

HOUSE BILL NO. 5

INTRODUCED BY WELLS

BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING

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4
5 A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING MONEY FOR CAPITAL PROJECTS FOR THE
6 BIENNIUM ENDING JUNE 30, 2007; PROVIDING FOR OTHER MATTERS RELATING TO THE
7 APPROPRIATIONS; PROVIDING FOR A TRANSFER OF ONE-TIME FUNDS FROM THE GENERAL FUND
8 TO THE LONG-RANGE BUILDING PROGRAM ACCOUNT; PROVIDING FOR THE FACILITATION OF
9 PRIVATE EFFORTS TO CONSTRUCT A CHAPEL AT THE MONTANA STATE HOSPITAL AND ALLOWING
10 THE DEPARTMENT OF ADMINISTRATION TO WAIVE REQUIREMENTS PERTAINING TO BIDDING AND
11 BONDING FOR STATE BUILDING PROJECTS IN TITLE 18, MCA, LABOR REQUIREMENTS IN TITLE 18,
12 MCA, AND CONTRACTOR REGISTRATION IN TITLE 39, MCA; ALLOWING THE DEPARTMENT OF FISH,
13 WILDLIFE, AND PARKS TO WAIVE REQUIREMENTS PERTAINING TO PUBLIC BIDS AND THE DEPOSIT OF
14 STATE LAND SALE PROCEEDS FOR THE SALE OF THE JOCKO FISH HATCHERY; REMOVING THE
15 AUTHORITY FOR THE CONSTRUCTION OF THE LIFE SCIENCES BUILDING AT THE UNIVERSITY OF
16 MONTANA; REMOVING REVERSION REQUIREMENTS RELATED TO THE JOURNALISM BUILDING AT THE
17 UNIVERSITY OF MONTANA; REMOVING RESTRICTIONS RELATING TO THE LAW BUILDING AT THE
18 UNIVERSITY OF MONTANA; REMOVING CERTAIN RESTRICTIONS RELATING TO THE JOURNALISM
19 BUILDING AT THE UNIVERSITY OF MONTANA; AMENDING SECTIONS 87-1-209 AND 87-1-601, MCA,
20 SECTION 2, CHAPTER 557, LAWS OF 1999, AND SECTION 2, CHAPTER 573, LAWS OF 2001; AND
21 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

22
23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

(Refer to Introduced Bill)

Strike everything after the enacting clause and insert:

24
25
26
27 NEW SECTION. Section 1. Definitions. For the purposes of [sections 1 through ~~42~~ 13], unless
28 otherwise stated, the following definitions apply:

29 (1) "Capital project" means the acquisition of land or improvements or the planning, capital construction,
30 renovation, furnishing, or major repair projects authorized in [sections 1 through ~~42~~ 13].



1 (2) "LRBP" means the long-range building program account in the capital projects fund type.
 2 (3) "Other funding sources" means money other than LRBP money, including special revenue fund
 3 money, that accrues to an agency under the provisions of law.

4
 5 **NEW SECTION. Section 2. Capital projects appropriations and authorizations.** (1) Subject to
 6 [section ~~8(2)~~ 9(2)], the following money is appropriated for the indicated capital projects from the indicated
 7 sources to the department of administration. Funds not requiring legislative appropriation are included for the
 8 purpose of authorization. The department of administration is authorized to transfer either or both the
 9 appropriations and authority among the necessary fund types for these projects:

10 Agency/Project	LRBP	Other Funding Sources	
11 MONTANA SCHOOL FOR THE DEAF AND BLIND			
12 Facility Improvements, Montana School			
13 for the Deaf and Blind	\$400,000		
14	<u>\$398,000</u>		
15 DEPARTMENT OF ADMINISTRATION			
16 Roof Repair and Replacement, Statewide	3,091,700	\$206,500	Federal Special Revenue
17	<u>3,076,242</u>		
18 Repair/Preserve Building Exteriors, Statewide	500,000		
19	<u>497,500</u>		
20 Window Repairs and Replacement, Statewide	1,275,000		
21	<u>1,268,625</u>		
22 Deferred Maintenance, Montana Law			
23 Enforcement Academy	765,000		
24	<u>761,175</u>		
25 Hazardous Materials Abatement, Statewide	500,000		
26	<u>497,500</u>		
27 Code/Deferred Maintenance Projects, Statewide	1,262,300	90,000	Federal Special Revenue
28	<u>1,255,989</u>		
29 Repair Deteriorated Campus Infrastructure,			
30 Statewide	550,000		

1		<u>547,250</u>	
2	Major Maintenance and Repairs to State Capitol	500,000	
3		<u>497,500</u>	
4	Upgrade Fire Alarm Systems, Statewide	400,000	
5		<u>398,000</u>	
6	Repair Elevators, Capitol Complex	800,000	
7		<u>796,000</u>	
8	Upgrade 1100 North Last Chance Gulch	1,208,000	
9		<u>1,201,960</u>	
10	DPHHS Commodity Warehouse		
11	Expansion, Helena	2,000,000	Federal Special Revenue;
12			Donations, and Grants
13	Public Restrooms, Virginia City and Nevada City	99,950	
14		<u>99,450</u>	
15	Public Safety Learning Center,		
16	Montana Law Enforcement Academy	3,450,000	Federal Special Revenue;
17			Donations, and Grants
18	Authority is granted to the department of administration in the indicated amount for the purpose of		
19	constructing the Public Safety Learning Center.		
20	Long-range Building Program Funding Interim Project	8,000	
21	<u>CAPITOL ANNEXOR ALTERNATIVES FEASIBILITY STUDY</u>	<u>500,000</u>	<u>CAPITOL LAND GRANT FUNDS</u>
22	MONTANA HISTORICAL SOCIETY		
23	Montana Historical Society Building, Helena	20,000,000	Donations and Grants
24		<u>30,000,000</u>	
25	Authority is granted to the department of administration in the indicated amount for the construction of a new		
26	historical society building.		
27	DEPARTMENT OF CORRECTIONS		
28	Improve Water System, Montana State Prison	125,000	
29		<u>124,375</u>	
30	Improve High-Side Kitchen Ventilation,		

