

HOUSE BILL NO. 5

INTRODUCED BY KASTEN

BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION AND THE OFFICE OF BUDGET AND
PROGRAM PLANNING

A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING MONEY FOR CAPITAL PROJECTS FOR THE BIENNIUM ENDING JUNE 30, 2005; PROVIDING FOR OTHER MATTERS RELATING TO THE APPROPRIATIONS; ~~EXEMPTING THE OLD MAIN BUILDING PROJECT AT THE MONTANA VETERANS' HOME IN COLUMBIA FALLS FROM THE CONTRACTOR REGISTRATION REQUIREMENTS IN TITLE 39, MCA, AND FROM THE BIDDING AND BONDING REQUIREMENTS IN TITLE 18, MCA; CLARIFYING THAT PORTIONS OF THE WORK PERFORMED WITH DONATED LABOR ON THE OLD MAIN BUILDING PROJECT ARE NOT SUBJECT TO THE REQUIREMENTS OF SECTION 18-2-403, MCA; PROVIDING THAT FOR THE PURPOSE OF FOSTERING PRIVATE EFFORTS TO RESTORE, MAINTAIN, AND DEVELOP THE OLD MAIN BUILDING AT THE MONTANA VETERANS' HOME, THE DEPARTMENT OF ADMINISTRATION MAY WAIVE REQUIREMENTS PERTAINING TO BIDDING AND BONDING FOR STATE BUILDING PROJECTS IN TITLE 18, MCA, TO LABOR REQUIREMENTS IN TITLE 18, MCA, AND TO CONTRACTOR REGISTRATION IN TITLE 39, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.~~"

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

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

- (1) "Capital project" means the acquisition of land or improvements or the planning, capital construction, renovation, furnishing, or major repair projects authorized in [sections 1 through 12].
- (2) "LRBP" means the long-range building program account in the capital projects fund type.
- (3) "Other funding sources" means money other than LRBP money, including special revenue fund money, which accrues to an agency under the provisions of law.

NEW SECTION. **Section 2. Capital projects appropriations.** (1) The following money is appropriated for the indicated capital projects from the indicated sources to the department of administration, which is authorized to transfer the appropriated money among the necessary fund types for these projects:

Agency/Project	LRBP	Other Funding Sources
DEPARTMENT OF ADMINISTRATION		
Roof Repair and Replacement, Statewide	\$956,000	
Code/Deferred Maintenance & Disability Access, Statewide	550,000	
	<u>480,000</u>	
Repair/Replace Deteriorated Campus Infrastructure, Statewide	300,000	<u>300,000 AUXILIARY FUNDS</u>
Capitol Renovation Arbitration	305,000	
State Public Health Laboratory		1,474,000 Federal Special Revenue
Upgrades, Phase 2		
Repair Front Stairs, State Capitol		400,000 Capitol Land Grant Revenue
		130,000 Federal Special Revenue
Land Acquisition, Capitol Complex		600,000 Capitol Land Grant Revenue
DEPARTMENT OF CORRECTIONS		
Dairy Expansion, Montana State Prison		725,000 Proprietary Funds
DEPARTMENT OF FISH, WILDLIFE, AND PARKS		
Hatchery Maintenance, Statewide		575,000 State Special Revenue
		575,000 Federal Special Revenue
Montana Wildlife Rehabilitation and Nature Center Complex		100,000 State Special Revenue
		500,000 Federal Special Revenue
		2,600,000 Donations
Administrative Facilities Repair and Maintenance		800,000 State Special Revenue
DEPARTMENT OF MILITARY AFFAIRS		
Federal Spending Authority Revenue		2,000,000 Federal Special Revenue
Reroof Armories Statewide		90,212 Federal Special Revenue
MONTANA UNIVERSITIES AND COLLEGES		
Replace Primary Electrical Radial System, UM-Butte	170,500	190,000

	<u>240,500</u>	<u>120,000</u> Auxiliary Funds
<u>ADDITION TO SKAGGS BUILDING, UM-MISSOULA</u>		<u>11,500,000</u> FEDERAL SPECIAL
		<u>REVENUE, DONATIONS, GRANTS,</u>
		<u>STATE FUNDS, AND HIGHER</u>
		<u>EDUCATION FUNDS</u>
<u>CROWN OF THE CONTINENT ECOSYSTEM INTERPRETIVE</u>		
<u>CENTER AND NATURAL TRAIL, YELLOW BAY</u>		<u>3,700,000</u> FEDERAL SPECIAL
		<u>REVENUE, DONATIONS, GRANTS,</u>
		<u>STATE FUNDS, AND HIGHER</u>
		<u>EDUCATION FUNDS</u>
<u>HERRICK HALL RENOVATION, MSU-BOZEMAN</u>		<u>10,000,000</u> FEDERAL SPECIAL
		<u>REVENUE, DONATIONS, GRANTS,</u>
		<u>STATE FUNDS, AND HIGHER</u>
		<u>EDUCATION FUNDS</u>
<u>SHERRICK HALL RENOVATION, MSU-BOZEMAN</u>		<u>5,000,000</u> FEDERAL SPECIAL
		<u>REVENUE, DONATIONS, GRANTS,</u>
		<u>STATE FUNDS, AND HIGHER</u>
		<u>EDUCATION FUNDS</u>
 DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES		
Demolish Old Dormitory at Montana Veterans' Home,		
Columbia Falls		231,600 State Special Revenue
Renovate Historic "Old Main" Building at Montana Veterans'		
Home, Columbia Falls		2,252,000 State Special
		Revenue, Federal Special
		Revenue, Donations, and
		Grants
 DEPARTMENT OF TRANSPORTATION		
New Equipment Storage Facilities, Statewide		3,000,000
		<u>2,725,000</u> State Special Revenue

