

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	<del>4,550,000</del> 1,550,000	<del>4,550,000</del> 1,550,000
5	<u>IF REVENUES RECEIVED IN THE LRBP FUND ARE NOT SUFFICIENT TO PAY FOR THE APPROPRIATIONS ATTRIBUTED TO THE</u>	
6	<u>LRBP FUND IN THIS ACT, THE DEPARTMENT OF ADMINISTRATION SHALL REDUCE SPENDING ON PROJECTS IN THE LIFE</u>	
7	<u>SAFETY AND DEFERRED MAINTENANCE, STATEWIDE APPROPRIATION BY AN AMOUNT EQUAL TO ONE-HALF OF THE</u>	
8	<u>REVENUE SHORTFALL.</u>	
9	Life Safety and Deferred Maintenance, Capitol Complex	
10	<del>5,000,000</del> 3,000,000	<del>5,000,000</del> 3,000,000
11	State special revenue funds consist of capitol land grant funds.	
12	Capitol Building Improvements	
13	2,450,000	2,450,000
14	State special revenue funds consist of capitol land grant funds. <u>IF REVENUES RECEIVED IN THE CAPITOL LAND GRANT</u>	
15	<u>FUND ARE NOT SUFFICIENT TO PAY FOR THE APPROPRIATIONS ATTRIBUTED TO THE CAPITOL LAND GRANT FUND IN THIS ACT,</u>	
16	<u>THE DEPARTMENT OF ADMINISTRATION SHALL REDUCE SPENDING ON THE CAPITOL BUILDING IMPROVEMENTS</u>	
17	<u>APPROPRIATION BY AN AMOUNT EQUAL TO THE REVENUE SHORTFALL.</u>	
18	Update Capitol Complex Master Plan & Space Analysis	
19	250,000	250,000
20	State special revenue funds consist of capitol land grant funds.	
21	DEPARTMENT OF LIVESTOCK	
22	Veterinary Diagnostic Lab - Planning Only	
23	100,000	100,000
24	DEPARTMENT OF CORRECTIONS	
25	Food Factory Expansion	
26		3,000,000 3,000,000
27	Authority only funds consist of Montana Correctional Enterprises proprietary funds.	
28	Purchase MSP TSCTC Fence	
29	1,310,873	1,310,873
30	DEPARTMENT OF FISH, WILDLIFE, AND PARKS	

1	Hatchery Maintenance, Statewide			
2		<del>1,500,000</del>	<del>400,000</del>	<del>1,900,000</del>
3		<u>1,200,000</u>	<u>750,000</u>	<u>1,950,000</u>
4	Upgrade Missoula Headquarters			
5		1,350,000		1,350,000
6	Glasgow Headquarters Addition and Meeting Room			
7		1,700,000		1,700,000
8	Construct Lewistown Area Office			
9		1,500,000		1,500,000
10	Administrative Facilities, Major Maintenance			
11		2,400,000		2,400,000
12	DEPARTMENT OF JUSTICE			
13	Construct Glendive Highway Patrol Building and Storage			
14		2,795,000		2,795,000
15	DEPARTMENT OF MILITARY AFFAIRS			
16	Indoor Firing Ranges Repurposing, Statewide			
17		970,100	970,100	1,940,200
18	PT/Rec Center Addition and Alteration, Ft. Harrison			
19			2,000,000	2,000,000
20	Military Cemetery Expansions, Ft. Harrison and Missoula			
21			4,000,000	4,000,000
22	FMS #3 Female Latrines and Remodel			
23			702,900	702,900
24	<u>FTH WEAPONS CLEANING FACILITY</u>		<u>1,700,000</u>	<u>1,700,000</u>
25	DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES			
26	Southwestern Montana Veterans' Home			
27		5,000,000		5,000,000
28	Any remaining balance of LRBP funds not needed for completion of the Southwestern Montana Veterans'			
29	Home is reappropriated to the department of administration for Life Safety and Deferred Maintenance, Statewide.			
30	<u>CONSTRUCT CHAPEL, MT VETERANS' HOME, COLUMBIA FALLS</u>		<u>750,000</u>	<u>750,000</u>