1	Montana State Prison	417,300		
2		<u>116,714</u>		
3	Improve Perimeter Security, Montana State Prison	1,400,000		
4		<u>1,393,000</u>		
5	DEPARTMENT OF FISH, WILDLIFE, AND PARKS			
6	Hatchery Maintenance, Statewide		575,000	State Special Revenue
7			575,000	Federal Special Revenue
8	Rose Creek Hatchery		1,700,000	State Special Revenue
9	Fort Peck Storage/Office Space		50,000	State Special Revenue
10			150,000	Federal Special Revenue
11	Administrative Facilities Repair, Maintenance			
12	and Improvements		800,000	State Special Revenue
13	DEPARTMENT OF MILITARY AFFAIRS			
14	Federal Spending Authority		2,100,000	Federal Special Revenue
15	Western Montana Veterans' Cemetery, Missoula		3,200,000	Federal Special Revenue
16	Montana State Veterans' Cemetery Columbarium,			
17	Fort Harrison		500,000	Federal Special Revenue
18	MONTANA UNIVERSITIES AND COLLEGES			
19	ADA/Code/Deferred Maintenance Projects,			
20	Montana University System	1,400,000		
21		<u>1,393,000</u>		
22	Upgrade Steam Distribution System,			
23	UM-Missoula	5,935,000	3,060,000	Auxiliary Funds
24		<u>5,905,325</u>		
25	Upgrade HVAC Systems, Pershing and			
26	Brockman Halls, MSU-Northern	524,000		
27		<u>521,380</u>		
28	Heating System Improvements, Academic			
29	Center and McMullen Halls, MSU-Billings	245,000		
30		<u>243,775</u>		

1	Mining and Geology Building Mechanical System			
2	Renovation, UM-Butte	920,000		
3		<u>915,400</u>		
4	Upgrade Health Sciences HVAC System,			
5	Phase 2, UM-Missoula	970,000		
6		<u>965,150</u>		
7	Renovate Domestic Water Distribution System,			
8	UM-Dillon	483,400		
9		<u>182,185</u>		
10	Classroom/Laboratory Upgrades, Montana			
11	University System	4,000,000		
12		<u>995,000</u>		
13	Facility Repairs and Improvements, MSU-Billings	545,000		
14		<u>542,275</u>		
15	Heating Plant Phase 3, MSU-Bozeman	950,000		
16		<u>945,250</u>		
17	Renovate HVAC Systems, Science Complex			
18	3rd and 4th Floors, UM-Missoula	610,000		
19		<u>606,950</u>		
20	Water/Sewer System Repairs and Maintenance,			
21	MSU-Bozeman	250,000	250,000	Auxiliary Funds
22		<u>248,750</u>		
23	Upgrade Primary Electrical Distribution,			
24	MSU-Bozeman	750,000	750,000	Auxiliary Funds
25		<u>746,250</u>		
26	Facility Repairs and Improvements,			
27	MSU-Agricultural Experiment Stations	480,000		
28		<u>477,600</u>		
29	MSU-Agricultural Experiment Station Projects	650,000		
30		<u>646,750</u>		

1	Campus Improvements, MSU-Northern	640,000	300,000	Auxiliary Funds
2		<u>636,800</u>		
3	New Construction, Consolidate Campus,			
4	UM-Missoula College of Technology		24,500,000	Federal Special Revenue,
5				Donations, Grants, and
6				Higher Education Funds
7	Authority is granted to the department of administration in the indicated amount for the purpose of			
8	constructing a new university of Montana-Missoula college of technology.			
9	New Native American <u>STUDY</u> Center, UM-Missoula		2,500,000	Federal Special Revenue,
10				Donations, Grants, and
11				Higher Education Funds
12	Authority is granted to the department of administration in the indicated amount for the purpose of			
13	constructing the Native America center. This authority augments \$3,500,000 of existing authority for this capital			
14	improvement.			
15	New Gallery Space, UM-Missoula		6,000,000	Federal Special Revenue,
16				Donations, Grants, and
17				Higher Education Funds
18	Authority is granted to the department of administration in the indicated amount for the purpose of			
19	constructing new gallery space.			
20	New Forestry Complex, UM-Missoula		20,000,000	Federal Special Revenue,
21				Donations, Grants, and
22				Higher Education Funds
23	Authority is granted to the department of administration in the indicated amount for the purpose of			
24	constructing the new forestry complex.			
25	MBMG/Petroleum Building, UM-Tech, Butte		5,400,000	Federal Special Revenue,
26				Donations, Grants, and
27				Higher Education Funds
28	Authority is granted to the department of administration in the indicated amount for the purpose of			
29	constructing the MBMG/petroleum building.			
30	Research Lab Facility, UM-Missoula		3,000,000	Federal Special Revenue,

1 Donations, Grants, and
 2 Higher Education Funds
 3 Authority is granted to the department of administration in the indicated amount for the purpose of
 4 constructing the research lab facility. Any increase in costs for the operations and maintenance of the research
 5 lab facility must be paid by the university of Montana with nonstate revenue.

6 LAW BUILDING ADA IMPROVEMENTS/
 7 RENOVATION/EXPANSION, UM-MISSOULA 500,000
 8 THIS STATE MONEY AUGMENTS \$5,000,000 OF EXISTING AUTHORITY FOR THIS PROJECT.

9 SCHOOL OF JOURNALISM BUILDING, UM-MISSOULA 500,000
 10 THIS STATE MONEY AUGMENTS \$12,000,000 OF EXISTING AUTHORITY FOR THIS PROJECT.

