructure Projects, Statewide	1,000,000				1,000,000
19	Mechanical System Improvements, Capitol Complex				1,900,000	1,900,000
20	Authority only funds consist of general services division internal service funds.					
21	Deferred Maintenance, Phase 2, MT Law Enforcement Academy	500,000				500,000

1	Enterprise System Services Centers	20,150,000	4,000,000	24,150,000
2	Other funds consist of capitol land grant funds.			
3	Campus Master Planning, Statewide	400,000	250,000	650,000
4	Authority only funds consist of general services division internal service funds.			
5	Challenge Grant for Super Computer, UM-MT Tech	2,800,000	7,000,000	9,800,000
6	Authority only funds may include federal special revenue, donations, grants, and higher education funds.			
7	DEPARTMENT OF CORRECTIONS			
8	Housing Unit Upgrades, MT State Prison	1,200,000		1,200,000
9	Expand Work Dorm, MT State Prison	2,500,000		2,500,000
10	Expand Food Service Capacity, MT State Prison	1,637,000	293,000	1,930,000
11	Authority only funds consist of proprietary funds.			
12	DEPARTMENT OF FISH, WILDLIFE, AND PARKS			
13	Hatchery Maintenance	500,000		500,000
14	Administrative Facilities Repair & Maintenance	800,000		800,000
15	DEPARTMENT OF MILITARY AFFAIRS			
16	Readiness Center, Miles City	2,480,000	7,510,970	9,990,970
17	Armed Forces Reserve Center, Missoula		30,903,968	30,903,968
18	Construct Female Showers and Latrines	290,000	290,000	580,000
19	Montana State Veterans' Cemetery Expansion		1,206,000	1,206,000
20	Disaster & Emergency Services Mobile Command Post	172,500		172,500
21	MONTANA UNIVERSITIES AND COLLEGES			

1	Code Compliance/Deferred Maintenance, MT University System	4,000,000		4,000,000
2	Systems Improvements, MT-Tech College of Technology	925,000		925,000
3	Steam Distribution System Upgrades, Phase 2, UM-Missoula	2,000,000	1,000,000	3,000,000
4	Authority only funds consist of auxiliary funds.			
5	Renovate Clapp Building, UM-Missoula	821,000		821,000
6	Renovate Armory Gym, MSU-Northern	400,000	3,250,000	3,650,000
7	Authority only funds consist of auxiliary funds.			
8	Renovate Main Hall, UM-Western	4,500,000		4,500,000
9	Renovate McMullen Hall, MSU-Billings	1,924,500		1,924,500
10	Stabilize Masonry, MSU-Bozeman	2,600,000		2,600,000
11	Deferred Maintenance & Acquisition, MSU-AES, Statewide	400,000	500,000	900,000
12	Authority only funds may include federal special revenue, donations, grants, and higher education funds.			
13	Classroom/Laboratory Upgrades, MT University System	2,000,000		2,000,000
14	Utility Infrastructure Improvements, MSU-Bozeman	500,000	50,000	550,000
15	Authority only funds consist of auxiliary funds.			
16	Supplement UM-Helena College of Technology Expansion	1,350,000	135,000	1,485,000
17	Authority only funds consist of auxiliary funds.			
18	Renovate Gaines Hall, MSU-Bozeman	28,500,000		28,500,000
19	Law School Addition, UM-Missoula	3,450,000	5,050,000	8,500,000
20	Authority only funds may include federal special revenue, donations, grants, and higher education funds.			
21	Augment Petroleum, Bureau of Mines and Geology, UM-MT Tech	3,200,000		3,200,000

1	Increase Authority, Museum of the Rockies, MSU-Bozeman		3,500,000	3,500,000
2	Authority only funds may include federal special revenue, donations, grants, and higher education funds.			
3	School of Education Building, UM-Missoula		7,500,000	7,500,000
4	Authority only funds may include federal special revenue, donations, grants, and higher education funds.			
5	HHP Physiological and Nutritional Lab, UM-Missoula		4,500,000	4,500,000
6	Authority only funds may include federal special revenue, donations, grants, and higher education funds.			
7	New Parking Structure, UM-Missoula		5,000,000	5,000,000
8	Authority only funds may include federal special revenue, auxiliary, donations, grants, and higher education funds.			
9	DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES			
10	Install Generator, MT Mental Health Nursing Care Center	250,000		250,000
11	STEP Program Renovations, MT State Hospital, Warm Springs	5,800,000		5,800,000
12	Renovate/Improve Support Services, MT State Hospital	4,500,000		4,500,000
13	Modernize MT Mental Health Nursing Care Center, Lewistown	500,000		500,000
14	Montana Veterans' Home Improvements		1,413,000	1,413,000
15	Improve Campus, MT State Hospital, Warm Springs	1,280,000		1,280,000
16	DEPARTMENT OF TRANSPORTATION			
17	Equipment Storage Buildings, Statewide		2,700,000	2,700,000
18	DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION			
19	Code/Deferred Maintenance and Small Projects,	750,000		750,000
20	DNRC Unit Campuses, Statewide			
21	Co-locate DNRC/DEQ, Kalispell	3,500,000		3,500,000

