

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 ~~4011~~ 12], 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 44~~ 12].
- (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<br>Fund   | 7 State<br>Special<br>Revenue | 8 Federal<br>Special<br>Revenue | 9 Other<br>Funding<br>Sources | 10 Authority<br>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><br>16 <u>ADMINISTRATION FROM THE MONTANA CAPITOL RESTORATION FOUNDATION TO INSTALL SAFETY HANDRAILS IN THE CAPITOL, THEN THE AMOUNT OF THE DONATION IS</u><br>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  |                  |                               |                                 |                               |                      |                  |
|   | 400,000          |                               |                                 |                               |                      | 400,000          |
| 24 <u>CONSTRUCT BUTTE JUSTICE CENTER, BUTTE</u>   | <u>1,600,000</u> |                               |                                 |                               | <u>1,600,000</u>     | <u>3,200,000</u> |



|    |   |                   |                    |   |                   |
|----|---|-------------------|--------------------|---|-------------------|
| 1  | DEPARTMENT OF CORRECTIONS                           |                   |                    |   |                   |
| 2  | Construct Low Side Units, MSP Deer Lodge            | 26,000,000        |                    |   | 26,000,000        |
| 3  | DEPARTMENT OF FISH, WILDLIFE, AND PARKS             |                   |                    |   |                   |
| 4  | Hatchery Maintenance                                |                   | 575,000            |   | 575,000           |
| 5  | Administrative Facilities Repair and Maintenance    |                   | 1,325,000          |   | 1,325,000         |
| 6  | DEPARTMENT OF MILITARY AFFAIRS                      |                   |                    |   |                   |
| 7  | Vault Modifications, Statewide                      |                   |                    | <u>780,000</u> <del>780,000</del>       | 780,000           |
| 8  | Upgrade Sewer/Water Service, AFRC, Kalispell        | 250,000           | <del>750,000</del> | <u>750,000</u>                          | 1,000,000         |
| 9  | Replace Readiness Center, Malta                     | 400,000           |                    | <u>15,000,000</u> <del>15,000,000</del> | 15,400,000        |
| 10 | <u>IMPROVEMENTS AT THE MONTANA MILITARY MUSEUM</u>  | <u>150,000</u>    |                    |   | <u>150,000</u>    |
| 11 | DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES      |                   |                    |   |                   |
| 12 | Repair Sewage Collection System, Warm Springs       | 1,520,000         |                    |   | 1,520,000         |
| 13 | DEPARTMENT OF TRANSPORTATION                        |                   |                    |   |                   |
| 14 | Equipment/Office Buildings, Statewide               |                   | 5,200,000          |   | 5,200,000         |
| 15 | DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION    |                   |                    |   |                   |
| 16 | Major Repairs & Small Projects, Statewide           | 300,000           |                    |   | 300,000           |
| 17 | Repair Unit Residences, Statewide                   |                   | 100,000            |   | 100,000           |
| 18 | <u>MONTANA HISTORICAL SOCIETY</u>                   |                   |                    |   |                   |
| 19 | <u>CONSTRUCT MONTANA HERITAGE CENTER, HELENA</u>    | <u>23,000,000</u> |                    |   | <u>23,000,000</u> |
| 20 | <u>MONTANA UNIVERSITY SYSTEM</u>                    |                   |                    |   |                   |
| 21 | <u>RENOVATE ROMNEY HALL CLASSROOMS, MSU-BOZEMAN</u> | <u>20,000,000</u> |                    | <u>5,000,000</u>                        | <u>25,000,000</u> |

|    |   |                   |                   |                   |
|----|---|-------------------|-------------------|-------------------|
| 1  | <u>CONSTRUCT SCIENCE AND INSTRUCTIONAL TECH BUILDING ADDITION, MSU-BILLINGS</u> |                   |                   |                   |
| 2  |   | <u>10,000,000</u> | <u>5,000,000</u>  | <u>15,000,000</u> |
| 3  | <u>REPLACE ROOF, GREAT FALLS COLLEGE-MSU</u>                                    | <u>1,000,000</u>  |                   | <u>1,000,000</u>  |
| 4  | <u>CONSTRUCT AUTOMOTIVE TECHNOLOGY CENTER, MSU-NORTHERN</u>                     |                   |                   |                   |
| 5  |   | <u>4,900,000</u>  | <u>3,000,000</u>  | <u>7,900,000</u>  |
| 6  | <u>CONSTRUCT MISSOULA COLLEGE UM, UM-MISSOULA</u>                               | <u>29,000,000</u> | <u>3,000,000</u>  | <u>32,000,000</u> |
| 7  | <u>MAIN HALL RENOVATION, PHASE 3, UM-WESTERN</u>                                | <u>4,000,000</u>  | <u>500,000</u>    | <u>4,500,000</u>  |
| 8  | <u>CONSTRUCT NATURAL RESOURCES RESEARCH CENTER ADDITION, MONTANA TECH</u>       |                   |                   |                   |
| 9  |   | <u>5,000,000</u>  | <u>5,000,000</u>  | <u>10,000,000</u> |
| 10 | <u>CONSTRUCT JABS HALL, MSU-BOZEMAN</u>   |                   | <u>20,000,000</u> | <u>20,000,000</u> |
| 11 | <u>CONSTRUCT ATHLETE ACADEMIC CENTER, UM-MISSOULA</u>                           |                   | <u>2,500,000</u>  | <u>2,500,000</u>  |
| 12 | <u>CONSTRUCT GILKEY EXECUTIVE EDUCATION CENTER, UM-MISSOULA</u>                 |                   | <u>9,300,000</u>  | <u>9,300,000</u>  |
| 13 | <u>CONSTRUCT MANSFIELD LIBRARY STUDENT SUCCESS, UM-MISSOULA</u>                 |                   | <u>3,200,000</u>  | <u>3,200,000</u>  |

