

HOUSE BILL NO. 5

INTRODUCED BY BARDANOUE, CONNELLY

BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING

IN THE HOUSE

DECEMBER 27, 1990                   INTRODUCED AND REFERRED TO COMMITTEE  
ON APPROPRIATIONS.

JANUARY 7, 1991                    FIRST READING.

MARCH 27, 1991                    COMMITTEE RECOMMEND BILL  
DO PASS AS AMENDED. REPORT ADOPTED.

MARCH 28, 1991                    PRINTING REPORT.

                                      SECOND READING, DO PASS.

                                      ENGROSSING REPORT.

                                      ON MOTION, RULES SUSPENDED AND BILL  
PLACED ON THIRD READING.

                                      THIRD READING, PASSED.  
AYES, 68; NOES, 31.

                                      TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 28, 1991                    INTRODUCED AND REFERRED TO COMMITTEE  
ON FINANCE & CLAIMS.

                                      FIRST READING.

APRIL 12, 1991                    COMMITTEE RECOMMEND BILL BE  
CONCURRED IN AS AMENDED. REPORT  
ADOPTED.

APRIL 13, 1991                    SECOND READING, CONCURRED IN AS  
AMENDED.

APRIL 15, 1991                    THIRD READING, CONCURRED IN.  
AYES, 27; NOES, 23.

                                      RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 17, 1991

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS NOT  
CONCURRED IN.

APRIL 22, 1991

ON MOTION, CONFERENCE COMMITTEE  
REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 23, 1991

ON MOTION, CONFERENCE COMMITTEE  
REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 24, 1991

ON MOTION, CONFERENCE COMMITTEE  
DISSOLVED.

ON MOTION, FREE CONFERENCE COMMITTEE  
REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 24, 1991

ON MOTION, CONFERENCE COMMITTEE  
DISSOLVED.

ON MOTION, FREE CONFERENCE COMMITTEE  
REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 29, 1991

FREE CONFERENCE COMMITTEE REPORTED.

SECOND READING, FREE CONFERENCE  
COMMITTEE REPORT ADOPTED.

THIRD READING, FREE CONFERENCE  
COMMITTEE REPORT ADOPTED.

IN THE SENATE

APRIL 29, 1991

FREE CONFERENCE COMMITTEE REPORT ADOPTED.

IN THE HOUSE

APRIL 29, 1991

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

HOUSE BILL NO. 5

INTRODUCED BY BARDANOUVE, CONNELLY

BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING

A BILL FOR AN ACT ENTITLED: "AN ACT TO APPROPRIATE MONEY FOR CAPITAL PROJECTS; TO AUTHORIZE THE ISSUANCE AND SALE OF GENERAL OBLIGATION LONG-RANGE BUILDING PROGRAM BONDS; TO APPROPRIATE THE PROCEEDS OF THE BONDS FOR CAPITAL PROJECTS FOR THE BIENNIUM ENDING JUNE 30, 1993; TO PROVIDE FOR AN AGREEMENT BETWEEN THE BOARD OF EXAMINERS AND THE BOARD OF REGENTS; TO PROVIDE 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 19], unless otherwise stated, the following definitions apply:

(1) "Agency" includes each state office, department, board, commission, council, or committee, the university system, or any other entity or instrumentality of the executive branch, office of the legislative branch, or office of the judicial branch of state government.

(2) "Approved budget amendment" means approval by the budget director of a request submitted through the architecture and engineering division of the department of administration to transfer excess funds appropriated to a capital project within an agency in order to increase the appropriations of another capital project within that agency or to obtain financing to expand a project with funds that were not available for consideration by the legislature.

(3) "Capital project" means acquisition of land or improvements, planning, capital construction, renovation, furnishing, or major repair projects authorized in [sections 1 through 19].

(4) "LRBPF" means the long-range building program fund in the capital projects fund type.



**INTRODUCED BILL**  
**HB 5**

1 (5) "Major maintenance" means building maintenance or repair projects that are not needed on an  
2 annual or biennial basis or are not the function of the permanent maintenance staff of the agency.

3 (6) "Major maintenance plan" means a 6-year schedule of anticipated major maintenance  
4 requirements and costs for the first 2 years of the schedule, developed for each state building, as  
5 determined by the department of administration. The plan must include a record of major maintenance  
6 performed in the previous biennium.