11 VisComm Black Box Theater,
 12 MSU-Bozeman 2,750,000 Federal Special Revenue,
 13 Donations, Grants, and
 14 Higher Education Funds

15 Authority is granted to the department of administration in the indicated amount for the purpose of
 16 constructing the new viscomm black box theater.

17 Animal Bioscience Building, MSU-Bozeman 7,500,000 Federal Special Revenue,
 18 Donations, Grants, and
 19 Higher Education Funds

20 Authority is granted to the department of administration in the indicated amount for the purpose of
 21 constructing the new animal bioscience building. This authority augments \$5,000,000 of existing authority for
 22 this capital improvement.

23 Museum of the Rockies, MSU-Bozeman 12,000,000 Federal Special Revenue,
 24 Donations, Grants, and
 25 Higher Education Funds

26 Authority is granted to the department of administration in the indicated amount for the purpose of
 27 constructing improvements to the museum of the rockies.

28 Native American Student Center, MSU-Bozeman 8,000,000 Federal Special Revenue,
 29 Donations, Grants, and
 30 Higher Education Funds

1 Authority is granted to the department of administration in the indicated amount for the purpose of
 2 constructing the new Native American student center.

3 DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

4 Facility Improvements, Montana

5 State Hospital, Warm Springs 595,500

6 592,523

7 Facility Improvements, Montana

8 Developmental Center, Boulder 219,140

9 218,044

10 Demolish Abandoned Buildings,

11 Public Health and Human Services 1,750,000

12 1,741,250

13 Stabilize Old Administration Building, Montana

14 Developmental Center, Boulder 180,000

15 179,100

16 ~~Secure Housing Unit, Montana~~

17 ~~Developmental Center, Boulder 2,542,000~~

18 HOUSING FOR HIGH-RISK BEHAVIORS 2,529,290

19 Special Care Unit Renovations,

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

21 Facility Renovation and Improvements,

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

23 Construct Chapel, Montana State Hospital,

24 Warm Springs 350,000 Donations and Grants

25 Authority is granted to the department of administration in the indicated amount for the purpose of
 26 constructing the chapel at the Montana state hospital in Warm Springs.

27 DEPARTMENT OF TRANSPORTATION

28 Equipment Storage Buildings, Statewide 635,000 State Special Revenue

29 Chiller/Cooling Towers Replacement,

30 Helena Headquarters 350,000 State Special Revenue



1 Office Addition, Billings 500,000 State Special Revenue

2 DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

3 Replace Clearwater Unit Fire Cache 250,000

4 248,750

5 OFFICE OF THE GOVERNOR

6 Historic and Cultural Properties Interim Study 20,000

7 (2) (a) For the purpose of constructing a privately funded chapel at the Montana state hospital in Warm

8 Springs, the department of administration may waive, in whole or in part, the requirements pertaining to:

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

10 (ii) labor requirements in Title 18; and

11 (iii) contractor registration in Title 39.

12 (b) The waiver pursuant to subsection (2)(a) may be exercised in the following circumstances:

13 (i) to obtain the volunteer services and donated materials from members of the public, civic

14 organizations, and other entities;

15 (ii) to obtain the compensated services of contractors who are donating significant amounts of labor,

16 time, and materials; and

17 (iii) to meet the terms and conditions for receipt of major sums of money from private or public funding

18 sources, including individual donations.

19 (3) (a) For the purpose of selling the Jocko fish hatchery to the Confederated Salish and Kootenai tribes

20 and in exchange for constructing and improving the fish hatchery at the Rose Creek hatchery, the department

21 of fish, wildlife, and parks may waive, in whole or in part, the requirements pertaining to:

22 (i) public bids for land disposal in 87-1-209(3); and

23 (ii) the real property trust fund in 87-1-601.

24 (b) The waiver pursuant to subsection (3)(a) may be exercised only under the circumstances described

25 in subsection (3)(a). The waiver does not affect the department's requirement to obtain full market value

26 pursuant to Article X, section 11, of the Montana constitution.

27

28 NEW SECTION. Section 3. Fund transfer. There is transferred from the general fund ~~\$9.9~~ ~~\$9.7~~ \$10.7

29 million in fiscal year 2006 and \$19.4 million in fiscal year 2007 to the long-range building program account in the

30 capital projects fund type for the projects enumerated in [section 2].

1
 2 **NEW SECTION. Section 4. Capital improvements.** (1) Subject to [section 47 18], the following money
 3 is appropriated to the department of fish, wildlife, and parks in the indicated amounts for the purpose of making
 4 capital improvements to statewide facilities. Funds not requiring legislative appropriation are included for the
 5 purpose of authorization.

6 Agency/Project	LRBP	Other Funding Sources
7 Big Springs PCB Cleanup		\$2,375,000 State Special Revenue
8		<u>\$1,696,974</u>
9		2,375,000 Federal Special Revenue
10 Future Fisheries		1,190,000 State Special Revenue
11 Fishing Access Site Maintenance		350,000 State Special Revenue
12 Fishing Access Site Protection		800,000 State Special Revenue
13 Community Fishing Ponds		50,000 Federal Special Revenue
14 Boat Washing Stations		25,000 State Special Revenue
15		75,000 Federal Special Revenue
16 Fish Cleaning Stations		112,500 Federal Special Revenue
17		37,500 Donations and Grants
18 Upland Game Bird Program		1,220,000 State Special Revenue
19 Wildlife Habitat Maintenance		750,000 State Special Revenue
20 Migratory Bird Stamp Program		625,000 State Special Revenue
21 Motorboat Recreation Site Improvements		2,305,000 State Special Revenue
22		2,000,000 Donations
23 Cultural and Historic Parks Improvements		2,245,000 State Special Revenue
24		300,000 Donations and Grants
25 Grant Programs/Federal Projects		330,000 State Special Revenue
26		5,000,000 Federal Special Revenue

