

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~~ 10], 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 12~~ 10].
- (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) "SBCEP funds" means funds from the state building energy conservation program account in the capital projects fund type.



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

6 Agency/Project	7 LRBP	8 State	9 Federal	10 Other	11 Authority	12 Total
	13 Fund	14 Special	15 Special	16 Funding	17 Only	
		18 Revenue	19 Revenue	20 Sources		
21 DEPARTMENT OF ADMINISTRATION						
22 Repair Corrections Department Parking Structure	23 450,000					24 450,000
25 Install Safety Handrails in Capitol	26 200,000	27 200,000				28 400,000
29 State special revenue funds consist of general services division internal service funds. <u>IF A DONATION IS RECEIVED BY THE DEPARTMENT OF</u> 30 <u>ADMINISTRATION FROM THE MONTANA CAPITOL RESTORATION FOUNDATION TO INSTALL SAFETY HANDRAILS IN THE CAPITOL, THEN THE AMOUNT OF THE DONATION IS</u> 31 <u>AUTHORIZED AND THE APPROPRIATION OF LRBP FUNDS IS REDUCED BY A LIKE AMOUNT.</u>						
32 Upgrade Scott Hart HVAC system, Phase 2			33 1,500,000			34 1,500,000
35 State special revenue funds consist of general services division internal service funds.						
36 MONTANA SCHOOL FOR THE DEAF AND BLIND						
37 Building Repairs and Improvements, MSDB, Great Falls	38 195,000					39 195,000
40 DEPARTMENT OF JUSTICE						
41 Upgrade Water Supply System - Montana Law Enforcement Academy						
	42 400,000					43 400,000

1	<u>CONSTRUCT BUTTE JUSTICE CENTER, BUTTE</u>	<u>1,600,000</u>		<u>1,600,000</u>	<u>3,200,000</u>
2	DEPARTMENT OF CORRECTIONS				
3	<del>Construct Low Side Units, MSP Deer Lodge</del>	<del>26,000,000</del>			<del>26,000,000</del>
4	DEPARTMENT OF FISH, WILDLIFE, AND PARKS				
5	Hatchery Maintenance		575,000		575,000
6	Administrative Facilities Repair and Maintenance		1,325,000		1,325,000
7	DEPARTMENT OF MILITARY AFFAIRS				
8	Vault Modifications, Statewide			<u>780,000</u>	<del>780,000</del>
9	Upgrade Sewer/Water Service, AFRC, Kalispell	250,000	<del>750,000</del>	<u>750,000</u>	1,000,000
10	Replace Readiness Center, Malta	400,000		<u>15,000,000</u>	<del>15,000,000</del>
11	<u>IMPROVEMENTS AT THE MONTANA MILITARY MUSEUM</u>	<u>150,000</u>			<u>150,000</u>
12	DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES				
13	Repair Sewage Collection System, Warm Springs	1,520,000			1,520,000
14	DEPARTMENT OF TRANSPORTATION				
15	Equipment/Office Buildings, Statewide		5,200,000		5,200,000
16	DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION				
17	Major Repairs & Small Projects, Statewide	300,000			300,000
18	Repair Unit Residences, Statewide		100,000		100,000
19	<del>MONTANA HISTORICAL SOCIETY</del>				
20	<u>CONSTRUCT MONTANA HERITAGE CENTER, HELENA</u>	<u>23,000,000</u>			<u>23,000,000</u>
21	<u>MONTANA UNIVERSITY SYSTEM</u>				

