

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	



	Revenue	Revenue	
1			
2			DEPARTMENT OF ADMINISTRATION
3			Life Safety and Deferred Maintenance, Capital <u>CAPITOL</u> 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			<u>LIFE SAFETY AND DEFERRED MAINTENANCE - STATEWIDE</u>
9	<u>5,500,000</u>		<u>5,500,000</u>
10			<u>STATE SPECIAL REVENUE FUNDS CONSIST OF LONG-RANGE BUILDING PROGRAM FUNDS OF THE CAPITAL PROJECTS FUND</u>
11			<u>TYPE.</u>
12			<u>LIFE SAFETY AND DEFERRED MAINTENANCE - MUS - STATEWIDE</u>
13	<u>3,000,000</u>		<u>3,000,000</u>
14			<u>STATE SPECIAL REVENUE FUNDS CONSIST OF LONG-RANGE BUILDING PROGRAM FUNDS OF THE CAPITAL PROJECTS FUND</u>
15			<u>TYPE.</u>
16			<u>DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES</u>
17			<u>MONTANA MENTAL HEALTH NURSING CARE CENTER BOILER AND HEATING REPLACEMENT - LEWISTOWN</u>
18	<u>2,500,000</u>		<u>2,500,000</u>
19			<u>STATE SPECIAL REVENUE FUNDS CONSIST OF LONG-RANGE BUILDING PROGRAM FUNDS OF THE CAPITAL PROJECTS FUND</u>
20			<u>TYPE.</u>
21			<u>DEPARTMENT OF JUSTICE</u>
22			<u>MONTANA LAW ENFORCEMENT ACADEMY</u>
23	<u>8,100,000</u>		<u>8,100,000</u>
24			<u>STATE SPECIAL REVENUE FUNDS CONSIST OF LONG-RANGE BUILDING PROGRAM FUNDS OF THE CAPITAL PROJECTS FUND</u>
25			<u>TYPE.</u>
26			<u>DEPARTMENT OF MILITARY AFFAIRS</u>
27			<u>FEMALE LATRINES - STATEWIDE</u>
28	<u>200,000</u>	<u>200,000</u>	<u>400,000</u>
29			<u>STATE SPECIAL REVENUE FUNDS CONSIST OF LONG-RANGE BUILDING PROGRAM FUNDS OF THE CAPITAL PROJECTS FUND</u>
30			<u>TYPE.</u>

1	<u>STATEWIDE ROOF REPLACEMENT AND REPAIR</u>			
2		<u>1,100,000</u>	<u>2,200,000</u>	<u>3,300,000</u>
3	<u>STATE SPECIAL REVENUE FUNDS CONSIST OF LONG-RANGE BUILDING PROGRAM FUNDS OF THE CAPITAL PROJECTS FUND</u>			
4	<u>TYPE.</u>			
5	DEPARTMENT OF FISH, WILDLIFE AND PARKS			
6	Electrical Upgrades, Lewis & Clark Caverns State Park			
7		2,200,000		2,200,000
8	Administrative Facilities Major Maintenance			
9		2,737,000	262,500	2,999,500
10	<u>MONTANA UNIVERSITY SYSTEM</u>			
11	<u>LIBERAL ARTS BUILDING RENOVATION, UM</u>		<u>6,000,000</u>	<u>6,000,000</u>
12	<u>CLINICAL PSYCHOLOGY ADDITION, UM</u>		<u>4,000,000</u>	<u>4,000,000</u>
13	<u>NEURAL INJURY CENTER, UM</u>		<u>7,000,000</u>	<u>7,000,000</u>
14	<u>EDUCATION BUILDING EXPANSION, UM</u>		<u>20,000,000</u>	<u>20,000,000</u>
15	<u>MAES LIVESTOCK COMPLEX, MSU</u>		<u>10,000,000</u>	<u>10,000,000</u>
16				
17	<u>LIVING LEARNING CENTER, MT TECH</u>		<u>8,500,000</u>	<u>8,500,000</u>
18	<u>NATURAL RESOURCES RESEARCH CENTER ADDITION, MONTANA TECH</u>		<u>350,000</u>	<u>350,000</u>
19	<u>BARNARD HALL RENOVATION, MSU BOZEMAN</u>		<u>1,500,000</u>	<u>1,500,000</u>

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

22	Agency/Project	State	Federal	Authority	Total
23		Special	Special	Only	
24		Revenue	Revenue		
25	DEPARTMENT OF MILITARY AFFAIRS				
26	UTES/CSMS Wash Facility, Helena				
27			2,000,000		2,000,000
28	Cemetery Improvements, Ft. Harrison and Miles City				
29			4,000,000		4,000,000
30	Replace Malta Readiness Center				