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

29 Agency/Project	LRBP	Other Funding Sources
30 General Spending Authority,		

1 UM-All Campuses \$4,000,000 Federal Special Revenue,
 2 Higher Education Funds,
 3 Donations, and Grants

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

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

8 Agency/Project	LRBP	Other Funding Sources
9 General Spending Authority,		
10 MSU-All Campuses	\$7,000,000	Federal Special Revenue, 11 Higher Education Funds, 12 Donations, and Grants

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

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

17 Agency/Project	LRBP	Other Funding Sources
18 Facility Maintenance, Repair, and		
19 Small Projects, Statewide	\$3,515,000	State Special Revenue
20 <u>U.S. HIGHWAY 93 CONSTRUCTION PROJECTS.</u>		
21 <u> EVARO TO POLSON</u>	<u>133,772,453</u>	<u>STATE SPECIAL REVENUE</u>

22
 23 NEW SECTION. Section 5. Land acquisition appropriations. Subject to [section 47 18], the following
 24 money is appropriated to the department of fish, wildlife, and parks in the indicated amounts for purposes of land
 25 acquisition, land leasing, easement purchase, or development agreement:

26 Agency/Project	LRBP	Other Funding Sources
27 Fishing Access Site Acquisition, Statewide		\$650,000 State Special Revenue
28		100,000 Federal Special Revenue
29 Habitat Montana		5,430,000 State Special Revenue

30

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

3 Agency/Project	LRBP	Other Funding Sources
4 FWP Dams Repair		\$264,000 State Special Revenue

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

7
 8 **NEW SECTION. Section 7. Transfer of funds.** The department of fish, wildlife, and parks and the
 9 department of transportation are authorized to transfer either or both the appropriations and authority in [sections
 10 4 through 6] among the necessary fund types for these projects.

11
 12 **NEW SECTION. SECTION 8. CAPITOL LAND GRANT REVENUE.** THE APPROPRIATION OF UP TO \$500,000 IN
 13 CAPITOL LAND GRANT REVENUE TO THE DEPARTMENT OF ADMINISTRATION FOR THE CAPITOL ANNEX OR ALTERNATIVES
 14 FEASIBILITY STUDY IS THE LAST PRIORITY FOR USE OF THESE FUNDS DURING THE 2007 BIENNIUM AND IS DEPENDENT UPON
 15 THE AVAILABILITY OF REVENUE. TO THE EXTENT THAT CAPITOL LAND GRANT REVENUE IS NOT SUFFICIENT TO FUND THIS
 16 PROJECT, THE BALANCE OF THE APPROPRIATION MAY COME FROM REVERSIONS IN THE LONG-RANGE BUILDING PROGRAM
 17 ACCOUNT MADE DURING THE 2006-2007 BIENNIUM. IF NECESSARY, THIS PROJECT MAY BE PHASED IN AS THESE FUNDS
 18 BECOME AVAILABLE.

19
 20 **NEW SECTION. Section 9. Planning and design.** (1) Subject to subsection (2), the department of
 21 administration may proceed with the planning and design of capital projects prior to the receipt of money from
 22 other funding sources. The department may use interaccount loans in accordance with 17-2-107 to pay planning
 23 and design costs incurred before the receipt of money from other funding sources.

24 (2) The department may not expend funds appropriated for statewide roof repair in [section 2] or under
 25 subsection (1) of this section until after the department has entered into a contract for roof repair at the Pine Hills
 26 school in Miles City.

27
 28 **NEW SECTION. Section 10. Capital projects -- contingent funds.** If a capital project is financed, in
 29 whole or in part, with appropriations contingent upon the receipt of other funding sources, the department of
 30 administration may not let the project for bid until the agency has submitted a financial plan for approval by the

1 director of the department of administration. A financial plan may not be approved by the director if:

2 (1) the level of funding provided under the financial plan deviates substantially from the funding level
3 provided in [sections 2 through 6] for that project; or

4 (2) the scope of the project is substantially altered or revised from the preliminary plans presented for
5 that project in the 2007 biennium long-range building program presented to the 59th legislature.

6

7 **NEW SECTION. Section 11. Review by department of environmental quality.** The department of
8 environmental quality shall review capital projects authorized in [sections 2 through 6] for potential inclusion in
9 the state building energy conservation program under Title 90, chapter 4, part 6. When a review shows that a
10 capital project will result in energy improvements, that project must be submitted to the energy conservation
11 program for funding consideration. Funding provided under the energy conservation program guidelines must
12 be used to offset or add to the authorized funding for the project, and the amount will be dependent on the
13 annual utility savings resulting from the facility improvement. Agencies must be notified of potential funding after
14 the review.

15

16 **NEW SECTION. Section 12. University buildings -- operation and maintenance.** (1) The 59th
17 legislature finds that the operation and maintenance of portions of new building space that supports academic
18 missions of the university system should be funded with current unrestricted university funds. The funding of
19 current unrestricted university funds is shared between state general fund, tuition, and other minor sources.

20 (2) The office of budget and program planning, the architecture and engineering division of the
21 department of administration, the legislative fiscal division, and the Montana university system are directed to
22 come to an agreement and to recommend to the 60th legislature the portions of new building space that support
23 academic missions of the university system and funding allocations between the general fund and tuition. If the
24 legislative audit division conducts a performance audit of the university system building program, then the office
25 of budget and program planning, the architecture and engineering division of the department of administration,
26 the legislative fiscal division, and the Montana university system shall take the results of the audit into
27 consideration in making a recommendation.

28 (3) If the university system chooses to build nonacademic buildings, the operation and maintenance
29 costs for the buildings must be funded from nonstate and nontuition sources.

30

1 NEW SECTION. **Section 13. Legislative consent.** The appropriations authorized in [sections 1
2 through 6] constitute legislative consent for the capital projects contained in [sections 1 through 6] within the
3 meaning of 18-2-102.

