

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, 2021; 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 APPROVAL OF LEASED SPACE IN ACCORDANCE WITH SECTION 2-17-101(5), MCA; AND PROVIDING EFFECTIVE DATES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Definitions. For the purposes of [sections 1 through 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 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 8].

(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.

NEW SECTION. Section 2. Capital projects appropriations and authorizations. 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	LRBP	State	Federal	Authority	Total
	Fund	Special	Special	Only	



	Revenue	Revenue	
1			
2			DEPARTMENT OF ADMINISTRATION
3			Life Safety and Deferred Maintenance, Statewide
4	4,550,000		4,550,000
5			Life Safety and Deferred Maintenance, Capitol Complex
6	5,000,000		5,000,000
7			State special revenue funds consist of capitol land grant funds.
8			Capitol Building Improvements
9	2,450,000		2,450,000
10			State special revenue funds consist of capitol land grant funds.
11			Update Capitol Complex Master Plan & Space Analysis
12	250,000		250,000
13			State special revenue funds consist of capitol land grant funds.
14			DEPARTMENT OF LIVESTOCK
15			Veterinary Diagnostic Lab - Planning Only
16	100,000		100,000
17			DEPARTMENT OF CORRECTIONS
18			Food Factory Expansion
19		3,000,000	3,000,000
20			Authority only funds consist of Montana Correctional Enterprises proprietary funds.
21			Purchase MSP TSCTC Fence
22	1,310,873		1,310,873
23			DEPARTMENT OF FISH, WILDLIFE, AND PARKS
24			Hatchery Maintenance, Statewide
25	1,500,000	400,000	1,900,000
26			Upgrade Missoula Headquarters
27	1,350,000		1,350,000
28			Glasgow Headquarters Addition and Meeting Room
29	1,700,000		1,700,000
30			Construct Lewistown Area Office

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1		1,500,000	1,500,000
2	Administrative Facilities, Major Maintenance		
3		2,400,000	2,400,000
4	DEPARTMENT OF JUSTICE		
5	Construct Glendive Highway Patrol Building and Storage		
6		2,795,000	2,795,000
7	DEPARTMENT OF MILITARY AFFAIRS		
8	Indoor Firing Ranges Repurposing, Statewide		
9		970,100	970,100
10	PT/Rec Center Addition and Alteration, Ft. Harrison		
11		2,000,000	2,000,000
12	Military Cemetery Expansions, Ft. Harrison and Missoula		
13		4,000,000	4,000,000
14	FMS #3 Female Latrines and Remodel		
15		702,900	702,900
16	DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES		
17	Southwestern Montana Veterans' Home		
18		5,000,000	5,000,000
19	Any remaining balance of LRBP funds not needed for completion of the Southwestern Montana Veterans'		
20	Home is reappropriated to the department of administration for Life Safety and Deferred Maintenance, Statewide.		
21	DEPARTMENT OF TRANSPORTATION		
22	Equipment/Office Buildings, Statewide		
23		2,630,000	2,630,000
24	Remodel Headquarters Office, Wolf Point		
25		770,000	770,000
26	Remodel/Expand Yellowstone Airport Terminal		
27		13,500,000	1,200,000
28	MONTANA UNIVERSITY SYSTEM		14,700,000
29	Life Safety and Deferred Maintenance, MUS Statewide		
30		4,550,000	4,550,000

1	Construct American Indian Hall, MSU		
2		12,000,000	12,000,000
3	Authority only is an increase to \$8,000,000 approved in Chapter 560 of the Session Laws of 2005 for the		
4	Native American Student Center, MSU-Bozeman.		
5	Remodel Harrison Hall, Hospitality Management, Gallatin College, MSU		
6		3,000,000	3,000,000
7	Facilities Services Yard Relocation, MSU		
8		9,000,000	9,000,000
9	Visual Communications Building Addition, MSU		
10		12,000,000	12,000,000
11	Renovate Renne Library, MSU		
12		1,500,000	1,500,000
13	Upgrade Donaldson Hall, MSU-Northern		
14		6,000,000	6,000,000
15	Upgrade McKenzie Hall Systems, MSU-Northern		
16		2,000,000	2,000,000
17	TEACHERS' RETIREMENT SYSTEM		
18	Renovate TRS Building		
19		550,000	550,000
20	Authority only funds consist of Teachers' Retirement System funds.		

21

22 **NEW SECTION. Section 3. Capital Improvements.** (1) The following money is appropriated to the

23 department of fish, wildlife, and parks in the indicated amounts for the purpose of making capital improvements

24 to statewide facilities. Funds not requiring legislative appropriation are included for the purpose of authorization.

25 The department of fish, wildlife, and parks is authorized to transfer the appropriations, authority, or both among

26 the necessary fund types for these projects:

27	Agency/Project	LRBP	State	Federal	Authority	Total
28		Fund	Special	Special	Only	
29			Revenue	Revenue		
30	Future Fisheries, Statewide					

1		1,250,000		1,250,000
2	Fishing Access Site Protection, Statewide			
3		1,790,000		1,790,000
4	Community Fishing Ponds, Statewide			
5		100,000		100,000
6	Fish Passage Construction, Statewide			
7			1,291,000	549,000
8	Wildlife Habitat Maintenance, Statewide			1,840,000
9		1,000,000	150,000	1,150,000
10	Forest Management, Statewide			
11		400,000		400,000
12	Migratory Bird Program, Statewide			
13		650,000		650,000
14	Home to Hunt Access, Statewide			
15		220,000		220,000
16	Upland Game Bird Enhancement Program, Statewide			
17		954,000		954,000
18	Smith River Corridor			
19		200,000		200,000
20	Grants Program, Statewide			
21		304,400	5,000,000	5,304,400
22	Parks Major Maintenance, Statewide			
23		2,000,000		2,000,000
24	FAS NRD Yellowstone Pipeline Settlement			
25			500,000	500,000
26	Wildlife Habitat Improvement, Statewide			
27			4,000,000	4,000,000