7 (7) "Other funding sources" means money other than general fund money or long-range building  
8 program fund money, including special revenue fund money, that accrues to an agency under the  
9 provisions of law.

10 NEW SECTION. Section 2. **Expansion required to be authorized.** An existing capital project may  
11 not be expanded beyond the scope of the project as approved by the 52nd legislature unless the  
12 capital project expansion is authorized by an approved budget amendment.

13 NEW SECTION. Section 3. **Federal funds for administration.** All federal funds received as a  
14 reimbursement for the cost of administering the federal funds when the cost was financed from the  
15 general fund revert to the general fund.

16 NEW SECTION. Section 4. **Reappropriation.** Notwithstanding any other provision of law, the  
17 remaining balances on capital projects previously appropriated are reappropriated until June 30,  
18 1993, for the purposes for which originally appropriated.

19 NEW SECTION. Section 5. **Major maintenance plan -- requirements.** For all new construction  
20 proposals submitted to the legislature and for all existing applicable state buildings, as  
21 determined by the department of administration, each agency, in consultation with the architecture  
22 and engineering division of the department of administration, shall provide a major maintenance  
23 plan. This plan must be submitted by the agency to the department of administration by July 1 of  
24 each even-numbered year, along with the proposed long-range building program required under  
25 17-7-202.

1        NEW SECTION. Section 6. **Capital projects appropriations.** (1) The following money is  
 2 appropriated for the indicated capital projects from the indicated sources to the department of  
 3 administration, which is authorized to transfer the appropriated money among the necessary fund  
 4 types for these projects:

<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
DEPARTMENT OF ADMINISTRATION		
Hazardous Material Abatement, Statewide	\$ 650,000	\$ 150,000 Auxiliary
Construction Litigation, Architecture and Engineering Division	345,000	
Develop Alternate Water Supply, Capitol Complex		50,000 Proprietary Funds
Property Acquisition and Development, Capitol Complex		123,014 Capitol Land Grant
DEPARTMENT OF COMMERCE		
Improve Pavement and Lighting, Yellowstone Airport		51,773 Proprietary Funds 465,957 Federal Special Revenue
DEPARTMENT OF EDUCATION		
Replace Academic Building Roof and Miscellaneous Repairs, Montana School for the Deaf and Blind	339,000	
DEPARTMENT OF FAMILY SERVICES		
Expand Security Fence, Pine Hills School	27,000	

1	<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>	
2	Replace and Repair Roofs, Family	127,600		
3	Services			
4	DEPARTMENT OF FISH, WILDLIFE, AND PARKS			
5	Remove Underground Storage Tanks,			
6	Statewide		150,000	State Special Revenue
7	Headquarters Maintenance and			
8	Improvements, Statewide		85,000	State Special Revenue
9	Department Property Development,			
10	Statewide		360,000	State Special Revenue
11	State Park Maintenance and			
12	Development, Statewide		3,798,500	State Special Revenue
13			1,124,500	Federal Special Revenue
14	Fish Hatchery Maintenance, Statewide		37,500	State Special Revenue
15			112,500	Federal Special Revenue
16	Fishing Access Site Improvements,			
17	Statewide		286,000	State Special Revenue
18			858,000	Federal Special Revenue
19	Motorboat Access Facilities, Statewide		67,000	State Special Revenue
20			201,000	Federal Special Revenue
21	Wildlife Habitat Maintenance,			
22	Statewide		304,000	State Special Revenue
23	Waterfowl Habitat Enhancement,			
24	Statewide		399,500	State Special Revenue
25	DEPARTMENT OF HIGHWAYS			

	<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
1			
2	Maintenance Projects, Statewide		300,000 Highways State Special Revenue
3	Construct and Expand Maintenance		
4	Buildings, Statewide		715,000 Highways State Special Revenue
5	Equipment Storage Buildings, Statewide		568,525 Highways State Special Revenue
6	DEPARTMENT OF INSTITUTIONS		
7	Replace Water and Steam Lines, Montana		
8	Developmental Center	149,208	
9	Replace Roofs, Institutions	30,000	
10	Moisture Protection, Eastmont Human		
11	Services Center	98,450	
12	Maintain Roads and Parking Lots,		
13	Institutions	150,000	
14	Seal Buildings, Montana State Prison	25,000	
15	Building Improvements, Center for the		
16	Aged	105,015	
17	Replace Multipurpose Building		
18	Flooring, Montana State Hospital,		
19	Warm Springs	26,800	
20	DEPARTMENT OF LABOR AND INDUSTRY		
21	Renovate and Expand Job Service, Great		
22	Falls		310,000 Federal Special Revenue
23	DEPARTMENT OF STATE LANDS		
24	Construct Unit Office, Plains	235,000	
25	Construct Two Greenhouses, Missoula		191,900 State Special Revenue

