

HOUSE BILL NO. 5
INTRODUCED BY T. CALLAHAN
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, 2009; PROVIDING FOR OTHER MATTERS RELATING TO THE APPROPRIATIONS; PROVIDING FOR A TRANSFER OF FUNDS TO THE LONG-RANGE BUILDING PROGRAM ACCOUNT; PROVIDING FOR A TRANSFER OF FUNDS TO THE FISH, WILDLIFE, AND PARKS CAPITAL PROJECTS ACCOUNT; 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 14], unless otherwise stated, the following definitions apply:

- (1) "Authority only" means approval provided by the legislature to expend money that does not require an appropriation, including grants, donations, auxiliary funds, proprietary funds, and university funds.
- (2) "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 14].
- (3) "LRBP" means the long-range building program account in the capital projects fund type.
- (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.

NEW SECTION. **Section 2. Capital project appropriations and authorizations.** 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 the appropriations and authority among the necessary fund types for these projects:

| Agency/Project | LRBP Fund | State Special Revenue | Federal Special Revenue | Other Funding Sources | Authority Only | Total |
|---|--------------|-----------------------------|-------------------------------|-----------------------------|-------------------|-----------|
| MONTANA SCHOOL FOR THE DEAF AND BLIND | | | | | | |
| Replace Boiler | 600,000 | | | | | 600,000 |
| DEPARTMENT OF ADMINISTRATION | | | | | | |
| Roof Repairs and Replacements, Statewide | 3,000,000 | 392,160 | 68,040 | | | 3,460,200 |
| Code/Deferred Maintenance Projects, Statewide | 2,500,000 | | | | | 2,500,000 |
| Hazardous Materials Abatement, Statewide | 500,000 | | | | | 500,000 |
| Code/Deferred Maintenance Projects, Capitol Complex | | | | | 550,000 | 550,000 |
| Authority only funds consist of general services division internal service funds. | | | | | | |
| Upgrade Fire Protection Systems, Statewide | 500,000 | | | | | 500,000 |
| Fire Protection Measures, Capitol Complex | | | | | 500,000 | 500,000 |
| Authority only funds consist of general services division internal service funds. | | | | | | |
| Upgrade State Environmental Laboratory, Helena | 1,000,000 | | 1,000,000 | | | 2,000,000 |
| Repair/Preserve Building Envelopes, Statewide | 1,500,000 | | | | | 1,500,000 |
| Campus Infrastructure Projects, Statewide | 1,000,000 | | | | | 1,000,000 |
| Mechanical System Improvements, Capitol Complex | | | | | 1,900,000 | 1,900,000 |
| Authority only funds consist of general services division internal service funds. | | | | | | |
| Deferred Maintenance, Phase 2, MT Law Enforcement Academy | 500,000 | | | | | 500,000 |

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| Enterprise System Services Centers | 20,150,000 | 4,000,000 | 24,150,000 |
|------------------------------------|------------|-----------|------------|

Other funds consist of capitol land grant funds.

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|-----------------------------------|---------|---------|---------|
| Campus Master Planning, Statewide | 400,000 | 250,000 | 650,000 |
|-----------------------------------|---------|---------|---------|

Authority only funds consist of general services division internal service funds.

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|--|-----------|-----------|-----------|
| Challenge Grant for Super Computer, UM-MT Tech | 2,800,000 | 7,000,000 | 9,800,000 |
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Authority only funds may include federal special revenue, donations, grants, and higher education funds.

DEPARTMENT OF CORRECTIONS

| | | | |
|--|-----------|--|-----------|
| Housing Unit Upgrades, MT State Prison | 1,200,000 | | 1,200,000 |
|--|-----------|--|-----------|

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| Expand Work Dorm, MT State Prison | 2,500,000 | | 2,500,000 |
|-----------------------------------|-----------|--|-----------|

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| Expand Food Service Capacity, MT State Prison | 1,637,000 | 293,000 | 1,930,000 |
|---|-----------|---------|-----------|

Authority only funds consist of proprietary funds.

