

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; AMENDING SECTION 5, CHAPTER 324, LAWS OF 2011; 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) "SBECF 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
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	Special Revenue	Special Revenue	Only
1			
2			
3	DEPARTMENT OF ADMINISTRATION		
4	Life Safety and Deferred Maintenance, Capital <u>CAPITOL</u> Complex		
5	3,500,000		3,500,000
6	State Special Revenue funds consist of capitol land grant funds.		
7	Utility Rebate Funds, Statewide		
8	2,000,000		2,000,000
9	<u>LIFE SAFETY AND DEFERRED MAINTENANCE - STATEWIDE</u>		
10	<u>5,500,000</u>		<u>5,500,000</u>
11	<u>STATE SPECIAL REVENUE FUNDS CONSIST OF LONG-RANGE BUILDING PROGRAM FUNDS OF THE CAPITAL PROJECTS FUND</u>		
12	<u>TYPE.</u>		
13	<u>LIFE SAFETY AND DEFERRED MAINTENANCE - MUS - STATEWIDE</u>		
14	<u>3,000,000</u>		<u>3,000,000</u>
15	<u>STATE SPECIAL REVENUE FUNDS CONSIST OF LONG-RANGE BUILDING PROGRAM FUNDS OF THE CAPITAL PROJECTS FUND</u>		
16	<u>TYPE.</u>		
17	<u>DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES</u>		
18	<u>MONTANA MENTAL HEALTH NURSING CARE CENTER BOILER AND HEATING REPLACEMENT - LEWISTOWN</u>		
19	<u>2,500,000</u>		<u>2,500,000</u>
20	<u>STATE SPECIAL REVENUE FUNDS CONSIST OF LONG-RANGE BUILDING PROGRAM FUNDS OF THE CAPITAL PROJECTS FUND</u>		
21	<u>TYPE.</u>		
22	<u>SOUTHWESTERN MONTANA VETERANS' HOME</u>		
23		<u>9,831,250</u>	<u>9,831,250</u>
24	<u>DEPARTMENT OF JUSTICE</u>		
25	<u>MONTANA LAW ENFORCEMENT ACADEMY</u>		
26	<u>8,100,000</u>		<u>8,100,000</u>
27	<u>STATE SPECIAL REVENUE FUNDS CONSIST OF LONG-RANGE BUILDING PROGRAM FUNDS OF THE CAPITAL PROJECTS FUND</u>		
28	<u>TYPE.</u>		
29	<u>DEPARTMENT OF MILITARY AFFAIRS</u>		
30	<u>FEMALE LATRINES - STATEWIDE</u>		

1		<u>200,000</u>	<u>200,000</u>	<u>400,000</u>
2	<u>STATE SPECIAL REVENUE FUNDS CONSIST OF LONG-RANGE BUILDING PROGRAM FUNDS OF THE CAPITAL PROJECTS FUND</u>			
3	<u>TYPE.</u>			
4	<u>STATEWIDE ROOF REPLACEMENT AND REPAIR</u>			
5		<u>1,100,000</u>	<u>2,200,000</u>	<u>3,300,000</u>
6	<u>STATE SPECIAL REVENUE FUNDS CONSIST OF LONG-RANGE BUILDING PROGRAM FUNDS OF THE CAPITAL PROJECTS FUND</u>			
7	<u>TYPE.</u>			
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	<u>DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION</u>			
14	<u>FORESTRY DIVISION MECHANIC SHOP, MISSOULA</u>			
15		<u>300,000</u>		<u>300,000</u>
16	<u>MONTANA UNIVERSITY SYSTEM</u>			
17	<u>LIBERAL ARTS BUILDING RENOVATION, UM</u>		<u>6,000,000</u>	<u>6,000,000</u>
18	<u>CLINICAL PSYCHOLOGY ADDITION, UM</u>		<u>4,000,000</u>	<u>4,000,000</u>
19	<u>NEURAL INJURY CENTER, UM</u>		<u>7,000,000</u>	<u>7,000,000</u>
20	<u>EDUCATION BUILDING EXPANSION, UM</u>		<u>20,000,000</u>	<u>20,000,000</u>
21	<u>MAES LIVESTOCK COMPLEX, MSU</u>		<u>10,000,000</u>	<u>10,000,000</u>
22				
23	<u>LIVING LEARNING CENTER, MT TECH</u>		<u>8,500,000</u>	<u>8,500,000</u>
24	<u>NATURAL RESOURCES RESEARCH CENTER ADDITION, MONTANA TECH</u>		<u>350,000</u>	<u>350,000</u>
25	<u>BARNARD HALL RENOVATION, MSU BOZEMAN</u>		<u>1,500,000</u>	<u>1,500,000</u>

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

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



1	DEPARTMENT OF MILITARY AFFAIRS		
2	UTES/CSMS Wash Facility, Helena		
3		2,000,000	2,000,000
4	Cemetery Improvements, Ft. Harrison and Miles City		
5		4,000,000	4,000,000
6	Replace Malta Readiness Center		
7		3,015,000	3,015,000