~~(2) To the extent allowed by any grant agreement, the department of administration may exempt the old main building project at the Montana veterans' home in Columbia Falls from the contractor registration~~

~~requirements in Title 39 and the bidding and bonding requirements in Title 18. Portions of the work performed with donated labor are not subject to the requirements of 18-2-403.~~

(2) (A) THE DEPARTMENT OF ADMINISTRATION, FOR THE PURPOSE OF FOSTERING THE RESTORATION, MAINTENANCE, AND FURTHER DEVELOPMENT OF THE OLD MAIN BUILDING AT THE MONTANA VETERANS' HOME IN COLUMBIA FALLS, MAY WAIVE, IN WHOLE OR IN PART, THE REQUIREMENTS PERTAINING TO:

(I) BIDDING AND BONDING FOR STATE BUILDING PROJECTS IN TITLE 39;

(II) LABOR REQUIREMENTS IN TITLE 18; AND

(III) CONTRACTOR REGISTRATION IN TITLE 39.

(B) THE WAIVER PURSUANT TO SUBSECTION (2)(A) MAY BE EXERCISED IN THE FOLLOWING CIRCUMSTANCES:

(I) TO OBTAIN THE VOLUNTEER SERVICES AND DONATED MATERIALS FROM MEMBERS OF THE PUBLIC, CIVIC ORGANIZATIONS, AND OTHER FEDERAL, STATE, OR LOCAL GOVERNMENTAL ENTITIES;

(II) TO OBTAIN THE COMPENSATED SERVICES OF CONTRACTORS THAT ARE DONATING SIGNIFICANT AMOUNTS OF LABOR, TIME, AND MATERIALS; AND

(III) TO MEET THE TERMS AND CONDITIONS FOR RECEIPT OF MAJOR SUMS OF MONEY FROM PRIVATE OR PUBLIC FUNDING SOURCES, INCLUSIVE OF INDIVIDUAL DONORS.

NEW SECTION. Section 3. Capital improvements. (1) The following money is appropriated to the department of fish, wildlife, and parks in the indicated amounts for the purpose of making capital improvements to statewide facilities:

Agency/Project	LRBP	Other Funding Sources
Future Fisheries		\$910,000 State Special Revenue
Fishing Access Site Maintenance, Statewide		275,000 State Special Revenue
Fishing Access Site Protection, Statewide		600,000 State Special Revenue
Community Fishing Ponds		50,000 Federal Special Revenue
Upland Game Bird Program		2,300,000 State Special Revenue
Wildlife Habitat Maintenance		800,000 State Special Revenue
Migratory Bird Stamp Program		225,000 State Special Revenue
Motorboat Recreation Site Improvements		1,250,000 State Special Revenue

THE APPROPRIATION FOR MOTORBOAT RECREATION SITE IMPROVEMENTS MUST INCLUDE THE FOLLOWING ROAD

IMPROVEMENT PROJECTS: \$100,000 FOR MISCELLANEOUS CHIP SEAL PROJECTS AT THOMPSON FALLS, LOGAN, WEST SHORE, AND LAKE MARY RONAN RECREATIONAL SITES; \$60,000 FOR COONEY RESERVOIR STATE PARK; AND \$200,000 FOR HELL CREEK STATE PARK.

Cultural and Historic Park Improvements	800,000 State Special Revenue
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THE APPROPRIATION FOR CULTURAL AND HISTORIC PARK IMPROVEMENTS MUST INCLUDE THE FOLLOWING ROAD IMPROVEMENT PROJECTS: \$60,000 FOR GIANT SPRINGS STATE PARK; \$100,000 FOR TRAVELERS' REST STATE PARK; \$80,000 FOR CLARK'S LOOKOUT STATE PARK; AND \$200,000 FOR ULM PISHKUN STATE PARK.