1	DEPARTMENT OF TRANSPORTATION		
2	Equipment/Office Buildings, Statewide		
3		2,630,000	2,630,000
4	Remodel Headquarters Office, Wolf Point		
5		770,000	770,000
6	Remodel/Expand Yellowstone Airport Terminal		
7		13,500,000	1,200,000 14,700,000
8	MONTANA UNIVERSITY SYSTEM		
9	Life Safety and Deferred Maintenance, MUS Statewide		
10		4,550,000	4,550,000
11	<u>IF REVENUES RECEIVED IN THE LRBP FUND ARE NOT SUFFICIENT TO PAY FOR THE APPROPRIATIONS ATTRIBUTED TO THE</u>		
12	<u>LRBP FUND IN THIS ACT, THE DEPARTMENT OF ADMINISTRATION SHALL REDUCE SPENDING ON PROJECTS IN THE LIFE</u>		
13	<u>SAFETY AND DEFERRED MAINTENANCE, MUS STATEWIDE APPROPRIATION BY AN AMOUNT EQUAL TO ONE-HALF OF THE</u>		
14	<u>REVENUE SHORTFALL.</u>		
15	Construct American Indian Hall, MSU		
16		12,000,000	12,000,000
17	Authority only is an increase to \$8,000,000 approved in Chapter 560 of the Session Laws of 2005 for the		
18	Native American Student Center, MSU-Bozeman.		
19	Remodel Harrison Hall, Hospitality Management, Gallatin College, MSU		
20		<del>3,000,000</del>	<del>3,000,000</del>
21		<u>4,000,000</u>	<u>4,000,000</u>
22	Facilities Services Yard Relocation, MSU		
23		9,000,000	9,000,000
24	Visual Communications Building Addition, MSU		
25		12,000,000	12,000,000
26	Renovate Renne Library, MSU		
27		1,500,000	1,500,000
28	Upgrade Donaldson Hall, MSU-Northern		
29		6,000,000	6,000,000
30	Upgrade McKenzie Hall Systems, MSU-Northern		

1		2,000,000	2,000,000
2	TEACHERS' RETIREMENT SYSTEM		
3	Renovate TRS Building		
4		550,000	550,000
5	Authority only funds consist of Teachers' Retirement System funds.		

6

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

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

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

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

11 the necessary fund types for these projects:

12	Agency/Project	LRBP	State	Federal	Authority	Total
13		Fund	Special	Special	Only	
14			Revenue	Revenue		
15	Future Fisheries, Statewide					
16			1,250,000			1,250,000
17	Fishing Access Site Protection, Statewide					
18			1,790,000			1,790,000
19	Community Fishing Ponds, Statewide					
20			100,000			100,000
21	Fish Passage Construction, Statewide					
22				1,291,000	549,000	1,840,000
23	Wildlife Habitat Maintenance, Statewide					
24			1,000,000	150,000		1,150,000
25	Forest Management, Statewide					
26			400,000			400,000
27	Migratory Bird Program, Statewide					
28			650,000			650,000
29	Home to Hunt Access, Statewide					
30			220,000			220,000

1	Upland Game Bird Enhancement Program, Statewide				
2		954,000			954,000
3	Smith River Corridor				
4		200,000			200,000
5	Grants Program, Statewide				
6		304,400	5,000,000		5,304,400
7	Parks Major Maintenance, Statewide				
8		2,000,000			2,000,000
9	FAS NRD Yellowstone Pipeline Settlement				
10			<del>500,000</del>	<u>500,000</u>	500,000
11	Wildlife Habitat Improvement, Statewide				
12			4,000,000		4,000,000
13	<u>MILLTOWN STATE PARK IMPROVEMENTS</u>	<u>50,000</u>	<u>145,000</u>	<u>100,000</u>	<u>295,000</u>

14 (2) Authority is granted to the Montana university system in the indicated amount for the purpose of  
 15 making capital improvements to campus facilities. Authority only funds may include federal special revenue,  
 16 donations, grants, auxiliary funds, proprietary funds, and nonstate university funds. All costs for the operations  
 17 and maintenance of any new improvements constructed under this authorization must be paid by the Montana  
 18 university system from nonstate sources:

19	Agency/Project	LRBP	State	Federal	Authority	Total
20		Fund	Special	Special	Only	
21			Revenue	Revenue		
22	General Spending Authority, MUS All Campuses					
23					16,000,000	16,000,000

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

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

1 Federal Spending Authority

2 3,000,000 3,000,000

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

5 Agency/Project	LRBP	State	Federal	Authority	Total
6	Fund	Special	Special	Only	
7		Revenue	Revenue		
8 Maintenance, Repair, and Small Projects, Statewide					
9		2,300,000			2,300,000

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

13 Agency/Project	LRBP	State	Federal	Authority	Total
14	Fund	Special	Special	Only	
15		Revenue	Revenue		
16 Energy Improvements, Statewide					
17		3,600,000			3,600,000

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

19  
 20 **NEW SECTION. Section 4. Land acquisition appropriations.** The following money is appropriated  
 21 to the department of fish, wildlife, and parks in the indicated amounts for purposes of land acquisition, land  
 22 leasing, easement purchase, or development agreements. The department of fish, wildlife, and parks is  
 23 authorized to transfer the appropriations, authority, or both among the necessary fund types for these projects:

24 Agency/Project	LRBP	State	Federal	Authority	Total
25	Fund	Special	Special	Only	
26		Revenue	Revenue		
27 Habitat Montana					
28		8,000,000			8,000,000
29 Fishing Access Site Acquisition, Statewide					
30		260,000			260,000

1 Bighorn Sheep Habitat

2 220,000 220,000

3  
4 **NEW SECTION. Section 5. Planning and design.** The department of administration may proceed with  
5 the planning and design of capital projects in [section 2] prior to the receipt of other funding sources. The  
6 department may use interentity loans in accordance with 17-2-107 to pay planning and design costs incurred  
7 before the receipt of funding from another funding source.

