

HOUSE BILL NO. 5

INTRODUCED BY D. ANKNEY

BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING

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A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING MONEY FOR CAPITAL PROJECTS FOR THE BIENNIUM ENDING JUNE 30, 2015; PROVIDING FOR OTHER MATTERS RELATING TO THE APPROPRIATIONS; PROVIDING FOR A TRANSFER OF FUNDS FROM THE STATE GENERAL FUND TO THE LONG-RANGE BUILDING PROGRAM ACCOUNT; PROVIDING RULEMAKING AUTHORITY; 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 ~~40~~11], 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, environmental cleanup, renovation, furnishing, or major repair projects authorized in [sections 1 through ~~40~~ 11].
- (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, state special revenue fund, or federal special revenue money that accrues to an agency under the provisions of law.
- (5) "SBECF funds" means funds from the state building energy conservation program account in the capital projects fund type.

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

5 Agency/Project	6 LRBP Fund	7 State Special Revenue	8 Federal Special Revenue	9 Other Funding Sources	10 Authority Only	11 Total
12 DEPARTMENT OF ADMINISTRATION						
13 Repair Corrections Department Parking Structure	450,000					450,000
14 Install Safety Handrails in Capitol	200,000	200,000				400,000
15 State special revenue funds consist of general services division internal service funds. <u>IF A DONATION IS RECEIVED BY THE DEPARTMENT OF</u> 16 <u>ADMINISTRATION FROM THE MONTANA CAPITOL RESTORATION FOUNDATION TO INSTALL SAFETY HANDRAILS IN THE CAPITOL, THEN THE AMOUNT OF THE DONATION IS</u> 17 <u>AUTHORIZED AND THE APPROPRIATION OF LRBP FUNDS IS REDUCED BY A LIKE AMOUNT.</u>						
18 Upgrade Scott Hart HVAC system, Phase 2			1,500,000			1,500,000
19 State special revenue funds consist of general services division internal service funds.						
20 MONTANA SCHOOL FOR THE DEAF AND BLIND						
21 Building Repairs and Improvements, MSDB, Great Falls	195,000					195,000
22 DEPARTMENT OF JUSTICE						
23 Upgrade Water Supply System - Montana Law Enforcement Academy						
24	400,000					400,000
25 DEPARTMENT OF CORRECTIONS						



1	<del>Construct Low Side Units, MSP Deer Lodge</del>	<del>26,000,000</del>	<del>26,000,000</del>		
2	DEPARTMENT OF FISH, WILDLIFE, AND PARKS				
3	Hatchery Maintenance		575,000		575,000
4	Administrative Facilities Repair and Maintenance		1,325,000		1,325,000
5	DEPARTMENT OF MILITARY AFFAIRS				
6	Vault Modifications, Statewide			<u>780,000</u> <del>780,000</del>	780,000
7	Upgrade Sewer/Water Service, AFRC, Kalispell	250,000	<del>750,000</del>	<u>750,000</u>	1,000,000
8	Replace Readiness Center, Malta	400,000		<u>15,000,000</u> <del>15,000,000</del>	15,400,000
9	<u>IMPROVEMENTS AT THE MONTANA MILITARY MUSEUM</u>	<u>150,000</u>			<u>150,000</u>
10	DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES				
11	Repair Sewage Collection System, Warm Springs	1,520,000			1,520,000
12	DEPARTMENT OF TRANSPORTATION				
13	Equipment/Office Buildings, Statewide		5,200,000		5,200,000
14	DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION				
15	Major Repairs & Small Projects, Statewide	300,000			300,000
16	Repair Unit Residences, Statewide		100,000		100,000]
17	<u>MONTANA HISTORICAL SOCIETY</u>				
18	<u>CONSTRUCT MONTANA HERITAGE CENTER, HELENA</u>	<u>23,000,000</u>			<u>23,000,000</u>

19           (2) The \$400,000 of LRBP funds contained in subsection (1) for the replacement of the Malta readiness center must be utilized for the acquisition  
20 of land for the facility. The appropriation of \$15,000,000 of federal special revenue funds for this project is contingent upon the department of military affairs  
21 completing the acquisition of land by June 30, 2015. If land is not acquired by this date, the \$400,000 reverts to the general fund.