	<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
1			
2	DEPARTMENT OF MILITARY AFFAIRS		
3	Kitchen Upgrade, Statewide	45,000	
4	Rifle Range Rehabilitation, Statewide	10,000	555,000 Federal Special Revenue
5	Armory Additions and Alterations,		
6	Statewide	150,000	16,155,000 Federal Special Revenue
7	Acquire Land and Preplan Armory,		
8	Billings	150,000	200,000 Federal Special Revenue
9	Expand Military Vehicle Compounds,		
10	Statewide	5,000	275,000 Federal Special Revenue
11	Federal Spending Authority		300,000 Federal Special Revenue
12	MONTANA UNIVERSITY SYSTEM		
13	Primary Electrical Vault Disconnect,		
14	Eastern Montana College	31,000	14,000 Auxiliary
15	Install Fire Alarm System, University		
16	of Montana	70,000	
17	Replace and Improve Roofs, University		
18	System	1,089,550	350,000 Auxiliary
19	Improve Underground Utilities, Phase		
20	I, University System	296,000	200,000 Auxiliary
21	Repair and Improve Heating System,		
22	Western Montana College	57,900	
23	Improve Handicapped Access, University		
24	System	335,000	
25	Replace Carpet, Great Falls Vo-Tech	60,000	



	<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
1			
2	Improve Sidewalks and Fire Access,		
3	University System	86,000	
4	Plan Chemistry/Pharmacy Renovations		
5	and Life Sciences Building,		
6	University of Montana	50,000	50,000 Federal Special Revenue
7			150,000 Donations
8	Plan Metallurgy Remodel, Montana Tech	50,000	
9	Various Improvements, University of		
10	Montana		2,584,600 Federal, Higher Education
11			Funds, and/or Donations
12	Remodel Student Union Building,		
13	Western Montana College		600,000 Auxiliary
14	Construct Engineering/Physical		
15	Sciences Complex, Montana State		
16	University		3,335,250 Higher Education Funds and/or
17			Donations
18	Construct Business Administration		
19	Building, University of Montana		2,322,900 Higher Education Funds and/or
20			Donations

21 (2) The following money is appropriated to the department of administration in the indicated  
 22 amounts for the purpose of planning projects described in [section 12] and authorized in [section  
 23 13]:

	<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
24			
25	Preliminary Design for Prison Expansion	\$ 877,500	

1	<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
2	Preliminary Design, University System:		
3	Engineering/Physical Sciences, MSU	1,165,290	
4	Business Administration, UM	604,705	
5	Apsaruke Hall, EMC	71,640	

6 NEW SECTION. Section 7. Capital improvements appropriation to Montana state prison. The  
 7 following money is appropriated to Montana state prison in the indicated amounts for the purpose of  
 8 making capital improvements to the Montana state prison industries facilities:

9	<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
10	Expand Industries Facilities, Montana		
11	State Prison		\$321,976 Proprietary Funds
12			14,000 Federal Special Revenue

13 NEW SECTION. Section 8. Land acquisition appropriation. The following money is appropriated to  
 14 the department of fish, wildlife, and parks in the indicated amounts for purposes of land  
 15 acquisition, land leasing, or easement purchase:

16	<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
17	Fishing Access Site Acquisition,		
18	Statewide		\$ 881,000 State Special Revenue
19	Wildlife Habitat Acquisition, Statewide		
20	Bighorn Sheep Habitat Acquisition,		4,923,356 State Special Revenue
21	Statewide		48,500 State Special Revenue

22 NEW SECTION. Section 9. River restoration. The following money is appropriated to the  
 23 department of fish, wildlife, and parks for river restoration:

24	<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
25	River Restoration, Statewide		\$261,000 State Special Revenue