Land and Water Conservation Fund Grants	2,900,000 Federal Special Revenue
Federal Trails Grants	1,900,000 Federal Special Revenue
Off-Highway Vehicle Trails Grants	375,000 State Special Revenue
Federal Wallop/Breaux Projects	1,500,000 Federal Special Revenue

(2) The following money is appropriated to the university of Montana in the indicated amount for the purpose of making capital improvements to campus facilities:

Agency/Project	LRBP	Other Funding Sources
General Spending Authority, All Campuses		\$3,500,000 Federal Special Revenue, Donations, Grants, STATE FUNDS, AND HIGHER EDUCATION FUNDS

(3) THE FOLLOWING MONEY IS APPROPRIATED TO MONTANA STATE UNIVERSITY IN THE INDICATED AMOUNT FOR THE PURPOSE OF MAKING CAPITAL IMPROVEMENTS TO CAMPUS FACILITIES:

<u>AGENCY/PROJECT</u>	<u>LRBP</u>	<u>OTHER FUNDING SOURCES</u>
<u>GENERAL SPENDING AUTHORITY, ALL CAMPUSES</u>		<u>\$2,500,000 FEDERAL SPECIAL REVENUE, DONATIONS, GRANTS, STATE FUNDS, AND HIGHER EDUCATION FUNDS</u>

~~(3)~~(4) The following money is appropriated to the department of transportation in the indicated amount for the purpose of making capital improvements to statewide facilities:

Agency/Project	LRBP	Other Funding Sources
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Facility Maintenance, Repair, and Small Projects, Statewide	\$2,000,000
	<u>\$1,620,860</u> State Special Revenue

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

Agency/Project	LRBP	Other Funding Sources
Fishing Access Site Acquisition, Statewide		\$550,000 State Special Revenue 200,000 Federal Special Revenue
Habitat Montana		6,900,000 State Special Revenue
Big Horn Sheep Enhancements		75,000 State Special Revenue

NEW SECTION. Section 5. Dams. (1) The following money is appropriated to the department of fish, wildlife, and parks in the indicated amount for department dams:

Agency/Project	LRBP	Other Funding Sources
FWP Dams Repair		500,000 State Special Revenue

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

NEW SECTION. Section 6. Transfer of funds. The department of fish, wildlife, and parks and the department of transportation are authorized to transfer money appropriated in [sections 3 through 5] among fund types.

NEW SECTION. Section 7. Capital land grant revenue. (1) The appropriation of \$530,000 to the department of administration to repair the front stairs of the state capitol building consists of \$400,000 of state capitol land grant revenue and \$130,000 of federal community transportation enhancement program special revenue (CTEP). If CTEP revenue falls below this amount, the shortfall must be funded with capitol land grant

revenue, if available, and the federal authority will be reduced by a like amount. The department is authorized to transfer money appropriated for this purpose between the two fund types.

(2) The appropriation of \$600,000 in capitol land grant revenue to the department of administration for capitol complex land acquisition is the last priority for use of these funds during the 2005 biennium and is dependent upon the availability of revenue. If necessary, both of these projects may be phased in as capitol land grant revenue becomes available.

NEW SECTION. **Section 8. Planning and design.** The department of administration may proceed with the planning and design of capital projects prior to the 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 other funding sources.

NEW SECTION. **Section 9. Capital projects -- contingent funds.** If a capital project is financed, in whole or in part, with appropriations contingent upon the receipt of other funding sources, the department of administration may not let the projects for bid until the agency has submitted a financial plan for approval by the director of the department of administration. A financial plan may not be approved by the director if:

(1) the level of funding provided under the financial plan deviates substantially from the funding level provided in [sections 2 through 5] for that project; or

(2) the scope of the project is substantially altered or revised from the preliminary plans presented for that project in the 2005 biennium long-range building program presented to the 58th legislature.

NEW SECTION. **Section 10. Review by department of environmental quality.** The department of environmental quality shall review capital projects authorized in [sections 2 through 5] 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 will result in energy improvements, that project must be submitted to the energy conservation program for funding consideration. Funding provided under the energy 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 resulting from the facility improvement. Agencies must be notified of potential funding after the review.

NEW SECTION. **Section 11. Sale of old Dillon armory.** The 57th legislature appropriated \$3,800,000

of federal special revenue and \$1,940,000 of bonds for construction of a new Dillon armory. All proceeds derived from the sale of the national guard armory located in Dillon must be used to pay the general obligation debt service on the bonds issued for construction of the new Dillon armory. The proceeds of the sale must be deposited in the general fund for this purpose. In the event that the facility is sold prior to issuance of the bonds, the board of examiners may use all or a portion of the amount deposited in the general fund to reduce the amount of the bond issue required to finance the construction.

NEW SECTION. **Section 12. Legislative consent.** The appropriations authorized in [sections 1 through 11] constitute legislative consent for the capital projects contained in [sections 1 through 11] within the meaning of 18-2-102.

NEW SECTION. **Section 13. 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 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.

NEW SECTION. **Section 14. Effective date.** [This act] is effective on passage and approval.

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