DEPARTMENT OF FISH, WILDLIFE, AND PARKS

| | | | |
|----------------------|---------|--|---------|
| Hatchery Maintenance | 500,000 | | 500,000 |
|----------------------|---------|--|---------|

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|--|---------|--|---------|
| Administrative Facilities Repair & Maintenance | 800,000 | | 800,000 |
|--|---------|--|---------|

DEPARTMENT OF MILITARY AFFAIRS

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|------------------------------|-----------|-----------|-----------|
| Readiness Center, Miles City | 2,480,000 | 7,510,970 | 9,990,970 |
|------------------------------|-----------|-----------|-----------|

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|---------------------------------------|--|------------|------------|
| Armed Forces Reserve Center, Missoula | | 30,903,968 | 30,903,968 |
|---------------------------------------|--|------------|------------|

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|---------------------------------------|---------|---------|---------|
| Construct Female Showers and Latrines | 290,000 | 290,000 | 580,000 |
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| Montana State Veterans' Cemetery Expansion | | 1,206,000 | 1,206,000 |
|--|--|-----------|-----------|

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|---|---------|--|---------|
| Disaster & Emergency Services Mobile Command Post | 172,500 | | 172,500 |
|---|---------|--|---------|

MONTANA UNIVERSITIES AND COLLEGES

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|--|-----------|--|-----------|
| Code Compliance/Deferred Maintenance, MT University System | 4,000,000 | | 4,000,000 |
|--|-----------|--|-----------|

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

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|---|--|-----------|-----------|
| School of Education Building, UM-Missoula | | 7,500,000 | 7,500,000 |
|---|--|-----------|-----------|

Authority only funds may include federal special revenue, donations, grants, and higher education funds.

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|--|--|-----------|-----------|
| HHP Physiological and Nutritional Lab, UM-Missoula | | 4,500,000 | 4,500,000 |
|--|--|-----------|-----------|

Authority only funds may include federal special revenue, donations, grants, and higher education funds.

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|------------------------------------|--|-----------|-----------|
| New Parking Structure, UM-Missoula | | 5,000,000 | 5,000,000 |
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Authority only funds may include federal special revenue, auxiliary, donations, grants, and higher education funds.

DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

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|---|---------|--|---------|
| Install Generator, MT Mental Health Nursing Care Center | 250,000 | | 250,000 |
|---|---------|--|---------|

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| STEP Program Renovations, MT State Hospital, Warm Springs | 5,800,000 | | 5,800,000 |
|---|-----------|--|-----------|

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|--|-----------|--|-----------|
| Renovate/Improve Support Services, MT State Hospital | 4,500,000 | | 4,500,000 |
|--|-----------|--|-----------|

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|---|---------|--|---------|
| Modernize MT Mental Health Nursing Care Center, Lewistown | 500,000 | | 500,000 |
|---|---------|--|---------|

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| Montana Veterans' Home Improvements | | 1,413,000 | 1,413,000 |
|-------------------------------------|--|-----------|-----------|

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| Improve Campus, MT State Hospital, Warm Springs | 1,280,000 | | 1,280,000 |
|---|-----------|--|-----------|

DEPARTMENT OF TRANSPORTATION

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|--|--|-----------|-----------|
| Equipment Storage Buildings, Statewide | | 2,700,000 | 2,700,000 |
|--|--|-----------|-----------|

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

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|---|---------|--|---------|
| Code/Deferred Maintenance and Small Projects, | 750,000 | | 750,000 |
|---|---------|--|---------|

DNRC Unit Campuses, Statewide

| | | | |
|-------------------------------|-----------|--|-----------|
| Co-locate DNRC/DEQ, Kalispell | 3,500,000 | | 3,500,000 |
|-------------------------------|-----------|--|-----------|

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|--------------------------------------|-----------|--|-----------|
| Consolidate DNRC Divisions, Missoula | 2,000,000 | | 2,000,000 |
|--------------------------------------|-----------|--|-----------|

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| Building Addition, Billings Oil and Gas Office | | 750,000 | 750,000 |
|--|--|---------|---------|

DEPARTMENT OF JUSTICE

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|--|-----------|-----------|
| Purchase Forensic Science Lab Building | 7,750,000 | 7,750,000 |
|--|-----------|-----------|

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 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].

(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, and parks capital projects account in the capital projects fund type for the projects enumerated in [section 5].

(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 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 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 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 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 be reduced below the level of encumbrance obligations made against the appropriation at the time of the reduction.