1        NEW SECTION. Section 10. **Capital improvements.** (1) The following money is appropriated to the  
 2 department of highways in the indicated amount for the purpose of making capital improvements to  
 3 statewide facilities:

<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
Maintenance Projects, Statewide		\$143,500 Highways State Special Revenue

6        (2) The following money is appropriated to the department of state lands in the indicated  
 7 amounts for the purpose of making capital improvements to statewide facilities:

<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
Maintenance and Improvement Projects, Statewide	\$118,280	\$100,000 Federal Special Revenue

11       NEW SECTION. Section 11. **Disposition of unspent bond proceeds and related investment income.**  
 12 Excess investment income and excess principal of bonds issued for a specific purpose or project may  
 13 be placed in the debt service fund to retire bonds issued for the purpose or project.

14       NEW SECTION. Section 12. **Appropriation of bond proceeds and other funds.** The following money  
 15 is appropriated from the bond proceeds and other funding sources to the department of administration  
 16 for the capital projects described in this section contingent upon the respective authorization and  
 17 sale of general obligation long-range building program bonds by the 52nd legislature and the board  
 18 of examiners:

<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
Major Expansion, Montana State Prison		\$19,360,745
Construct Engineering/Physical Sciences Complex, Montana State University		17,734,460
Construct Business Administration Building, University of Montana		12,558,395

	<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
2	Construct Gymnasium, Northern Montana		
3	College		8,000,000
4	Renovate Apsaruke Hall, Eastern Montana		
5	College		1,228,360

6 NEW SECTION. Section 13. **Authorization of bonds.** The board of examiners is authorized to issue  
7 and sell general obligation long-range building program bonds in an amount not exceeding \$58,881,960  
8 for the projects described in [section 12] over and above the amount of general obligation  
9 long-range building program bonds outstanding on January 1, 1991, to be issued in accordance with  
10 the terms and in the manner required by Title 17, chapter 5, part 8. The authority granted to the  
11 board by this section is in addition to any other authorization to the board to issue and sell  
12 general obligation long-range building program bonds.

13 NEW SECTION. Section 14. **Agreement with the board of regents.** For the proceeds of bonds or  
14 notes authorized and appropriated by [this act] for the construction of a gymnasium at northern  
15 Montana college, the board of examiners and the board of regents may enter into an agreement under  
16 the terms of which the regents shall pay the state treasurer, for deposit in accordance with  
17 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the  
18 principal and interest as due on the bonds or notes from which the appropriation was made and to  
19 accumulate and maintain reserves required under such bonds. The agreement must further provide that  
20 income from the investment of bond proceeds, unused principal, and the reserves not required for  
21 construction or renovation costs may be credited against the regents' payment obligation. Payments  
22 by the regents must be made from available funds.

23 NEW SECTION. Section 15. **Benefit of state.** The agreement made pursuant to [section 14] is  
24 solely for the benefit of the state of Montana and is not enforceable by bondholders or other  
25 third-party beneficiaries.

1        NEW SECTION. Section 16. **Capital projects reauthorization.** (1) The appropriations for capital  
2 projects authorized in section 5, House Bill No. 900, Laws of 1983, and in section 6, House Bill No.  
3 5, Laws of 1987, for the Creston Springs hatchery operated by the department of fish, wildlife, and  
4 parks are appropriated through the biennium ending June 30, 1993, for a kokanee salmon facility.

5        (2) The appropriation for capital projects authorized in section 6, House Bill No. 777, Laws of  
6 1989, for the construction of statewide sandhouses operated by the department of highways is  
7 appropriated through the biennium ending June 30, 1993, for the construction of an equipment storage  
8 garage near Lincoln.

9        NEW SECTION. Section 17. **Planning and design.** The department of administration may proceed  
10 with the planning and design of capital projects prior to the sale of bonds or the receipt of other  
11 funding sources. The department may use interaccount loans in accordance with 17-2-107 to pay  
12 planning and design costs incurred prior to the receipt of bond proceeds or other funding sources.

