

HOUSE BILL NO. 5

INTRODUCED BY J. WELLS

BY REQUEST OF 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, 2007; PROVIDING FOR OTHER MATTERS RELATING TO THE APPROPRIATIONS; PROVIDING FOR A TRANSFER OF ONE-TIME FUNDS FROM THE GENERAL FUND TO THE LONG-RANGE BUILDING PROGRAM ACCOUNT; PROVIDING FOR THE FACILITATION OF PRIVATE EFFORTS TO CONSTRUCT A CHAPEL AT THE MONTANA STATE HOSPITAL AND ALLOWING THE DEPARTMENT OF ADMINISTRATION TO WAIVE REQUIREMENTS PERTAINING TO BIDDING AND BONDING FOR STATE BUILDING PROJECTS IN TITLE 18, MCA, LABOR REQUIREMENTS IN TITLE 18, MCA, AND 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 11], 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 11].

(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, that accrues to an agency under the provisions of law.

NEW SECTION. **Section 2. Capital projects appropriations and authorizations.** (1) The following money is appropriated for the indicated capital projects from the indicated sources to the department of administration. Funds not requiring legislative appropriation are included for the purpose of authorization. The department of administration is authorized to transfer either or both the appropriations and authority among the necessary fund types for these projects:

Agency/Project	LRBP	Other Funding Sources
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MONTANA SCHOOL FOR THE DEAF AND BLIND

Facility Improvements, Montana School

for the Deaf and Blind	400,000		
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DEPARTMENT OF ADMINISTRATION

Roof Repair and Replacement, Statewide	3,091,700	206,500	Federal Special Revenue
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Repair/Preserve Building Exteriors, Statewide	500,000		
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Window Repairs and Replacement, Statewide	1,275,000		
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Deferred Maintenance, Montana Law

Enforcement Academy	765,000		
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Hazardous Materials Abatement, Statewide	500,000		
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Code/Deferred Maintenance Projects,

Statewide	1,307,300	45,000	Federal Special Revenue
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Repair Deteriorated Campus Infrastructure,

Statewide	550,000		
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Major Maintenance and Repairs to State Capitol	500,000		
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Upgrade Fire Alarm Systems, Statewide	400,000		
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Repair Elevators, Capitol Complex	800,000		
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Upgrade 1100 North Last Chance Gulch	1,808,000		
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DEPARTMENT OF CORRECTIONS

Improve Water System, Montana State Prison	125,000		
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Improve High-Side Kitchen Ventilation,

Montana State Prison	117,300		
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Improve Perimeter Security,

Montana State Prison	1,400,000		
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DEPARTMENT OF FISH, WILDLIFE, AND PARKS

Hatchery Maintenance, Statewide	575,000		State Special Revenue
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	575,000		Federal Special Revenue
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Rose Creek Hatchery	975,000		Federal Special Revenue
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Fort Peck Storage/Office Space	50,000		State Special Revenue
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	400,000		Federal Special Revenue
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Administrative Facilities Repair, Maintenance

and Improvements		800,000		State Special Revenue
DEPARTMENT OF MILITARY AFFAIRS				
Federal Spending Authority		2,000,000		Federal Special Revenue
Western Montana Veterans' Cemetery, Missoula		3,200,000		State Special Revenue
Montana State Veterans' Cemetery Columbarium, Fort Harrison		500,000		State Special Revenue
MONTANA UNIVERSITIES AND COLLEGES				
ADA/Code/Deferred Maintenance Projects,				
Montana University System	1,400,000			
Upgrade Steam Distribution System, UM-Missoula	5,935,000	3,060,000		Auxiliary Funds
Upgrade HVAC Systems, Pershing and Brockman Halls, MSU-Northern	524,000			
Heating System Improvements, Academic Center and McMullen Halls, MSU-Billings	245,000			
Mining and Geology Building Mechanical System Renovation, UM-Butte	920,000			
HVAC System Repairs and Upgrades, MSU-Great Falls College of Technology	650,000			
Upgrade Health Sciences HVAC System, Phase 2, UM-Missoula	970,000			
Renovate Domestic Water Distribution System, UM-Dillon	183,100			
Classroom/Laboratory Upgrades, Montana University System	1,000,000			
Facility Repairs and Improvements, MSU-Billings	545,000			
Heating Plant Phase 3, MSU-Bozeman	950,000			
Renovate HVAC Systems, Science Complex 3rd and 4th Floors, UM-Missoula	610,000			
Water/Sewer System Repairs and Maintenance, MSU-Bozeman	750,000	750,000		Auxiliary Funds

Upgrade Primary Electrical Distribution, MSU-Bozeman	250,000	250,000	Auxiliary Funds
Facility Repairs and Improvements, MSU-Agricultural Experiment Stations	480,000		
Campus Improvements, MSU-Northern	640,000	300,000	Auxiliary Funds
New Construction, Consolidate Campus, UM-Missoula College of Technology		24,500,000	Federal Special Revenue, Donations, Grants, State Funds, and Higher Education Funds

Any increase in costs for the operations and maintenance of the new university of Montana-Missoula college of technology must be paid by the university of Montana with nonstate revenue.