1	Consolidate DNRC Divisions, Missoula	2,000,000	2,000,000
2	Building Addition, Billings Oil and Gas Office	750,000	750,000
3	DEPARTMENT OF JUSTICE		
4	Purchase Forensic Science Lab Building	7,750,000	7,750,000

5

6 **NEW SECTION. Section 3. Fund transfers.** (1) Subject to subsection (3), there is transferred from the state general fund \$50.375 million in fiscal year 2008  
7 and \$50.375 million in fiscal year 2009 to the long-range building program account in the capital projects fund type for the projects enumerated in [section 2].

8 (2) Subject to subsection (3), there is transferred from the state general fund \$7.5 million in fiscal year 2008 and \$7.5 million in fiscal year 2009 to the fish, wildlife,  
9 and parks capital projects account in the capital projects fund type for the projects enumerated in [section 5].

10 (3) In order to maintain an adequate ending fund balance, if at any time during the 2009 biennium, the office of budget and program planning projects a 2009  
11 biennium unreserved ending general fund balance of less than \$100 million, the office of budget and program planning may direct the department of administration to reduce  
12 the fund transfers in subsections (1) and (2). The department of administration shall transfer the funds on a schedule approved by the office of budget and program planning  
13 that enables the statewide management goals for cash flow and for fund balance. If the projected unreserved general fund ending fund balance increases at a later point  
14 in the biennium, the fund transfers may be increased back up to the original authorized level. The office of budget and program planning may not direct fund transfers to  
15 be reduced below the level of encumbrance obligations made against the appropriation at the time of the reduction.

16

17 **NEW SECTION. Section 4. Capital improvements.** (1) The following money is appropriated to the department of fish, wildlife, and parks in the indicated amounts  
18 for the purpose of making capital improvements to statewide facilities. Funds not requiring legislative appropriation are included for the purpose of authorization:

19	Agency/Project	LRBP	State	Federal	Other	Authority	Total
20		Fund	Special	Special	Funding	Only	
21			Revenue	Revenue	Sources		

1	Future Fisheries		1,314,000			1,314,000
2	Fishing Access Site Acquisition		460,000	100,000		560,000
3	Fishing Access Site Maintenance		350,000			350,000
4	Fishing Access Site Protection		800,000			800,000
5	Community Fishing Ponds		50,000			50,000
6	Upland Game Bird Program		1,258,000			1,258,000
7	Wildlife Habitat Maintenance		1,200,000			1,200,000
8	Migratory Bird Stamp Program		360,000			360,000
9	Bighorn Sheep		250,000			250,000
10	Parks Program	500,000	4,950,000	2,300,000		7,750,000
11	Grant Programs/Federal Projects		320,000	2,800,000		3,120,000

12 (2) The following money is appropriated to the department of commerce in the indicated amounts for the purpose of making capital improvements to facilities located  
 13 in Virginia City and Nevada City:

14	Agency/Project	LRBP	State	Federal	Other	Authority	Total
15		Fund	Special	Special	Funding	Only	
16			Revenue	Revenue	Sources		
17	Maintain Historic Buildings, Virginia & Nevada Cities	3,000,000					3,000,000

18 (3) Authority is being granted to the university of Montana in the indicated amount for the purpose of making capital improvements to campus facilities. Authority  
 19 only funds may include federal special revenue, donations, grants, and higher education funds. All costs for the operations and maintenance of any new improvements  
 20 constructed under this authorization must be paid by the university of Montana with nonstate revenue.

21	Agency/Project	LRBP	State	Federal	Other	Authority	Total
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1		Fund	Special	Special	Funding	Only	
2			Revenue	Revenue	Sources		
3	General Spending Authority, UM-All Campuses					4,000,000	4,000,000
4	(4) Authority is being granted to Montana state university in the indicated amount for the purpose of making capital improvements to campus facilities. Authority						
5	only funds may include federal special revenue, donations, grants, and higher education funds. All costs for the operations and maintenance of any new improvements						
6	constructed under this authorization must be paid by Montana state university with nonstate revenue.						
7	Agency/Project	LRBP	State	Federal	Other	Authority	Total
8		Fund	Special	Special	Funding	Only	
9			Revenue	Revenue	Sources		
10	General Spending Authority, MSU-All Campuses					5,000,000	5,000,000
11	(5) The following money is appropriated to the department of military affairs in the indicated amount for the purpose of making capital improvements to statewide						
12	facilities. All costs for the operation and maintenance of any new improvements constructed with these funds must be paid by the department of military affairs with nonstate						
13	revenue.						
14	Agency/Project	LRBP	State	Federal	Other	Authority	Total
15		Fund	Special	Special	Funding	Only	
16			Revenue	Revenue	Sources		
17	Federal Spending Authority			2,000,000			2,000,000
18	(6) The following money is appropriated to the department of transportation in the indicated amount for the purpose of making capital improvements as indicated:						
19	Agency/Project	LRBP	State	Federal	Other	Authority	Total
20		Fund	Special	Special	Funding	Only	
21			Revenue	Revenue	Sources		