4

5 **Section 14.** Section 87-1-209, MCA, is amended to read:

6 "**87-1-209. Acquisition and sale of lands or waters.** (1) The department, with the consent of the
7 commission and, in the case of land acquisition involving more than 100 acres or \$100,000 in value, the
8 approval of the board of land commissioners, may acquire by purchase, lease, agreement, gift, or devise and
9 may acquire easements upon lands or waters for the purposes listed in this subsection. The department may
10 develop, operate, and maintain acquired lands or waters:

11 (a) for fish hatcheries or nursery ponds;

12 (b) as lands or water suitable for game, bird, fish, or fur-bearing animal restoration, propagation, or
13 protection;

14 (c) for public hunting, fishing, or trapping areas;

15 (d) to capture, propagate, transport, buy, sell, or exchange any game, birds, fish, fish eggs, or
16 fur-bearing animals needed for propagation or stocking purposes or to exercise control measures of undesirable
17 species;

18 (e) for state parks and outdoor recreation;

19 (f) to extend and consolidate by exchange, lands or waters suitable for these purposes.

20 (2) The department, with the consent of the commission, may acquire by condemnation, as provided
21 in Title 70, chapter 30, lands or structures for the preservation of historical or archaeological sites that are
22 threatened with destruction or alteration.

23 (3) (a) ~~The~~ Subject to [section 2(3)], the department, with the consent of the commission, may dispose
24 of lands and water rights acquired by it on those terms after public notice as required by subsection (3)(b) of this
25 section, without regard to other laws that provide for sale or disposal of state lands and with or without
26 reservation, as it considers necessary and advisable. The department, with the consent of the commission, may
27 convey department lands and water rights for full market value to other governmental entities without regard to
28 the requirements of subsection (3)(b) or (3)(c) if the land is less than 10 acres or if the full market value of the
29 interest to be conveyed is less than \$20,000. When the department conveys land or water rights to another
30 governmental entity pursuant to this subsection, the department, in addition to giving notice pursuant to

1 subsection (3)(b), shall give notice by mail to the landowners whose property adjoins the department property
2 being conveyed.

3 (b) ~~Notice~~ Subject to [section 2(3)], notice of sale describing the lands or waters to be disposed of must
4 be published once a week for 3 successive weeks in a newspaper with general circulation printed and published
5 in the county where the lands or waters are situated or, if a newspaper is not published in that county, then in
6 any newspaper with general circulation in that county.

7 (c) The notice must advertise for cash bids to be presented to the director within 60 days from the date
8 of the first publication. Each bid must be accompanied by a cashier's check or cash deposit in an amount equal
9 to 10% of the amount bid. The highest bid must be accepted upon payment of the balance due within 10 days
10 after mailing notice by certified mail to the highest bidder. If that bidder defaults on payment of the balance due,
11 then the next highest bidders must be similarly notified in succession until a sale is completed. Deposits must
12 be returned to the unsuccessful bidders except bidders defaulting after notification.

13 (d) The department shall reserve the right to reject any bids that do not equal or exceed the full market
14 value of the lands and waters as determined by the department. If the department does not receive a bid that
15 equals or exceeds fair market value, it may then sell the lands or water rights at private sale. The price accepted
16 on any private sale must exceed the highest bid rejected in the bid process.

17 (4) The department shall convey lands and water rights without covenants of warranty by deed executed
18 by the governor or in the governor's absence or disability by the lieutenant governor, attested by the secretary
19 of state and further countersigned by the director.

20 (5) The department, with the consent of the commission, is authorized to utilize the installment contract
21 method to facilitate the acquisition of wildlife management areas in which game and nongame fur-bearing
22 animals and game and nongame birds may breed and replenish and areas that provide access to fishing sites
23 for the public. The total cost of installment contracts may not exceed the cost of purchases authorized by the
24 department and appropriated by the legislature.

25 (6) The department is authorized to enter into leases of land under its control in exchange for services
26 to be provided by the lessee on the leased land."

27

28 **Section 15.** Section 87-1-601, MCA, is amended to read:

29 **"87-1-601. Use of fish and game money.** (1) (a) Except as provided in subsections (7) and (9), all
30 money collected or received from the sale of hunting and fishing licenses or permits, from the sale of seized

1 game or hides, from damages collected for violations of the fish and game laws of this state, or from
2 appropriations or received by the department from any other state source must be turned over to the department
3 of revenue and placed in the state special revenue fund to the credit of the department.

4 (b) Any money received from federal sources must be deposited in the federal special revenue fund
5 to the credit of the department.

6 (c) All interest earned on money from the following sources must be placed in the state special revenue
7 fund to the credit of the department:

8 (i) the general license account;

9 (ii) the license drawing account;

10 (iii) accounts established to administer the provisions of 87-1-246, 87-1-258, 87-1-605, 87-2-411,
11 87-2-722, and 87-2-724; and

12 (iv) money received from the sale of any other hunting and fishing license.

13 (2) Except as provided in 87-2-411, the money described in subsection (1) must be exclusively set apart
14 and made available for the payment of all salaries, per diem, fees, expenses, and expenditures authorized to
15 be made by the department under the terms of this title. The money described in subsection (1) must be spent
16 for those purposes by the department, subject to appropriation by the legislature.

17 (3) Any reference to the fish and game fund in this code means fish and game money in the state
18 special revenue fund and the federal special revenue fund.

19 (4) Except as provided in subsections (7) and (8), all money collected or received from fines and
20 forfeited bonds, except money collected or received by a justice's court, that relates to violations of state fish and
21 game laws under Title 87 must be deposited by the department of revenue and credited to the department in
22 a state special revenue fund account for this purpose. Out of any fine imposed by a court for the violation of the
23 fish and game laws, the costs of prosecution must be paid to the county where the trial was held in any case in
24 which the fine is not imposed in addition to the costs of prosecution.

25 (5) (a) ~~Money~~ Except as provided in [section 2(3)], money must be deposited in an account in the
26 permanent fund if it is received by the department from:

27 (i) the sale of surplus real property;

28 (ii) exploration or development of oil, gas, or mineral deposits from lands acquired by the department
29 except royalties or other compensation based on production; and

30 (iii) leases of interests in department real property not contemplated at the time of acquisition.