New Gallery Space, UM-Missoula		6,000,000	Federal Special Revenue, Donations, Grants, State Funds, and Higher Education Funds
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All costs for the operations and maintenance of the new gallery must be paid by the university of Montana with nonstate revenue.

New Forestry Complex, UM-Missoula		20,000,000	Federal Special Revenue, Donations, Grants, State Funds, and Higher Education Funds
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All costs for the operations and maintenance of the new forestry complex must be paid by the university of Montana with nonstate revenue.

VisComm Black Box Theater, MSU-Bozeman		2,750,000	Federal Special Revenue, Donations, Grants, State Funds, and Higher Education Funds
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Any increase in costs for the operations and maintenance of the new viscomm black box theater must be paid by the Montana state university with nonstate revenue.

DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

Facility Improvements, Montana

State Hospital, Warm Springs 595,500

Facility Improvements, Montana

Developmental Center, Boulder 219,140

Demolish Abandoned Buildings,

Public Health and Human Services 1,930,000

Secure Housing Unit, Montana

Developmental Center, Boulder 2,542,000

Special Care Unit Renovations,

Eastern Montana Veterans' Home, Glendive 475,000 State Special Revenue

Facility Renovation and Improvements,

Montana Veterans' Home, Columbia Falls 465,000 State Special Revenue

Construct Chapel, Montana State Hospital,

Warm Springs 350,000 Donations and Grants

DEPARTMENT OF TRANSPORTATION

Equipment Storage Buildings, Statewide 675,000 State Special Revenue

Chiller/Cooling Towers Replacement,

Helena Headquarters 350,000 State Special Revenue

Office Addition, Billings 500,000 State Special Revenue

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

Replace Clearwater Unit Fire Cache 250,000

(2) (a) The department of administration, for the purpose of constructing a privately funded chapel at the Montana state hospital in Warm Springs, may waive, in whole or in part, the requirements pertaining to:

- (i) bidding and bonding for state building projects in Title 18;
- (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 entities;

(ii) to obtain the compensated services of contractors who 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, including individual donations.

NEW SECTION. Section 3. Fund transfer. There is transferred from the general fund \$10 million in fiscal year 2006 and \$20 million in fiscal year 2007 to the long-range building program account in the capital projects fund type for the projects enumerated in [section 2].

NEW SECTION. Section 4. 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. Funds not requiring legislative appropriation are included for the purpose of authorization:

Agency/Project	LRBP	Other Funding Sources
Big Springs PCB Cleanup		2,375,000 State Special Revenue
		2,375,000 Federal Special Revenue
Future Fisheries		1,190,000 State Special Revenue
Fishing Access Site Maintenance		350,000 State Special Revenue
Fishing Access Site Protection		800,000 State Special Revenue
Community Fishing Ponds		50,000 Federal Special Revenue
Boat Washing Stations		25,000 State Special Revenue
		75,000 Federal Special Revenue
Fish Cleaning Stations		112,500 Federal Special Revenue
		37,500 Donations and Grants
Upland Game Bird Program		1,220,000 State Special Revenue
Wildlife Habitat Maintenance		750,000 State Special Revenue
Migratory Bird Stamp Program		625,000 State Special Revenue
Motorboat Recreation Site Improvements		2,305,000 State Special Revenue
		2,000,000 Donations
Cultural and Historic Parks Improvements		2,245,000 State Special Revenue
		300,000 Donations and Grants
Grant Programs/Federal Projects		330,000 State Special Revenue
		5,000,000 Federal Special Revenue

(2) (a) Authority is granted 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, UM-All Campuses		7,000,000	Federal Special Revenue, Higher Education Funds, Donations, Grants, and State Funds

(b) All costs for the operations and maintenance of any new improvements constructed under this authorization must be paid by the university of Montana with nonstate revenue.

(3) (a) Authority is granted to Montana state university in the indicated amount for the purpose of making capital improvements to campus facilities:

Agency/Project	LRBP	Other Funding Sources	
General Spending Authority, MSU-All Campuses		7,000,000	Federal Special Revenue, Higher Education Funds, Donations, Grants, and State Funds

(b) All costs for the operations and maintenance of any new improvements constructed under this authorization must be paid by Montana state university with nonstate revenue.

(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	
Facility Maintenance, Repair, and Small Projects, Statewide		3,515,000	State Special Revenue

NEW SECTION. Section 5. 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		650,000	State Special Revenue

	100,000	Federal Special Revenue
Habitat Montana	5,430,000	State Special Revenue

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 dams:

Agency/Project	LRBP	Other Funding Sources
FWP Dams Repair		264,000 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 7. Transfer of funds. The department of fish, wildlife, and parks and the department of transportation are authorized to transfer either or both the appropriations and authority in [sections 4 through 6] among the necessary fund types for these projects.

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 6] 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 2007 biennium long-range building program presented to the 59th 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 6] 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. Legislative consent.** The appropriations authorized in [sections 1 through 10] constitute legislative consent for the capital projects contained in [sections 1 through 10] within the meaning of 18-2-102.

NEW SECTION. **Section 12. 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 13. Effective date.** [This act] is effective on passage and approval.

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