1 ~~\_\_\_\_\_ (3) Up to \$600,000 of any unexpended or unencumbered funds approved for the construction of low side units at Montana state prison contained~~  
 2 ~~in subsection (1) may be reappropriated for the renovation of laundry facilities at Montana state prison project contained in [section 3] upon final acceptance~~  
 3 ~~of the low side units.~~

4  
 5 **NEW SECTION. Section 3. Capital improvements.** (1) The following money is appropriated to the department of fish, wildlife, and parks in the  
 6 indicated amounts for the purpose of making capital improvements to statewide facilities. Funds not requiring legislative appropriation are included for the  
 7 purpose of authorization:

8 Agency/Project	LRBP	State	Federal	Other	Authority	Total
9	Fund	Special	Special	Funding	Only	
10		Revenue	Revenue	Sources		
11 Parks Program		3,084,000	1,200,000			4,284,000
12 <u>GRANT TO THE CITY OF MISSOULA FOR THE DESIGN AND CONSTRUCTION OF LIGHTED AND PAVED RUX PATH (RESTRICTED)</u>						
		100,000				100,000
14 <u>STATE SPECIAL REVENUE CONSISTS OF DEPARTMENT OF TRANSPORTATION HIGHWAY NONRESTRICTED REVENUE FUND, NUMBER 02349.</u>						
15 <u>FUNDS FOR THIS PROJECT ARE RESTRICTED TO THE USE OF THE RUX PROJECT AND ARE PAYABLE FOR REIMBURSEMENTS. THE DEPARTMENT SHALL REPORT ON THE</u>						
16 <u>PROGRESS OF THIS PROJECT TO THE 2015 LONG-RANGE PLANNING SUBCOMMITTEE. ANY FUNDS NOT REQUIRED FOR THE COMPLETION OF THIS PROJECT MUST BE</u>						
17 <u>REVERTED TO THE HIGHWAY NONRESTRICTED REVENUE FUND UPON COMPLETION OF THE PROJECT.</u>						
18 Future Fisheries		790,000				790,000
19 FAS Site Protection		1,050,000	800,000			1,850,000
20 Upland Game Bird Program		746,000				746,000
21 Grant Programs/Federal Projects		218,000	5,000,000			5,218,000

1	Wildlife Habitat Maintenance	970,000	970,000
2	Dam Maintenance	50,000	50,000
3	Community Fishing Ponds	50,000	50,000
4	Forest Management Project	32,000	32,000

5 (2) Authority is being granted to the Montana university system in the amount of ~~\$9,000,000~~ \$3,000,000 and to the department of administration  
 6 in the amount of \$2,000,000 for the purpose of making capital improvements to campus facilities. Authority-only funds may include federal special revenue,  
 7 donations, grants, and higher education funds. All costs for the operations and maintenance of any new improvements constructed under this authorization  
 8 must be paid by the Montana university system from nonstate sources:

9	Agency/Project	LRBP	State	Federal	Other	Authority	Total
10		Fund	Special	Special	Funding	Only	
11			Revenue	Revenue	Sources		
12	General Spending Authority, MUS All Campuses					11,000,000	11,000,000
13						<u>5,000,000</u>	<u>5,000,000</u>

14 (3) The following money is appropriated to the department of military affairs in the indicated amount for the purpose of making capital improvements  
 15 to statewide facilities. All costs for the operation and maintenance of any new improvements constructed with these funds must be paid by the department  
 16 of military affairs from nonstate sources:

17	Agency/Project	LRBP	State	Federal	Other	Authority	Total
18		Fund	Special	Special	Funding	Only	
19			Revenue	Revenue	Sources		
20	Federal Spending Authority			2,500,000			2,500,000

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

1 as indicated:

2 Agency/Project	LRBP	State	Federal	Other	Authority	Total
3	Fund	Special	Special	Funding	Only	
4		Revenue	Revenue	Sources		
5 Statewide Maintenance, Repair and Small Projects		2,100,000				2,100,000

6 (5) The following money is appropriated for the indicated capital projects to the department of environmental quality and the department of  
 7 administration from state building energy conservation funds and other indicated sources. Funds not requiring legislative appropriation are included for  
 8 the purpose of authorization. The department of administration is authorized to transfer the appropriations, authority, or both among the necessary fund  
 9 types for these projects:

10 Agency/Project	LRBP	State	Federal	Other	Authority	Total
11	Fund	Special	Special	Funding	Only	
12		Revenue	Revenue	Sources		

13 DEPARTMENT OF ADMINISTRATION

14 Repair and Upgrade Capitol HVAC Systems		1,400,000				1,400,000
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15 State special revenue funds consist of SBECF funds in the amount of \$500,000 and of general services division internal service funds in the amount  
 16 of \$900,000.

17 DEPARTMENT OF ENVIRONMENTAL QUALITY

18 Energy Improvements, Statewide		1,900,000				1,900,000
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19 State special revenue funds consist of SBECF funds.

20 DEPARTMENT OF CORRECTIONS

21 Repair and Upgrade Building Systems,



1	Pine Hills Youth Correctional Facility	511,000	500,000			1,011,000
2	State special revenue funds consist of SBECF funds.					
3	Renovate Laundry Facilities, Montana State Prison, Deer Lodge		600,000		600,000	1,200,000
4	State special revenue funds consist of SBECF funds.					
5	Authority-only funds consist of proprietary funds.					