28 (2) Authority is granted to the Montana university system in the indicated amount for the purpose of
 29 making capital improvements to campus facilities. Authority only funds may include federal special revenue,
 30 donations, grants, auxiliary funds, proprietary funds, and nonstate university funds. All costs for the operations

1 and maintenance of any new improvements constructed under this authorization must be paid by the Montana
 2 university system from nonstate sources:

3 Agency/Project	LRBP	State	Federal	Authority	Total
	4 Fund	Special	Special	Only	
		5 Revenue	Revenue		
6 General Spending Authority, MUS All Campuses					
				7 16,000,000	16,000,000

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

12 Agency/Project	LRBP	State	Federal	Authority	Total
	13 Fund	Special	Special	Only	
		14 Revenue	Revenue		
15 Federal Spending Authority					
				16 3,000,000	3,000,000

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

19 Agency/Project	LRBP	State	Federal	Authority	Total
	20 Fund	Special	Special	Only	
		21 Revenue	Revenue		
22 Maintenance, Repair, and Small Projects, Statewide					
				23 2,300,000	2,300,000

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

27 Agency/Project	LRBP	State	Federal	Authority	Total
	28 Fund	Special	Special	Only	
		29 Revenue	Revenue		
30 Energy Improvements, Statewide					

1 3,600,000 3,600,000

2 State special revenue funds consist of state building energy conservation funds of the capital fund type.

3
 4 **NEW SECTION. Section 4. Land acquisition appropriations.** The following money is appropriated
 5 to the department of fish, wildlife, and parks in the indicated amounts for purposes of land acquisition, land
 6 leasing, easement purchase, or development agreements. The department of fish, wildlife, and parks is
 7 authorized to transfer the appropriations, authority, or both among the necessary fund types for these projects:

8 Agency/Project	9 LRBP	10 State	11 Federal	12 Authority	13 Total
	14 Fund	15 Special	16 Special	17 Only	
		18 Revenue	19 Revenue		
20 Habitat Montana		21 8,000,000			22 8,000,000
23 Fishing Access Site Acquisition, Statewide		24 260,000			25 260,000
26 Bighorn Sheep Habitat		27 220,000			28 220,000

29 **NEW SECTION. Section 5. Planning and design.** The department of administration may proceed with
 30 the planning and design of capital projects in [section 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 incurred
 before the receipt of funding from another funding source.

31 **NEW SECTION. Section 6. Capital projects -- contingent funds.** If a capital project is financed in
 32 whole or in part with appropriations contingent on the receipt of other funding sources, the department of
 33 administration may not let the project for bid until the agency has submitted a financial plan for approval by the
 34 director of the department of administration. A financial plan may not be approved by the director if:

- 35 (1) the level of funding provided under the financial plan deviates substantially from the funding level
 36 provided in [section 2] for that project; or
- 37 (2) the scope of the project is substantially altered or revised from the description presented for that
 38 project in the 2021 biennium long-range building program presented to the 66th legislature.

1
 2 **NEW SECTION. Section 7. Review by department of environmental quality.** The department of
 3 environmental quality shall review capital projects authorized in [section 2] for potential inclusion in the state
 4 building energy conservation program under Title 90, chapter 4, part 6. When a review shows that a capital
 5 project will result in energy improvements, that project must be submitted to the energy conservation program
 6 for funding consideration. Funding provided under the energy conservation program guidelines must be used to
 7 offset or add to the authorized funding for the project, and the amount will be dependent on the annual utility
 8 savings resulting from the facility improvement. Agencies must be notified of potential funding after the review.

9
 10 **NEW SECTION. Section 8. Capital project appropriation and authorization.** The following money
 11 is appropriated to the department of administration after December 31, 2020, for the indicated capital project from
 12 the indicated source. The department of administration may not commence planning, design, or construction
 13 activities until on or after the effective date of the appropriation in this section.

Agency/Project	LRBP	State	Federal	Authority	Total
	Fund	Special	Special	Only	
		Revenue	Revenue		
Renovate Executive Residence, Capitol Complex					
		1,900,000			1,900,000

17 State special revenue funds consist of capitol land grant funds.

18
 19 **NEW SECTION. Section 9. Fund transfer.** The state treasurer shall transfer the amount of \$2,500,000
 20 in fiscal year 2020 from the state general fund to the long-range building program account in the capital projects
 21 fund type for the projects enumerated in [section 2].

22
 23 **NEW SECTION. Section 10. Legislative consent.** The appropriations authorized in [sections 1 through
 24 8] constitute legislative consent for the capital projects contained in [sections 1 through 8] within the meaning of
 25 18-2-102.

26
 27 **NEW SECTION. Section 11. Approval of lease.** The department of administration is authorized to
 28 enter into a lease or leases in 301 South Park Building, Helena, Montana, for an aggregate square footage in
 29

1 excess of 40,000 square feet. The term of the lease or leases may not extend beyond December 31, 2039. This
2 approval constitutes legislative consent contained within the meaning of 2-17-101(5).

3
4 NEW SECTION. **Section 12. Severability.** If a part of [this act] is invalid, all valid parts that are
5 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,
6 the part remains in effect in all valid applications that are severable from the invalid applications.

7
8 NEW SECTION. **Section 13. Effective dates.** (1) Except as provided in subsection (2), [this act] is
9 effective on passage and approval.

10 (2) [Section 8] is effective January 1, 2021.

11 - END -