1 3,015,000 3,015,000

2

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

6 Agency/Project	7 State	8 Federal	9 Authority	10 Total
	11 Special	12 Special	13 Only	
	14 Revenue	15 Revenue		
16 Upland Game Bird Enhancement Program				
	17 1,164,000			18 1,164,000
19 Wildlife Habitat Maintenance				
	20 500,000			21 500,000
22 Forest Management				
	23 100,000			24 100,000
25 Migratory Bird Program				
	26 880,000			27 880,000
28 Cultural Preservation, Bannack State Park				
	29 1,650,000			30 1,650,000
31 Road Infrastructure Repairs, Makoshika State Park				
	32 2,100,000			33 2,100,000
34 Grant Programs				
	35 222,400	36 4,900,000		37 5,122,400
38 Future Fisheries				
	39 1,177,000			40 1,177,000
41 FAS Site Protection				
	42 500,000	43 1,743,200		44 2,243,200
45 Hatchery Maintenance				
	46 550,000		47 175,000	48 725,000
49 Dam Maintenance				
	50 60,000			51 60,000

1	Community Fishing Ponds				
2		25,000			25,000
3	Fish Passage Construction, Statewide				
4		183,000	372,000	165,000	720,000
5	Hatchery Raceways, Murray Springs				
6				300,000	300,000

7 (2) Authority is granted to the university of Montana in the indicated amount for the purpose of making
 8 capital improvements to existing campus facilities. Authority-only funds may include federal special revenue,
 9 donations, grants, auxiliary funds, proprietary funds, and nonstate university funds. All costs for additional
 10 operations and maintenance of any improvements constructed under this authorization must be paid by the
 11 university of Montana from nonstate sources:

12	Agency/Project	State	Federal	Authority	Total
13		Special	Special	Only	
14		Revenue	Revenue		
15	General Spending Authority				
16				6,000,000	6,000,000

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

21	Agency/Project	State	Federal	Authority	Total
22		Special	Special	Only	
23		Revenue	Revenue		
24	Federal Spending Authority				
25			3,000,000		3,000,000

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

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

1 Maintenance, Repair, & Small Projects
 2 2,500,000 2,500,000

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

6 Agency/Project	State	Federal	Authority	Total
	7 Special	Special	Only	
	8 Revenue	Revenue		
9 Energy Improvements, Statewide				
10	3,700,000			3,700,000

11 STATE SPECIAL REVENUE FUNDS CONSIST OF STATE BUILDING ENERGY FUNDS OF THE CAPITAL FUND TYPE.

12 (6) AUTHORITY IS GRANTED TO MONTANA STATE UNIVERSITY IN THE INDICATED AMOUNT FOR THE PURPOSE OF
 13 MAKING CAPITAL IMPROVEMENTS TO EXISTING CAMPUS FACILITIES. AUTHORITY-ONLY FUNDS MAY INCLUDE FEDERAL
 14 SPECIAL REVENUE, DONATIONS, GRANTS, AUXILIARY FUNDS, PROPRIETARY FUNDS, AND NONSTATE UNIVERSITY FUNDS.
 15 ALL COSTS FOR ADDITIONAL OPERATIONS AND MAINTENANCE OF ANY IMPROVEMENTS CONSTRUCTED UNDER THIS
 16 AUTHORIZATION MUST BE PAID BY THE MONTANA STATE UNIVERSITY FROM NONSTATE SOURCES:

17 <u>AGENCY/PROJECT</u>	<u>STATE</u>	<u>FEDERAL</u>	<u>AUTHORITY</u>	<u>TOTAL</u>
	18 <u>SPECIAL</u>	<u>SPECIAL</u>	<u>ONLY</u>	
	19 <u>REVENUE</u>	<u>REVENUE</u>		
20 <u>GENERAL SPENDING AUTHORITY, MSU</u>			<u>3,000,000</u>	<u>3,000,000</u>

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

25 Agency/Project	State	Federal	Authority	Total
	26 Special	Special	Only	
	27 Revenue	Revenue		
28 Habitat Montana				
29	13,324,000			13,324,000
30 Bighorn Sheep Habitat				

1	370,000		370,000
2	Home to Hunt Access		
3	220,000		220,000
4	FAS Acquisition		
5	298,000	186,000	484,000

6

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

11

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

- 17 (1) the level of funding provided under the financial plan deviates substantially from the funding level
 18 provided in [section 2] for that project; or
- 19 (2) the scope of the project is substantially altered or revised from the description presented for that
 20 project in the 2019 biennium long-range building program presented to the 65th legislature.

21

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

29

30 **NEW SECTION. Section 8. Legislative consent.** The appropriations authorized in [sections 1 through



1 7] constitute legislative consent for the capital projects contained in [sections 1 through 7] within in the meaning
2 of 18-2-102.

3
4 COORDINATION SECTION. SECTION 9. COORDINATION INSTRUCTION. IF [LC 681] IS NOT PASSED AND
5 APPROVED CONTAINING A TRANSFER FROM THE CONSUMER PROTECTION ACCOUNT TO THE LONG-RANGE BUILDING
6 PROGRAM ACCOUNT OF AT LEAST \$8.1 MILLION, THEN THE APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATION IN
7 [SECTION 2] IS VOID.

8
9 NEW SECTION. SECTION 10. Severability. If a part of [this act] is invalid, all valid parts that are
10 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,
11 the part remains in effect in all valid applications that are severable from the invalid applications.

12
13 NEW SECTION. SECTION 11. Effective date. [This act] is effective on passage and approval.

14 - END -