1 (b) The interest derived from the account, but not the principal, may be used only for the purpose of
2 operation, development, and maintenance of real property of the department and only upon appropriation by
3 the legislature. If the use of money as set forth in this section would result in violation of applicable federal laws
4 or state statutes specifically naming the department or money received by the department, then the use of this
5 money must be limited in the manner, method, and amount to those uses that do not result in a violation.

6 (6) Money received from the collection of license drawing applications is not subject to the deposit
7 requirements of 17-6-105. The department shall deposit license drawing application money within a reasonable
8 time after receipt.

9 (7) Money collected or received from fines or forfeited bonds for the violation of 77-1-801, 77-1-806,
10 or rules adopted under 77-1-804 must be deposited in the state general fund.

11 (8) The department of revenue shall deposit in the state general fund one-half of the money received
12 from the fines pursuant to 87-1-102.

13 (9) (a) The department shall deposit all money received from the search and rescue surcharge in
14 87-2-202 in a state special revenue account to the credit of the department for search and rescue purposes as
15 provided for in 10-3-801.

16 (b) Upon certification by the department of reimbursement requests submitted by the department of
17 military affairs for search and rescue missions involving persons engaged in hunting, fishing, or trapping, the
18 department may transfer funds from the special revenue account to the search and rescue account provided
19 for in 10-3-801 to reimburse counties for the costs of those missions as provided in 10-3-801.

20 (c) Using funds in the department's search and rescue account that are not already committed to
21 reimbursement for search and rescue missions, the department may provide matching funds to the department
22 of military affairs to reimburse counties for search and rescue training and equipment costs up to the proportion
23 that the number of search and rescue missions involving persons engaged in hunting, fishing, or trapping bears
24 to the statewide total of search and rescue missions.

25 (d) At the end of each fiscal year, any money remaining in the special revenue account after the
26 transfers provided for in this section must be transferred to the general license account of the department."

27

28 **Section 16.** Section 2, Chapter 557, Laws of 1999, is amended to read:

29 **"Section 2. Capital projects appropriations.** (1) Except as provided in subsection (4)(c), the following
30 money is appropriated for the indicated capital projects from the indicated sources to the department of

1 administration, which is authorized to transfer the appropriated money among the necessary fund types for these
2 projects:

3 Agency/Project	LRBP	Other Funding Sources	
4 DEPARTMENT OF ADMINISTRATION			
5 Health and Safety Projects, Statewide	\$730,000	\$250,000	Auxiliary
6 Hazardous Material Remediation, Statewide	300,000		
7 Roof Replacements or Repairs, Statewide	521,000		
8 Facility Assessments, Statewide	100,000	50,000	State Special Revenue
9		100,000	Federal Special Revenue
10		50,000	Auxiliary
11 Capital Renovation		1,000,000	Capitol Land Grant Revenue
12 Renovate Haynes Gallery Area, 13 Historical Society		1,000,000	Donations
14 DEPARTMENT OF CORRECTIONS			
15 Expand Women's Prison, MWP		6,475,000	Federal Special Revenue
16 Missoula Regional Correctional Facility 17 Supplemental		526,497	Federal Special Revenue
18 Construct Reception Unit, MSP		5,500,000	Federal Special Revenue
19		170,000	General Fund
20 DEPARTMENT OF FISH, WILDLIFE AND PARKS			
21 Bluewater Hatchery Renovations		200,000	State Special Revenue
22 Construct Fort Peck Fish Hatchery		14,640,000	Federal Special Revenue
23 DEPARTMENT OF MILITARY AFFAIRS			
24 Construct New Armory, Kalispell		3,900,000	Federal Special Revenue
25 Construct New Armory, Bozeman		4,600,000	Federal Special Revenue
26 MONTANA UNIVERSITY SYSTEM			
27 Sprinkle Library, UM-Missoula	657,000		
28 Ventilate and Update Fine 29 Arts Building, UM-Missoula	450,000		
30 Boiler Upgrade and Ventilation, UM-Tech	530,000	120,000	Auxiliary

1	Maintain HVAC Systems, MSU-Billings			
2	and COT-Billings	500,000		
3	Replace Steam Distribution Piping, UM-Dillon	800,000	400,000	Auxiliary
4	Upgrade Boiler Controls, UM-Missoula	125,000	100,000	Auxiliary
5	Roof Replacements or Repairs,			
6	University System	1,591,000		
7	Maintain Main Hall Exterior, UM-Dillon	225,000		
8	Renovate Cowan Hall, MSU-Northern	511,000		
9	Addition to Paxson Gallery, UM-Missoula		2,500,000	Higher Education Funds,
10				Federal, Donations,
11				Grants, Plant Funds
12	Applied Technology Center Feasibility Study,			
13	MSU-Northern	50,000		
14	Construct Nondenominational Chapel, UM-Tech		1,500,000	Donations
15	Forestry/Journalism Addition, UM-Missoula		10,000,000	Federal, Donations,
16				Grants, Plant Funds
17	Native American Study Center, UM-Missoula		3,500,000	Higher Education Funds,
18				Federal, Donations,
19				Grants, Plant Funds
20	Life Sciences Building, UM-Missoula	23,000,000	23,000,000	Federal, State, Donations,
21				Grants, Plant Funds
22	Rural Technology Education Center, UM-Dillon		350,000	Higher Education Funds,
23				Federal, Donations,
24				Grants, Plant Funds
25	DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION			
26	Lincoln Unit Office/Quarters and			
27	Clearwater Egress	125,000		
28	DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES			
29	Sprinkle MMHNCC, Lewistown	300,000		
30	Construct Special Care Unit,			

1	Montana Veterans' Home	1,179,374	State Special Revenue
2	Improve Eastern Montana Veterans' Home	290,250	State Special Revenue
3	Improve Montana Veterans' Home	187,530	State Special Revenue
4	DEPARTMENT OF TRANSPORTATION		
5	Construct Equipment Storage Buildings		
6	and Roof Replacement at Helena		
7	Headquarters, Statewide	2,100,000	Highways State Special
8			Revenue
9	Construct Core Drilling Building, Helena	1,000,000	Highways State Special
10			Revenue

11 (2) In the event one or both of the national guard armories located in Bozeman and Whitefish, Montana,
 12 and approved in House Bill No. 14 for replacement are sold prior to construction of the new Bozeman and
 13 Kalispell armories, the proceeds of the sale that were deposited to the general fund are appropriated for
 14 replacement construction up to a maximum of \$4,000,000 and the bond authority in House Bill No. 14 is reduced
 15 by a like amount.