14 (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  
 15 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  
 16 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.

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

21 NEW SECTION. Section 3. Capital improvements. (1) The following money is appropriated to the department of fish, wildlife, and parks in the



1 indicated amounts for the purpose of making capital improvements to statewide facilities. Funds not requiring legislative appropriation are included for the  
 2 purpose of authorization:

| 3 Agency/Project   | LRBP | State          | Federal   | Other   | Authority | Total          |
|--|------|----------------|-----------|---------|-----------|----------------|
| 4  | Fund | Special        | Special   | Funding | Only      |                |
| 5  |      | Revenue        | Revenue   | Sources |           |                |
| 6 Parks Program  |      | 3,084,000      | 1,200,000 |         |           | 4,284,000      |
| 7 <u>GRANT TO THE CITY OF MISSOULA FOR THE DESIGN AND CONSTRUCTION OF LIGHTED AND PAVED RUX PATH (RESTRICTED)</u>                                  |      |                |           |         |           |                |
| 8  |      | <u>100,000</u> |           |         |           | <u>100,000</u> |
| 9 <u>STATE SPECIAL REVENUE CONSISTS OF DEPARTMENT OF TRANSPORTATION HIGHWAY NONRESTRICTED REVENUE FUND, NUMBER 02349. FUNDS FOR THIS</u>           |      |                |           |         |           |                |
| 10 <u>PROJECT ARE RESTRICTED TO THE USE OF THE RUX PROJECT AND ARE PAYABLE FOR REIMBURSEMENTS. THE DEPARTMENT SHALL REPORT ON THE PROGRESS OF</u>  |      |                |           |         |           |                |
| 11 <u>THIS PROJECT TO THE 2015 LONG-RANGE PLANNING SUBCOMMITTEE. ANY FUNDS NOT REQUIRED FOR THE COMPLETION OF THIS PROJECT MUST BE REVERTED TO</u> |      |                |           |         |           |                |
| 12 <u>THE HIGHWAY NONRESTRICTED REVENUE FUND UPON COMPLETION OF THE PROJECT.</u>   |      |                |           |         |           |                |
| 13 Future Fisheries  |      | 790,000        |           |         |           | 790,000        |
| 14 FAS Site Protection   |      | 1,050,000      | 800,000   |         |           | 1,850,000      |
| 15 Upland Game Bird Program  |      | 746,000        |           |         |           | 746,000        |
| 16 Grant Programs/Federal Projects   |      | 218,000        | 5,000,000 |         |           | 5,218,000      |
| 17 Wildlife Habitat Maintenance  |      | 970,000        |           |         |           | 970,000        |
| 18 Dam Maintenance   |      | 50,000         |           |         |           | 50,000         |
| 19 Community Fishing Ponds   |      | 50,000         |           |         |           | 50,000         |
| 20 Forest Management Project   |      | 32,000         |           |         |           | 32,000         |

21 (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

1 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,  
 2 donations, grants, and higher education funds. All costs for the operations and maintenance of any new improvements constructed under this authorization  
 3 must be paid by the Montana university system from nonstate sources:

| 4 Agency/Project                               | LRBP | State   | Federal | Other   | Authority        | Total            |
|--|------|---------|---------|---------|------------------|------------------|
| 5  | Fund | Special | Special | Funding | Only             |                  |
| 6  |      | Revenue | Revenue | Sources |                  |                  |
| 7 General Spending Authority, MUS All Campuses |      |         |         |         | 41,000,000       | 41,000,000       |
| 8  |      |         |         |         | <u>5,000,000</u> | <u>5,000,000</u> |

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

| 12 Agency/Project             | LRBP | State   | Federal   | Other   | Authority | Total     |
|-------------------------------|------|---------|-----------|---------|-----------|-----------|
| 13                            | Fund | Special | Special   | Funding | Only      |           |
| 14                            |      | Revenue | Revenue   | Sources |           |           |
| 15 Federal Spending Authority |      |         | 2,500,000 |         |           | 2,500,000 |