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

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

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

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

30 Agency/Project	LRBP	State	Federal	Authority	Total
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	Fund	Special Revenue	Special Revenue	Only
1				
2				
3	Renovate Executive Residence, Capitol Complex			
4		1,900,000		1,900,000
5	State special revenue funds consist of capitol land grant funds.			

6

7 NEW SECTION. Section 9. Fund transfer. The state treasurer shall transfer the amount of \$2,500,000

8 in fiscal year 2020 from the state general fund to the long-range building program account in the capital projects

9 fund type for the projects enumerated in [section 2].

10

11 NEW SECTION. Section 10. Legislative consent. The appropriations authorized in [sections 1 through

12 8] constitute legislative consent for the capital projects contained in [sections 1 through 8] within the meaning of

13 18-2-102.

14

15 NEW SECTION. Section 11. Approval of lease. The department of administration is authorized to

16 enter into a lease or leases in 301 South Park Building, Helena, Montana, for an aggregate square footage in

17 excess of 40,000 square feet. The term of the lease or leases may not extend beyond December 31, 2039. This

18 approval constitutes legislative consent contained within the meaning of 2-17-101(5).

19

20 COORDINATION SECTION. SECTION 12. COORDINATION INSTRUCTION. IF BOTH [THIS ACT] AND SENATE BILL

21 NO. 338 ARE PASSED AND APPROVED, [SECTION 2 OF SENATE BILL NO. 338] MUST READ AS FOLLOWS:

22 "NEW SECTION. Section 2. Authorization to construct Montana heritage center. (1) The

23 department of administration is authorized to construct the Montana heritage center, which may include the

24 remodel of the veterans' and pioneer memorial building.

25 (2) The department of administration shall, to the fullest extent possible, analyze, negotiate, and pursue

26 purchasing the area bounded by Prospect avenue, 11th avenue, North Sanders street, and North Oakes street

27 in Helena, Montana, containing approximately 9.4 acre lots, as the location of the Montana Heritage Center.

28 (3) The department of administration may construct the Montana heritage center in phases.

29 (4) This section constitutes legislative consent for the construction of the Montana heritage center within

30 the meaning of 18-2-102."

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COORDINATION SECTION. SECTION 13. COORDINATION INSTRUCTION. IF HOUSE BILL NO. 652 IS NOT PASSED AND APPROVED, THE APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATION FOR LIFE SAFETY AND DEFERRED MAINTENANCE, STATEWIDE, IN [SECTION 2 OF THIS ACT] IS INCREASED FROM \$1,550,000 TO \$3,550,000.

COORDINATION SECTION. SECTION 14. COORDINATION INSTRUCTION. (1) IF HOUSE BILL NO. 553 IS PASSED AND APPROVED AND HOUSE BILL NO. 652 IS NOT PASSED AND APPROVED, OR IF HOUSE BILL NO. 553 IS PASSED AND APPROVED AND HOUSE BILL NO. 652 IS PASSED AND APPROVED AND DOES NOT CONTAIN AT LEAST \$25 MILLION IN STATE FUNDING FOR ROMNEY HALL, THE STATE TREASURER SHALL TRANSFER \$25 MILLION FROM THE GENERAL FUND, LESS ANY STATE FUNDING PROVIDED IN HOUSE BILL NO. 652 FOR ROMNEY HALL, TO THE CAPITAL DEVELOPMENTS LONG-RANGE BUILDING PROGRAM ACCOUNT ESTABLISHED IN [SECTION 5 OF HOUSE BILL NO. 553].

(2) FOR THE CAPITAL PROJECT FOR ROMNEY HALL FOR THE BIENNIUM BEGINNING JULY 1, 2019, THE AMOUNT TRANSFERRED TO THE CAPITAL DEVELOPMENTS LONG-RANGE BUILDING PROGRAM ACCOUNT ESTABLISHED IN [SECTION 5 OF HOUSE BILL NO. 553] PURSUANT TO SUBSECTION (1) IS APPROPRIATED TO THE DEPARTMENT OF ADMINISTRATION AND \$7 MILLION IS AUTHORIZED FROM DONATIONS OR UNIVERSITY FUNDS.

COORDINATION SECTION. SECTION 15. COORDINATION INSTRUCTION. IF BOTH [THIS ACT] AND HOUSE BILL NO. 652 ARE PASSED AND APPROVED, THE APPROPRIATION IN [SECTION 8 OF HOUSE BILL NO. 652] IS \$21.5 MILLION.

NEW SECTION. SECTION 16. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. 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 applications.

NEW SECTION. SECTION 17. Effective dates. (1) Except as provided in subsection (2), [this act] is effective on passage and approval.

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

- END -