16 (3) The department of public health and human services is seeking federal funds for use in the
 17 construction of the special care unit, Montana veterans' home. If federal funds become available for this purpose,
 18 the department shall reimburse funds from the state special revenue account used to build the new unit. The
 19 total amount approved for the project from all sources is \$1,179,374.

20 (4) (a) The 56th legislature authorizes four department of corrections' capital construction projects in
 21 the 2001 biennium. Funding for the projects is contained in House Bill No. 14 and subsection (1) of this section.
 22 The total project cost and the authorized funding for each project are as follows:

23 (i) \$9,375,000 for the women's prison expansion in Billings, funded by \$2,900,000 of general obligation
 24 bond proceeds authorized in House Bill No. 14 and by \$6,475,000 of federal funds appropriated in subsection
 25 (1) of this section;

26 (ii) \$2,225,000 for completing the Pine Hills youth correctional facility in Miles City, funded from general
 27 obligation bond proceeds authorized in House Bill No. 14;

28 (iii) \$5,670,000 to construct a reception unit at Montana state prison in Deer Lodge, funded by \$170,000
 29 of general fund money and by \$5,500,000 of federal funds appropriated in subsection (1) of this section; and

30 (iv) \$3,000,000 for security improvements and expanding the Wallace building at Montana state prison

1 in Deer Lodge, funded from general obligation bond proceeds authorized in House Bill No. 14.

2 (b) The 56th legislature notes that approximately \$8,714,600 of federal department of justice funds are
 3 anticipated to become available for capital construction projects for the department of corrections in the 2001
 4 biennium. It is the intent of the 56th legislature that the federal funds be used to the maximum extent possible.
 5 It is further the intent of the 56th legislature that the priority for using these federal funds is:

- 6 (i) up to \$6,475,000 for the women's prison expansion project, line-itemed in subsection (1);
- 7 (ii) up to \$526,497 for the Missoula regional correctional facility supplemental; and
- 8 (iii) up to \$5,500,000 for the construction of the reception unit at Montana state prison, line-itemed in
 9 subsection (1).

10 (c) (i) It is the intent of the legislature that the department of corrections may not accept federal funds
 11 for capital construction unless all conditions necessary to receive the federal dollars have been irrevocably met
 12 in advance of the expenditure of the federal funds.

13 (ii) It is further the intent of the legislature that federal spending authority for a capital construction project
 14 may be used only for the project identified in the law authorizing the project and may not be used for any other
 15 project.

16 (5) The appropriation for the Fort Peck fish hatchery in subsection (1) is contingent upon passage and
 17 approval of House Bill No. 20.

18 (6) The 56th legislature authorizes the construction of the rural technology education center at western
 19 Montana college of the university of Montana at a total project cost of \$4,520,000. Subsection (1) of this section
 20 contains \$350,000 in other revenue authority for this project, and House Bill No. 14 contains \$4,170,000 in
 21 general obligation bond authority for this project. In the event that other additional funds become available for
 22 this project during its construction, the general obligation bond authority in House Bill No. 14 must be reduced
 23 by a like amount and other revenue authority is increased by a like amount in subsection (1) of this section for
 24 the same purpose."

25

26 **Section 17.** Section 2, Chapter 573, Laws of 2001, is amended to read:

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

30 Agency/Project	LRBP	Other Funding Sources
-------------------	------	-----------------------

1	DEPARTMENT OF ADMINISTRATION			
2	Life Safety Projects, Statewide	\$400,000	\$	
3	Hazardous Material Mitigation Fund	350,000		
4	Roof Replacements or Repairs, Statewide	499,000		
5	Project Litigation Fund	475,000		
6	Capitol Complex Land Acquisition		400,000	Capitol Land Grant
7				Revenue
8	DEPARTMENT OF CORRECTIONS			
9	Construction of Central Reception Unit		1,000,000	Federal Special Revenue
10	DEPARTMENT OF FISH, WILDLIFE, AND PARKS			
11	Administrative Facility Repair and Maintenance		764,000	State Special Revenue
12	DEPARTMENT OF JUSTICE			
13	Upgrade Foundations and Boiler, MLEA	200,000		
14	DEPARTMENT OF MILITARY AFFAIRS			
15	Construct New Dillon Armory		3,800,000	Federal Special Revenue
16	Construct New Kalispell Armory		3,700,000	Federal Special Revenue
17	MONTANA UNIVERSITIES AND COLLEGES			
18	Replace Primary Power Distribution	162,750	59,375	Auxiliary
19	System, UM-Dillon			
20	Roof Replacements or Repairs,	426,000		
21	University System			
22	Heating Plant Steam Distribution,	438,750	236,250	Auxiliary
23	Phase II, UM-Tech			
24	Chemistry Building Addition, UM-Missoula		3,200,000	Federal, Donations,
25				Grants, Nonstate Funds,
26				Plant Funds
27	All operating and maintenance expenses of the chemistry building addition are to be paid by the			
28	university of Montana-Missoula. Appropriation authority in excess of funds pledged for this project as of June			
29	30, 2003, must be reverted.			
30	Master Plan Campuses, University System	100,000	150,000	Higher Education Funds,