1	Statewide Maintenance Repair & Small Projects	2,300,000	2,300,000
2	US Highway 93 Projects	26,000,000	26,000,000

3

4 **NEW SECTION. Section 5. Land acquisition appropriations.** The following money is appropriated to the department of fish, wildlife, and parks in the indicated  
5 amounts for purposes of land acquisition, land leasing, easement purchase, or development agreement:

6	Agency/Project	LRBP	State	Federal	Other	Authority	Total
7		Fund	Special	Special	Funding	Only	
8			Revenue	Revenue	Sources		
9	Habitat Montana		6,180,000				6,180,000
10	Access Montana				15,000,000		15,000,000

11 Other funds consist of fish, wildlife, and parks capital projects funds.

12

13 **NEW SECTION. Section 6. Dams.** (1) The following money is appropriated to the department of fish, wildlife, and parks in the indicated amount for department  
14 dams:

15	Agency/Project	LRBP	State	Federal	Other	Authority	Total
16		Fund	Special	Special	Funding	Only	
17			Revenue	Revenue	Sources		
18	FWP Dams Repair		100,000				100,000

19 (2) In accordance with 85-1-101, the department of natural resources and conservation shall coordinate and manage the projects.

20

21 **NEW SECTION. Section 7. Bridge.** The following money is appropriated to the department of natural resources and conservation in the indicated amount for

1 department bridge projects:

2 Agency/Project	LRBP	State	Federal	Other	Authority	Total
3	Fund	Special	Special	Funding	Only	
4		Revenue	Revenue	Sources		
5 Bridge Replacement/Repair		750,000				750,000

6

7 **NEW SECTION. Section 8. Transfer of funds.** The department of fish, wildlife, and parks and the department of transportation are authorized to transfer the  
 8 appropriations and/or authority in [sections 4 through 6] among the necessary fund types for these projects.

9

10 **NEW SECTION. Section 9. Capitol land grant revenue.** The appropriation of \$4 million in capitol land grant revenue to the department of administration for  
 11 the enterprise system services centers is the last priority for use of these funds during the 2009 biennium and is dependent upon the availability of revenue. If necessary,  
 12 the department of administration, architecture and engineering division, shall reduce the project in scope or phase in the project as capitol land grant revenue becomes  
 13 available.

14

15 **NEW SECTION. Section 10. Planning and design.** The department of administration may proceed with the planning and design of capital projects prior to the  
 16 receipt of other funding sources. The department may use interaccount loans in accordance with 17-2-107 to pay planning and design costs incurred before the receipt of  
 17 other funding sources.

18

19 **NEW SECTION. Section 11. Capital projects -- contingent funds.** If a capital project is financed, in whole or in part, with appropriations contingent upon the  
 20 receipt of other funding sources, the department of administration may not let the project for bid until the agency has submitted a financial plan for approval by the director  
 21 of the department of administration. A financial plan may not be approved by the director if:

- 1 (1) the level of funding provided under the financial plan deviates substantially from the funding level provided in [sections 2 through 7] for that project; or
- 2 (2) the scope of the project is substantially altered or revised from the preliminary plans presented for that project in the 2009 biennium long-range building program
- 3 presented to the 60th legislature.

4

5 **NEW SECTION. Section 12. Review by department of environmental quality.** The department of environmental quality shall review capital projects authorized

6 in [sections 2 through 7] for potential inclusion in the state building energy conservation program under Title 90, chapter 4, part 6. When a review shows that a capital project

7 will result in energy improvements, that project must be submitted to the energy conservation program for funding consideration. Funding provided under the energy

8 conservation program guidelines must be used to offset or add to the authorized funding for the project, and the amount will be dependent on the annual utility savings

9 resulting from the facility improvement. Agencies must be notified of potential funding after the review.

10

11 **NEW SECTION. Section 13. Sale of Missoula armory.** All proceeds derived from the sale of the national guard armory located in Missoula must be deposited

12 in the general fund. Up to \$3.5 million of those proceeds is appropriated for the purchase of land for the new Missoula armed forces reserve center.

13

14 **NEW SECTION. Section 14. Legislative consent.** The appropriations authorized in [sections 1 through 13] constitute legislative consent for the capital projects

15 contained in [sections 1 through 13] within the meaning of 18-2-102.

16

17 **NEW SECTION. Section 15. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this

18 act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

19

20 **NEW SECTION. Section 16. Effective date.** [This act] is effective on passage and approval.

21 - END -