1	<del>RENOVATE ROMNEY HALL CLASSROOMS, MSU-BOZEMAN</del>	<del>20,000,000</del>	<del>5,000,000</del>	<del>25,000,000</del>
2	<del>CONSTRUCT SCIENCE AND INSTRUCTIONAL TECH BUILDING ADDITION, MSU-BILLINGS</del>			
3		<del>10,000,000</del>	<del>5,000,000</del>	<del>15,000,000</del>
4	<del>REPLACE ROOF, GREAT FALLS COLLEGE-MSU</del>	<del>1,000,000</del>		<del>1,000,000</del>
5	<del>CONSTRUCT AUTOMOTIVE TECHNOLOGY CENTER, MSU-NORTHERN</del>			
6		<del>4,900,000</del>	<del>3,000,000</del>	<del>7,900,000</del>
7	<del>CONSTRUCT MISSOULA COLLEGE UM, UM-MISSOULA</del>	<del>29,000,000</del>	<del>3,000,000</del>	<del>32,000,000</del>
8	<del>MAIN HALL RENOVATION, PHASE 3, UM-WESTERN</del>	<del>4,000,000</del>	<del>500,000</del>	<del>4,500,000</del>
9	<del>CONSTRUCT NATURAL RESOURCES RESEARCH CENTER ADDITION, MONTANA TECH</del>			
10		<del>5,000,000</del>	<del>5,000,000</del>	<del>10,000,000</del>
11	<del>CONSTRUCT JABS HALL, MSU-BOZEMAN</del>		<del>20,000,000</del>	<del>20,000,000</del>
12	<del>CONSTRUCT ATHLETE ACADEMIC CENTER, UM-MISSOULA</del>		<del>2,500,000</del>	<del>2,500,000</del>
13	<del>CONSTRUCT GILKEY EXECUTIVE EDUCATION CENTER, UM-MISSOULA</del>		<del>9,300,000</del>	<del>9,300,000</del>
14	<del>CONSTRUCT MANSFIELD LIBRARY STUDENT SUCCESS, UM-MISSOULA</del>		<del>3,200,000</del>	<del>3,200,000</del>

15           (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  
 16 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  
 17 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.

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

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

4 Agency/Project	LRBP	State	Federal	Other	Authority	Total
	Fund	Special	Special	Funding	Only	
		Revenue	Revenue	Sources		
7 Parks Program		3,084,000	1,200,000			4,284,000
8 <u>GRANT TO THE CITY OF MISSOULA FOR THE DESIGN AND CONSTRUCTION OF LIGHTED AND PAVED RUX PATH (RESTRICTED)</u>						
9		<u>100,000</u>				<u>100,000</u>
10 <u>STATE SPECIAL REVENUE CONSISTS OF DEPARTMENT OF TRANSPORTATION HIGHWAY NONRESTRICTED REVENUE FUND, NUMBER 02349. FUNDS FOR THIS</u>						
11 <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>						
12 <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>						
13 <u>THE HIGHWAY NONRESTRICTED REVENUE FUND UPON COMPLETION OF THE PROJECT.</u>						
14 Future Fisheries		790,000				790,000
15 FAS Site Protection		1,050,000	800,000			1,850,000
16 Upland Game Bird Program		746,000				746,000
17 Grant Programs/Federal Projects		218,000	5,000,000			5,218,000
18 Wildlife Habitat Maintenance		970,000				970,000
19 Dam Maintenance		50,000				50,000
20 Community Fishing Ponds		50,000				50,000
21 Forest Management Project		32,000				32,000

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

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

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

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

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

19 Agency/Project	LRBP	State	Federal	Other	Authority	Total
20	Fund	Special	Special	Funding	Only	
21		Revenue	Revenue	Sources		



1 Statewide Maintenance, Repair and Small Projects 2,100,000 2,100,000

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

6 Agency/Project	LRBP	State	Federal	Other	Authority	Total
7	Fund	Special	Special	Funding	Only	
8		Revenue	Revenue	Sources		

9 DEPARTMENT OF ADMINISTRATION

10 Repair and Upgrade Capitol HVAC Systems 1,400,000 1,400,000

11 State special revenue funds consist of SBCEP funds in the amount of \$500,000 and of general services division internal service funds in the amount  
 12 of \$900,000.

13 DEPARTMENT OF ENVIRONMENTAL QUALITY

14 Energy Improvements, Statewide 1,900,000 1,900,000

15 State special revenue funds consist of SBCEP funds.

16 DEPARTMENT OF CORRECTIONS

17 Repair and Upgrade Building Systems,

18 Pine Hills Youth Correctional Facility 511,000 500,000 1,011,000

19 State special revenue funds consist of SBCEP funds.

20 Renovate Laundry Facilities, Montana State Prison, Deer Lodge 600,000 600,000 1,200,000

21 State special revenue funds consist of SBCEP funds.



1 Authority-only funds consist of proprietary funds.

2

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

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

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14 ~~NEW SECTION. Section 5. Transfer of appropriations.~~ The ~~EXCEPT FOR THE FISH, WILDLIFE, AND PARKS GRANT TO THE CITY OF MISSOULA, THE~~  
15 ~~department of fish, wildlife, and parks and the department of transportation are authorized to transfer the appropriations and authority in [sections 3 and~~  
16 ~~4], as appropriate, among the necessary fund types for these projects.~~

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18 **NEW SECTION. Section 5. Planning and design.** The department of administration may proceed with the planning and design of capital projects  
19 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  
20 incurred before the receipt of funding from another funding source.