8

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

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

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

12	Agency/Project	State	Federal	Authority	Total
13		Special	Special	Only	
14		Revenue	Revenue		
15	<u>PARKS PROGRAM MAINTENANCE</u>	<u>2,000,000</u>			<u>2,000,000</u>
16	<u>THE DEPARTMENT WILL PRIORITIZE PROJECTS THAT ADDRESS SANITIZATION AND SAFETY CONCERNS AT STATE PARKS WITH</u>				
17	<u>THIS APPROPRIATION.</u>				
18	Upland Game Bird Enhancement Program				
19		1,164,000			1,164,000
20	Wildlife Habitat Maintenance				
21		500,000			500,000
22	Forest Management				
23		100,000			100,000
24	Migratory Bird Program				
25		880,000			880,000
26	Cultural Preservation, Bannack State Park				
27		1,650,000			1,650,000
28	Road Infrastructure Repairs, Makoshika State Park				
29		2,100,000			2,100,000
30	Grant Programs				

1		222,400	4,900,000		5,122,400
2	Future Fisheries				
3		1,177,000			1,177,000
4	FAS Site Protection				
5		500,000	1,743,200		2,243,200
6	Hatchery Maintenance				
7		550,000		175,000	725,000
8	Dam Maintenance				
9		60,000			60,000
10	Community Fishing Ponds				
11		25,000			25,000
12	Fish Passage Construction, Statewide				
13		183,000	372,000	165,000	720,000
14	Hatchery Raceways, Murray Springs				
15				300,000	300,000

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

21	Agency/Project	State	Federal	Authority	Total
22		Special	Special	Only	
23		Revenue	Revenue		
24	General Spending Authority				
25				6,000,000	6,000,000

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

30	Agency/Project	State	Federal	Authority	Total
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1	Special	Special	Only	
2	Revenue	Revenue		
3	Federal Spending Authority			
4		3,000,000		3,000,000

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

7	Agency/Project	State	Federal	Authority	Total
8		Special	Special	Only	
9		Revenue	Revenue		
10	Maintenance, Repair, & Small Projects				
11		2,500,000			2,500,000

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

15	Agency/Project	State	Federal	Authority	Total
16		Special	Special	Only	
17		Revenue	Revenue		
18	Energy Improvements, Statewide				
19		3,700,000			3,700,000

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

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

26	<u>AGENCY/PROJECT</u>	<u>STATE</u>	<u>FEDERAL</u>	<u>AUTHORITY</u>	<u>TOTAL</u>
27		<u>SPECIAL</u>	<u>SPECIAL</u>	<u>ONLY</u>	
28		<u>REVENUE</u>	<u>REVENUE</u>		
29	<u>GENERAL SPENDING AUTHORITY, MSU</u>			<u>3,000,000</u>	<u>3,000,000</u>

30



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

4 Agency/Project	5 State	6 Federal	7 Authority	8 Total
	9 Special	10 Special	11 Only	
	12 Revenue	13 Revenue		
14 Habitat Montana	15 13,324,000			16 13,324,000
17 Bighorn Sheep Habitat				
18	19 370,000			20 370,000
21 Home to Hunt Access				
22	23 220,000			24 220,000
25 FAS Acquisition				
26	27 298,000	28 186,000		29 484,000

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

20
 21 **NEW SECTION. Section 6. Capital projects -- contingent funds.** If a capital project is financed in
 22 whole or in part with appropriations contingent upon the receipt of funding from another funding source, the
 23 department of administration may not let the project for bid until the agency receiving funding has submitted a
 24 financial plan for approval by the director of the department of administration. A financial plan may not be
 25 approved by the director if:

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

30

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

8
 9 NEW SECTION. Section 8. Legislative consent. The appropriations authorized in [sections 1 through
 10 7] constitute legislative consent for the capital projects contained in [sections 1 through 7] within in the meaning
 11 of 18-2-102.

12
 13 SECTION 9. SECTION 5, CHAPTER 324, LAWS OF 2011, IS AMENDED TO READ:
 14 "Section 5. Capital project appropriations. (1) There is appropriated ~~\$4,812,500~~ up to \$5,293,750 from
 15 state special revenue account established in section 2, Chapter 461, Laws of 2009, to the department of
 16 administration for the southwestern Montana veterans' home project.

17 (2) There is appropriated ~~\$8,937,500~~ \$9,831,250 from the federal special revenue fund to the department
 18 of administration for the southwestern Montana veterans' home project.

19 (3) In the event of a private donation of the amount in subsection (2) and subsequent receipt of federal
 20 funds, the federal funds must be deposited in the general fund.

21 ~~(3)~~(4) The department of administration is authorized to transfer the appropriations in subsections (1) and
 22 (2) among the necessary fund types for this project."

23
 24 COORDINATION SECTION. SECTION 10. COORDINATION INSTRUCTION. IF [LC 681] IS NOT PASSED AND
 25 APPROVED CONTAINING A TRANSFER FROM THE CONSUMER PROTECTION ACCOUNT TO THE LONG-RANGE BUILDING
 26 PROGRAM ACCOUNT OF AT LEAST \$8.1 MILLION, THEN THE APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATION FOR
 27 THE MONTANA LAW ENFORCEMENT ACADEMY PROJECT IN [SECTION 2] IS VOID.

28
 29 NEW SECTION. Section 11. Severability. If a part of [this act] is invalid, all valid parts that are
 30 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,

1 the part remains in effect in all valid applications that are severable from the invalid applications.

2

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

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