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

| 18 Agency/Project                                   | LRBP | State     | Federal | Other   | Authority | Total     |
|---|------|-----------|---------|---------|-----------|-----------|
| 19  | Fund | Special   | Special | Funding | Only      |           |
| 20  |      | Revenue   | Revenue | Sources |           |           |
| 21 Statewide Maintenance, Repair and Small Projects |      | 2,100,000 |         |         |           | 2,100,000 |

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

| 5 Agency/Project   | 6 LRBP  | 7 State    | 8 Federal  | 9 Other    | 10 Authority | 11 Total  |
|--|---------|------------|------------|------------|--------------|-----------|
|  | 12 Fund | 13 Special | 14 Special | 15 Funding | 16 Only      |           |
|  |         | 17 Revenue | 18 Revenue | 19 Sources |              |           |
| 20 DEPARTMENT OF ADMINISTRATION  |         |            |            |            |              |           |
| 21 Repair and Upgrade Capitol HVAC Systems   |         | 1,400,000  |            |            |              | 1,400,000 |
| 22 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 |         |            |            |            |              |           |
| 23 of \$900,000.   |         |            |            |            |              |           |
| 24 DEPARTMENT OF ENVIRONMENTAL QUALITY   |         |            |            |            |              |           |
| 25 Energy Improvements, Statewide  |         | 1,900,000  |            |            |              | 1,900,000 |
| 26 State special revenue funds consist of SBECF funds.   |         |            |            |            |              |           |
| 27 DEPARTMENT OF CORRECTIONS   |         |            |            |            |              |           |
| 28 Repair and Upgrade Building Systems,  |         |            |            |            |              |           |
| 29 Pine Hills Youth Correctional Facility  | 511,000 | 500,000    |            |            |              | 1,011,000 |
| 30 State special revenue funds consist of SBECF funds.   |         |            |            |            |              |           |
| 31 Renovate Laundry Facilities, Montana State Prison, Deer Lodge   |         | 600,000    |            |            | 600,000      | 1,200,000 |
| 32 State special revenue funds consist of SBECF funds.   |         |            |            |            |              |           |
| 33 Authority-only funds consist of proprietary funds.  |         |            |            |            |              |           |

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

| Agency/Project                  | LRBP Fund | State Special Revenue | Federal Special Revenue | Other Funding Sources | Authority Only | Total     |
|---------------------------------|-----------|-----------------------|-------------------------|-----------------------|----------------|-----------|
| Habitat Montana                 |           | 9,930,000             |                         |                       |                | 9,930,000 |
| Fishing Access Site Acquisition |           | 230,000               | 100,000                 |                       |                | 330,000   |
| Bighorn Sheep Habitat           |           | 210,000               |                         |                       |                | 210,000   |

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

**NEW SECTION. Section 6. 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 interentity loans in accordance with 17-2-107 to pay planning and design costs incurred before the receipt of funding from another funding source.

**NEW SECTION. Section 7. Capital projects -- contingent funds.** If a capital project is financed in whole or in part with appropriations contingent



1 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  
 2 a financial plan for approval by the director of the department of administration. A financial plan may not be approved by the director if:  
 3 (1) the level of funding provided under the financial plan deviates substantially from the funding level provided in [section 2] for that project; or  
 4 (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  
 5 building program presented to the 63rd legislature.

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 7 **NEW SECTION. Section 8. Review by department of environmental quality.** The department of environmental quality shall review capital  
 8 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  
 9 shows that a capital project will result in energy improvements, that project must be submitted to the energy conservation program for funding consideration.  
 10 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  
 11 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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 13 **NEW SECTION. SECTION 9. CONDITIONS OF PROJECTS.** THE LEGISLATURE AUTHORIZES CONSTRUCTION OF THE BUTTE-SILVER BOW EMERGENCY  
 14 OPERATIONS CENTER, TO BE OCCUPIED AND OPERATED BY THE CONSOLIDATED GOVERNMENT OF BUTTE-SILVER BOW IN CONJUNCTION WITH THE BUTTE JUSTICE  
 15 CENTER, IF A LONG-TERM LEASE AGREEMENT IS SIGNED BETWEEN THE STATE OF MONTANA AND THE CONSOLIDATED GOVERNMENT OF BUTTE-SILVER BOW ENSURING  
 16 PAYMENT OF ALL OPERATING AND MAINTENANCE COSTS OF THE CONSOLIDATED GOVERNMENT OF BUTTE-SILVER BOW FOR ITS PORTION OF THE FACILITY FOR THE  
 17 LIFE OF THE BUILDING, UNTIL THE TERM OF THE LEASE IS ALTERED, OR UNTIL THE BUILDING IS SOLD.

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 19 **NEW SECTION. SECTION 10. CAPITAL PROJECT GRANTS TO LOCAL GOVERNMENTS -- APPROPRIATIONS.** (1) EFFECTIVE JULY 1, 2013, THE FOLLOWING  
 20 AMOUNTS ARE APPROPRIATED TO THE DEPARTMENT OF COMMERCE FROM THE GENERAL FUND:

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