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1            **NEW SECTION. Section 6. Capital projects -- contingent funds.** If a capital project is financed in whole or in part with appropriations contingent  
 2 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  
 3 a financial plan for approval by the director of the department of administration. A financial plan may not be approved by the director if:

- 4            (1) the level of funding provided under the financial plan deviates substantially from the funding level provided in [section 2] for that project; or  
 5            (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  
 6 building program presented to the 63rd legislature.

7  
 8            **NEW SECTION. Section 7. Review by department of environmental quality.** The department of environmental quality shall review capital  
 9 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  
 10 shows that a capital project will result in energy improvements, that project must be submitted to the energy conservation program for funding consideration.  
 11 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  
 12 will be dependent on the annual utility savings resulting from the facility improvement. Agencies must be notified of potential funding after the review.

13  
 14            **NEW SECTION. SECTION 8. CONDITIONS OF PROJECTS.** THE LEGISLATURE AUTHORIZES CONSTRUCTION OF THE BUTTE-SILVER BOW EMERGENCY  
 15 OPERATIONS CENTER, TO BE OCCUPIED AND OPERATED BY THE CONSOLIDATED GOVERNMENT OF BUTTE-SILVER BOW IN CONJUNCTION WITH THE BUTTE JUSTICE  
 16 CENTER, IF A LONG-TERM LEASE AGREEMENT IS SIGNED BETWEEN THE STATE OF MONTANA AND THE CONSOLIDATED GOVERNMENT OF BUTTE-SILVER BOW ENSURING  
 17 PAYMENT OF ALL OPERATING AND MAINTENANCE COSTS OF THE CONSOLIDATED GOVERNMENT OF BUTTE-SILVER BOW FOR ITS PORTION OF THE FACILITY FOR THE  
 18 LIFE OF THE BUILDING, UNTIL THE TERM OF THE LEASE IS ALTERED, OR UNTIL THE BUILDING IS SOLD.

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

- 1 ~~\_\_\_\_\_ (A) \$403,240 FOR A GRANT OF UP TO \$403,240 TO THE CITY OF BROWNING FOR CONSTRUCTION OF THE BROWNING FIRE HALL; AND~~
- 2 ~~\_\_\_\_\_ (B) \$2 MILLION FOR A GRANT OF UP TO \$2 MILLION TO THE CITY OF KALISPELL FOR CAPITAL IMPROVEMENTS TO THE KIDSPORTS COMPLEX;~~
- 3 ~~\_\_\_\_\_ (2) FUNDS ARE RESTRICTED TO USE FOR THE PROJECTS AND ARE PAYABLE AS REIMBURSEMENTS;~~
- 4 ~~\_\_\_\_\_ (3) THE DEPARTMENT MAY ADOPT RULES FOR THE DISTRIBUTION OF THESE FUNDS;~~
- 5 ~~\_\_\_\_\_ (4) THE DEPARTMENT SHALL REPORT ON THE PROGRESS ON THE PROJECTS TO THE 2015 LONG-RANGE PLANNING SUBCOMMITTEE;~~
- 6 ~~\_\_\_\_\_ (5) ANY FUNDS NOT REQUIRED FOR THE COMPLETION OF THESE PROJECTS MUST REVERT TO THE GENERAL FUND UPON COMPLETION OF THE PROJECTS;~~

7

8 NEW SECTION. Section 9. Fund transfer. The department of administration shall transfer the amount of ~~\$16,300,000~~ ~~\$91,800,000~~ \$9,800,000

9 from the state general fund to the long-range building program account in the capital projects fund type ~~by June 30;~~ IN FISCAL YEAR 2014.

10

11 NEW SECTION. Section 10. Legislative consent. The appropriations authorized in [sections 1 through 9 ~~10 11~~ 9] constitute legislative consent

12 for the capital projects contained in [sections 1 through 9 ~~10 11~~ 9] within the meaning of 18-2-102.

13

14 NEW SECTION. Section 11. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect.

15 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

16 applications.

17

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

19 - END -