7 **NEW SECTION. Section 4. Land acquisition appropriations.** The following money is appropriated to the department of fish, wildlife, and parks  
 8 in the indicated amounts for purposes of land acquisition, land leasing, easement purchase, or development agreements: WHEN CONSIDERING THE  
 9 ACQUISITION OF HABITAT IN ACCORDANCE WITH 87-1-241, THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS SHALL GIVE FIRST CONSIDERATION TO TERM AGREEMENTS,  
 10 SECOND CONSIDERATION TO PERPETUAL CONSERVATION EASEMENTS, AND THIRD CONSIDERATION TO FEE TITLE ACQUISITIONS.

11	Agency/Project	LRBP	State	Federal	Other	Authority	Total
12		Fund	Special	Special	Funding	Only	
13			Revenue	Revenue	Sources		
14	Habitat Montana		9,930,000				9,930,000
15	Fishing Access Site Acquisition		230,000	100,000			330,000
16	Bighorn Sheep Habitat		210,000				210,000

18 **NEW SECTION. Section 5. Transfer of appropriations.** The EXCEPT FOR THE FISH, WILDLIFE, AND PARKS GRANT TO THE CITY OF MISSOULA, THE  
 19 department of fish, wildlife, and parks and the department of transportation are authorized to transfer the appropriations and authority in [sections 3 and  
 20 4], as appropriate, among the necessary fund types for these projects.

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1            **NEW SECTION. Section 6. Planning and design.** The department of administration may proceed with the planning and design of capital projects  
2 prior to the receipt of other funding sources. The department may use interentity loans in accordance with 17-2-107 to pay planning and design costs  
3 incurred before the receipt of funding from another funding source.

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5            **NEW SECTION. Section 7. Capital projects -- contingent funds.** If a capital project is financed in whole or in part with appropriations contingent  
6 upon the receipt of funding from another funding source, the department of administration may not let the project for bid until the agency has submitted  
7 a financial plan for approval by the director of the department of administration. A financial plan may not be approved by the director if:

- 8            (1) the level of funding provided under the financial plan deviates substantially from the funding level provided in [section 2] for that project; or  
9            (2) the scope of the project is substantially altered or revised from the preliminary plans presented for that project in the 2015 biennium long-range  
10 building program presented to the 63rd legislature.

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12            **NEW SECTION. Section 8. Review by department of environmental quality.** The department of environmental quality shall review capital  
13 projects authorized in [section 2] for potential inclusion in the state building energy conservation program under Title 90, chapter 4, part 6. When a review  
14 shows that a capital project will result in energy improvements, that project must be submitted to the energy conservation program for funding consideration.  
15 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  
16 will be dependent on the annual utility savings resulting from the facility improvement. Agencies must be notified of potential funding after the review.

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18            **NEW SECTION. SECTION 9. CAPITAL PROJECT GRANTS TO LOCAL GOVERNMENTS -- APPROPRIATIONS. (1) EFFECTIVE JULY 1, 2013, THE FOLLOWING**  
19 **AMOUNTS ARE APPROPRIATED TO THE DEPARTMENT OF COMMERCE FROM THE GENERAL FUND:**

20            **(A) \$403,240 FOR A GRANT OF UP TO \$403,240 TO THE CITY OF BROWNING FOR CONSTRUCTION OF THE BROWNING FIRE HALL; AND**

21            **(B) \$2 MILLION FOR A GRANT OF UP TO \$2 MILLION TO THE CITY OF KALISPELL FOR CAPITAL IMPROVEMENTS TO THE KIDSPORTS COMPLEX.**



1           (2) FUNDS ARE RESTRICTED TO USE FOR THE PROJECTS AND ARE PAYABLE AS REIMBURSEMENTS.

2           (3) THE DEPARTMENT MAY ADOPT RULES FOR THE DISTRIBUTION OF THESE FUNDS.

3           (4) THE DEPARTMENT SHALL REPORT ON THE PROGRESS ON THE PROJECTS TO THE 2015 LONG-RANGE PLANNING SUBCOMMITTEE.

4           (5) ANY FUNDS NOT REQUIRED FOR THE COMPLETION OF THESE PROJECTS MUST REVERT TO THE GENERAL FUND UPON COMPLETION OF THE PROJECTS.

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6           NEW SECTION. Section 10. Fund transfer. The department of administration shall transfer the amount of \$16,300,000 from the state general  
7 fund to the long-range building program account in the capital projects fund type ~~by June 30,~~ IN FISCAL YEAR 2014.

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9           NEW SECTION. Section 11. Legislative consent. The appropriations authorized in [sections 1 through 9 10] constitute legislative consent for  
10 the capital projects contained in [sections 1 through 9 10] within the meaning of 18-2-102.

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12           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.  
13 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  
14 applications.

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

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