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 Fund | State Special Revenue | Federal Special Revenue | Other Funding Sources | Authority Only | Total |
|------------------|--------------|-----------------------------|-------------------------------|-----------------------------|-------------------|-----------|
| Future Fisheries | | 1,314,000 | | | | 1,314,000 |

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

(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 in Virginia City and Nevada City:

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

(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 only funds may include federal special revenue, donations, grants, and higher education funds. 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.

| Agency/Project | LRBP | State | Federal | Other | Authority | Total |
|----------------|------|---------|---------|---------|-----------|-------|
| | Fund | Special | Special | Funding | Only | |
| | | Revenue | Revenue | Sources | | |

General Spending Authority, UM-All Campuses 4,000,000 4,000,000

(4) Authority is being granted to Montana state university in the indicated amount for the purpose of making capital improvements to campus facilities. Authority only funds may include federal special revenue, donations, grants, and higher education funds. 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.

| Agency/Project | LRBP Fund | State Special Revenue | Federal Special Revenue | Other Funding Sources | Authority Only | Total |
|----------------|--------------|-----------------------------|-------------------------------|-----------------------------|-------------------|-------|
|----------------|--------------|-----------------------------|-------------------------------|-----------------------------|-------------------|-------|

General Spending Authority, MSU-All Campuses 5,000,000 5,000,000

(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 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 revenue.

| Agency/Project | LRBP Fund | State Special Revenue | Federal Special Revenue | Other Funding Sources | Authority Only | Total |
|----------------|--------------|-----------------------------|-------------------------------|-----------------------------|-------------------|-------|
|----------------|--------------|-----------------------------|-------------------------------|-----------------------------|-------------------|-------|

Federal Spending Authority 2,000,000 2,000,000

(6) The following money is appropriated to the department of transportation in the indicated amount for the purpose of making capital improvements as indicated:

| Agency/Project | LRBP Fund | State Special Revenue | Federal Special Revenue | Other Funding Sources | Authority Only | Total |
|----------------|--------------|-----------------------------|-------------------------------|-----------------------------|-------------------|-------|
|----------------|--------------|-----------------------------|-------------------------------|-----------------------------|-------------------|-------|

Statewide Maintenance Repair & Small Projects 2,300,000 2,300,000

US Highway 93 Projects 26,000,000 26,000,000

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 Fund | State Special Revenue | Federal Special Revenue | Other Funding Sources | Authority Only | Total |
|-----------------|--------------|-----------------------------|-------------------------------|-----------------------------|-------------------|------------|
| Habitat Montana | | 6,180,000 | | | | 6,180,000 |
| Access Montana | | | | 15,000,000 | | 15,000,000 |

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

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 Fund | State Special Revenue | Federal Special Revenue | Other Funding Sources | Authority Only | Total |
|-----------------|--------------|-----------------------------|-------------------------------|-----------------------------|-------------------|---------|
| FWP Dams Repair | | 100,000 | | | | 100,000 |

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

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

| Agency/Project | LRBP Fund | State Special Revenue | Federal Special Revenue | Other Funding Sources | Authority Only | Total |
|----------------|--------------|-----------------------------|-------------------------------|-----------------------------|-------------------|-------|
|----------------|--------------|-----------------------------|-------------------------------|-----------------------------|-------------------|-------|

| | | |
|---------------------------|---------|---------|
| Bridge Replacement/Repair | 750,000 | 750,000 |
|---------------------------|---------|---------|

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

NEW SECTION. **Section 9. Capitol land grant revenue.** The appropriation of \$4 million in capitol land grant revenue to the department of administration for 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, 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 available.

NEW SECTION. **Section 10. 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 11. 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 project 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 7] 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 2009 biennium long-range building program presented to the 60th legislature.

NEW SECTION. **Section 12. Review by department of environmental quality.** The department of environmental quality shall review capital projects authorized 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 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 13. Sale of Missoula armory.** All proceeds derived from the sale of the national guard armory located in Missoula must be deposited 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.

NEW SECTION. **Section 14. Legislative consent.** The appropriations authorized in [sections 1 through 13] constitute legislative consent for the capital projects contained in [sections 1 through 13] within the meaning of 18-2-102.

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 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 16. Effective date.** [This act] is effective on passage and approval.

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