

HOUSE BILL NO. 5

INTRODUCED BY J. KEANE

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, 2019; PROVIDING FOR OTHER MATTERS RELATING TO THE APPROPRIATIONS; 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 7], 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 nonstate 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 7].

(3) "LRBP" means the long-range building program account in the capital projects fund type provided for in 17-7-205.

(4) "Other funding sources" means money other than LRBP money, state special revenue, or federal special revenue that accrues to an agency under the provisions of law.

(5) "SBECP funds" means funds from the state building energy conservation program account in the capital projects fund type.

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

Agency/Project	State	Federal	Authority	Total
	Special	Special	Only	



1		Revenue	Revenue	
2	DEPARTMENT OF ADMINISTRATION			
3	Life Safety and Deferred Maintenance, Capital Complex			
4		3,500,000		3,500,000
5	State Special Revenue funds consist of capitol land grant funds.			
6	Utility Rebate Funds, Statewide			
7		2,000,000		2,000,000
8	DEPARTMENT OF FISH, WILDLIFE AND PARKS			
9	Electrical Upgrades, Lewis & Clark Caverns State Park			
10		2,200,000		2,200,000
11	Administrative Facilities Major Maintenance			
12		2,737,000	262,500	2,999,500

13 (2) The following money is appropriated to the department of military affairs for the indicated capital  
 14 projects from the indicated sources:

15	Agency/Project	State	Federal	Authority	Total
16		Special	Special	Only	
17		Revenue	Revenue		
18	DEPARTMENT OF MILITARY AFFAIRS				
19	UTES/CSMS Wash Facility, Helena				
20			2,000,000		2,000,000
21	Cemetery Improvements, Ft. Harrison and Miles City				
22			4,000,000		4,000,000
23	Replace Malta Readiness Center				
24			3,015,000		3,015,000
25					

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

29	Agency/Project	State	Federal	Authority	Total
30		Special	Special	Only	

	Revenue	Revenue		
1				
2	Upland Game Bird Enhancement Program			
3	1,164,000			1,164,000
4	Wildlife Habitat Maintenance			
5	500,000			500,000
6	Forest Management			
7	100,000			100,000
8	Migratory Bird Program			
9	880,000			880,000
10	Cultural Preservation, Bannack State Park			
11	1,650,000			1,650,000
12	Road Infrastructure Repairs, Makoshika State Park			
13	2,100,000			2,100,000
14	Grant Programs			
15	222,400	4,900,000		5,122,400
16	Future Fisheries			
17	1,177,000			1,177,000
18	FAS Site Protection			
19	500,000	1,743,200		2,243,200
20	Hatchery Maintenance			
21	550,000		175,000	725,000
22	Dam Maintenance			
23	60,000			60,000
24	Community Fishing Ponds			
25	25,000			25,000
26	Fish Passage Construction, Statewide			
27	183,000	372,000	165,000	720,000
28	Hatchery Raceways, Murray Springs			
29			300,000	300,000

30 (2) Authority is granted to the university of Montana in the indicated amount for the purpose of making

1 capital improvements to existing campus facilities. Authority-only funds may include federal special revenue,  
 2 donations, grants, auxiliary funds, proprietary funds, and nonstate university funds. All costs for additional  
 3 operations and maintenance of any improvements constructed under this authorization must be paid by the  
 4 university of Montana from nonstate sources:

5 Agency/Project	6 State	7 Federal	8 Authority	9 Total
	10 Special	11 Special	12 Only	
	13 Revenue	14 Revenue		
15 General Spending Authority				
			16 6,000,000	17 6,000,000

18 (3) The following money is appropriated to the department of military affairs in the indicated amount for  
 19 the purpose of making capital improvements to existing statewide facilities. All costs for additional operations and  
 20 maintenance of any improvements constructed under this authorization must be paid by the department of military  
 21 affairs from nonstate sources:

22 Agency/Project	23 State	24 Federal	25 Authority	26 Total
	27 Special	28 Special	29 Only	
	30 Revenue	31 Revenue		
32 Federal Spending Authority				
		33 3,000,000		34 3,000,000

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

37 Agency/Project	38 State	39 Federal	40 Authority	41 Total
	42 Special	43 Special	44 Only	
	45 Revenue	46 Revenue		
47 Maintenance, Repair, & Small Projects				
	48 2,500,000			49 2,500,000

50 (5) The following money is appropriated to the department of environmental quality in the indicated  
 51 amount from state building energy conservation funds for the purpose of making capital improvements as  
 52 indicated:

53 Agency/Project	54 State	55 Federal	56 Authority	57 Total
	58 Special	59 Special	60 Only	

1		Revenue	Revenue	
2	Energy Improvements, Statewide			
3		3,700,000		3,700,000
4				

5 **NEW SECTION. Section 4. Land acquisition appropriations.** The following money is appropriated  
 6 to the department of fish, wildlife, and parks in the indicated amounts for purposes of land acquisition, fee title,  
 7 land leasing, easement purchase, or development agreements:

8 Agency/Project	State	Federal	Authority	Total
9	Special	Special	Only	
10	Revenue	Revenue		
11 Habitat Montana				
12	13,324,000			13,324,000
13 Bighorn Sheep Habitat				
14	370,000			370,000
15 Home to Hunt Access				
16	220,000			220,000
17 FAS Acquisition				
18	298,000	186,000		484,000

19  
 20 **NEW SECTION. Section 5. Planning and design.** The department of administration may proceed with  
 21 the planning and design of capital projects in [section 2] prior to the receipt of other funding sources. The  
 22 department may use interentity loans in accordance with 17-2-107 to pay planning and design costs incurred  
 23 before the receipt of funding from another funding source.

24  
 25 **NEW SECTION. Section 6. Capital projects -- contingent funds.** If a capital project is financed in  
 26 whole or in part with appropriations contingent upon the receipt of funding from another funding source, the  
 27 department of administration may not let the project for bid until the agency receiving funding has submitted a  
 28 financial plan for approval by the director of the department of administration. A financial plan may not be  
 29 approved by the director if:

- 30 (1) the level of funding provided under the financial plan deviates substantially from the funding level

1 provided in [section 2] for that project; or

2 (2) the scope of the project is substantially altered or revised from the description presented for that  
3 project in the 2019 biennium long-range building program presented to the 65th legislature.

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

12  
13 **NEW SECTION. Section 8. Legislative consent.** The appropriations authorized in [sections 1 through  
14 7] constitute legislative consent for the capital projects contained in [sections 1 through 7] within in the meaning  
15 of 18-2-102.

16  
17 **NEW SECTION. Section 9. Severability.** If a part of [this act] is invalid, all valid parts that are severable  
18 from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part  
19 remains in effect in all valid applications that are severable from the invalid applications.

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21 **NEW SECTION. Section 10. Effective date.** [This act] is effective on passage and approval.

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