1			Federal, Donations,
2			Grants, Plant Funds
3	This project will focus on maximizing use of existing buildings on the campuses.		
4	Animal and Range Science Facility,	5,000,000	Higher Education Funds,
5	MSU-Bozeman		Federal, Donations,
6			Grants, Nonstate Funds,
7			Plant Funds
8	Gaines Hall Renovation/Addition Project Design,		
9	MSU-Bozeman	2,000,000	Federal, Donations,
10			Grants, Nonstate Funds,
11			Plant Funds
12	Agricultural Experiment Station, MSU-Bozeman	1,000,000	Federal, Donations,
13			Grants, Nonstate Funds,
14			Plant Funds
15	Develop Classroom/Lab Design,		
16	MSU-COT, Billings	50,000	
17	Multi Media Center, Yellow Bay,	1,350,000	Federal, Donations,
18			Grants, UM-Missoula
19			Nonstate Funds, Plant Funds
20	All construction, operation, and maintenance expenses of the Yellow Bay multi media center are to be paid		
21	by the center.		
22	Law Building Renovation/Expansion,	5,000,000	Federal, Donations,
23			Grants, UM-Missoula
24			Nonstate Funds, Plant Funds
25	—All operating and maintenance expenses of the law building addition are to be paid by the university of		
26	Montana-Missoula.		
27	School of Journalism Building,	12,000,000	Federal, Donations,
28			Grants, UM-Missoula
29			Nonstate Funds, Plant Funds
30	—Appropriation authority in excess of funds pledged for this project as of June 30, 2005, must be reverted.		

1 ~~All operating and maintenance expenses of the school of journalism building are to be paid by the university of~~
 2 ~~Montana-Missoula.~~

3 Construct Applied Technology Center,	3,000,000	Federal, Donations,
4		Grants, MSU-Northern
5		Nonstate Funds, Plant Funds
6 Install PBS Digital Conversion, MSU-Bozeman	3,059,455	Federal, Donations,
7		Grants, Nonstate Funds,
8		Plant Funds

9 The university system and the information services division of the department of administration will work
 10 together to develop network plans or procedures that provide for the highest degree of bandwidth and
 11 cost-sharing capability between the university system and the department that is within technical specifications
 12 agreed to by the parties and is mutually beneficial to them. This obligation to cooperate and coordinate for the
 13 purpose of seeking mutually beneficial network arrangements applies to the intercity transport services acquired
 14 by the university system or the department of administration to meet the needs of the public broadcast system,
 15 including the utilization and sharing of excess capacity bandwidth to help meet the telecommunication needs
 16 of all state agencies in a manner that is both cost-effective and compatible with the efficient operation of the
 17 public broadcast system.

18 Develop Design to Expand COT,	
19 UM-COT, Helena	125,000
20 DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION	
21 Expand Unit Office, Libby	94,000
22 DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES	
23 Licensure Compliance, MMHNCC	524,000

24 Montana Veterans' Home Improvements,	165,875	State Special Revenue
25 Columbia Falls		
26 Eastern Montana Veterans' Home	177,800	State Special Revenue
27 Improvements, Glendive		

28 The legislature consents to the construction of the good shepherd chapel at the Montana developmental
 29 center in Boulder with donated funds. The construction of the chapel is exempt from provisions of Title 18.

30 STATE BOARD OF EDUCATION

1 Facility Improvements, Montana 315,160

2 School for the Deaf and Blind

3 DEPARTMENT OF TRANSPORTATION

4 Construct Equipment Storage Buildings, 2,700,000 Highways State
 5 Statewide Special Revenue

6 (2) The Montana state university agricultural experiment station shall use these funds to construct and
 7 repair various experiment station buildings at the following locations: \$1,250,000 for Huntley, \$180,000 for
 8 Moccasin, \$200,000 for Havre, \$210,000 for Sidney, and \$160,000 for Kalispell. The amount of \$1 million for
 9 these projects will be funded from non-LRBP sources, and the amount of \$1 million will be funded from CPF in
 10 House Bill No. 14.

11 (3) For purposes of obtaining cash for the construction litigation appropriation authority in subsection
 12 (1), the architecture and engineering division of the department of administration may transfer any excess LRBP
 13 money from an agency as long as the transfer does not move funds required to complete any authorized agency
 14 project.

15 (4) The following projects are appropriated from the LRBP funding to the department of administration,
 16 in addition to the projects listed in subsection (1), by the decrease in bond debt service paid from the LRBP in
 17 House Bill No. 14:

18 Agency/Project	LRBP	Other Funding Sources
19 DEPARTMENT OF ADMINISTRATION		
20 Life Safety Projects, Statewide	\$300,000	
21 Hazardous Material Mitigation, Statewide	90,000	
22 Roof Replacements or Repairs, Statewide	150,000	
23 MONTANA UNIVERSITIES AND COLLEGES		
24 Code Compliance/Deferred		
25 Maintenance, All Campuses	550,000	
26 Develop Design to Expand COT,		
27 UM-COT, Helena	240,000"	
28		

29 COORDINATION SECTION. **Section 18. Coordination instruction.** If House Bill No. 79 is not passed
 30 and approved, then:



1 (1) the state special revenue appropriation for the wildlife habitat maintenance project in [section 4] is
2 reduced to \$487,500; and

3 (2) the state special revenue appropriation for habitat Montana in [section 5] is reduced to \$2,747,500.
4

5 ~~COORDINATION SECTION. Section 18. Coordination instruction. If House Bill No. 777 is not~~
6 ~~passed and approved, then the appropriation in [section 2(1)] to the office of the governor for the historic and~~
7 ~~cultural properties interim study is void.~~

8
9 NEW SECTION. Section 19. Severability. If a part of [this act] is invalid, all valid parts that are
10 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,
11 the part remains in effect in all valid applications that are severable from the invalid applications.

12

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

14

- END -