13        NEW SECTION. Section 18. **Capital projects -- contingent funds.** (1) If a capital project is  
14 financed in whole or in part with appropriations contingent upon the receipt of other funding  
15 sources, the department of administration may not let such projects for bid until the agency has  
16 submitted a financial plan for approval by the director of the department of administration. A  
17 financial plan may not be approved by the director if:

18        (a) the level of funding provided under the financial plan deviates substantially from the  
19 funding levels provided in [sections 1 through 19] for that project; or

20        (b) the scope of the project must be substantially altered or revised from the preliminary  
21 plans presented for that project in the 1992-93 long-range building program presented to the 52nd  
22 legislature.

23        (2) The funds appropriated in [section 6(1)] for the construction of an engineering/physical  
24 sciences complex at Montana state university and for the construction of a business administration  
25 building at the university of Montana shall be expended before expenditure of state bond proceeds

1 for construction.

2 NEW SECTION. Section 19. **Legislative consent.** The appropriations authorized in [sections 1  
3 through 19] constitute legislative consent for the capital projects contained in [sections 1 through  
4 19] within the meaning of 18-2-102.

5 NEW SECTION. Section 20. **Severability.** If a part of [this act] is invalid, all valid parts  
6 that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one  
7 or more of its applications, the part remains in effect in all valid applications that are severable  
8 from the invalid applications.

9 NEW SECTION. Section 21. **Requirements for approval of state debt.** Because [section 13]  
10 authorizes the creation of a state debt, a vote of two-thirds of the members of each house is  
11 required for enactment of [sections 12 through 15]. If [section 13] is not approved by the required  
12 vote, [section 6(2) and sections 12 through 15] are void. The remaining sections of [this act] are  
13 valid and remain in effect in all valid applications upon enactment.

14 NEW SECTION. Section 22. **Effective date.** [This act] is effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE  
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0005, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

This is the capital projects bill for the 1993 biennium.

ASSUMPTIONS:

1. This fiscal note is limited to the impact of the bonded portion of the bill; expenditures and impacts of the cash portion of the bill will be delineated in the Capital Construction Program.
2. The only general obligation bonds to be issued during the 1993 biennium will be \$19,360,745 for the prison expansion and \$1,228,360 to renovate Asparuke Hall at Eastern Montana College. These bonds are assumed to have an issue date of July 1, 1992. The remaining debt issuance authorized will be in FY94 or later.
3. There is no fiscal impact in FY92 because debt service payments will be scheduled to begin in FY93.
4. The buildings to be constructed at U of M and MSU provide for a 15% match and it is assumed the capital campaign will require at least two years.
5. The Governor's executive budget recommendation that general obligation debt service not increase by more than \$800,000 for the 1993 biennium is assumed.

FISCAL IMPACT:

Department of Administration:

	FY 92			FY 93		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
<u>Expenditures:</u>						
Debt Service	n/a	n/a	n/a	10,953,910	11,753,910	800,000
<u>Funding:</u>						
General Fund				10,953,910	11,753,910	800,000

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:


The Northern Montana College proposal identifies the community as assuming responsibility for a portion of the debt service for bonds to construct the gymnasium.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The proposed general obligation debt issue is \$58,881,960, with \$8,000,000 of that amount to be retired by NMC. The remaining \$50,881,960 will increase general fund debt service payments by a range of \$4-\$6 million each year for 20 years.

TECHNICAL NOTES:

Cost of the major expansion at Montana State Prison is calculated based on passage of LC 1304, a bill to allow the use of inmates to provide construction and renovation services without a maximum dollar limit. If this bill does not pass, the prison project costs will increase by \$1,563,025 and this would increase the debt service accordingly.

 1-7-91  
 ROD SUNDSTED, BUDGET DIRECTOR DATE  
 Office of Budget and Program Planning

 1-7-91  
 FRANCIS BARDANOUVE, PRIMARY SPONSOR DATE

Fiscal Note for HB0005, as introduced

HB 5

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0005, third reading.

DESCRIPTION OF PROPOSED LEGISLATION:

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ASSUMPTIONS:

1. This fiscal note is limited to the impact of the bonded portion of the bill; expenditures and impacts of the cash portion of the bill will be delineated in the Capital Construction Program.
2. The only general obligation bonds to be issued during the 1993 biennium will be \$19,360,745 for the Montana State Prison expansion and \$10,075,600 for construction of the Woman's Correction Center. These bonds are assumed to have an issue date of July 1, 1992. The remaining debt issuance authorized will be in FY94 or later.
3. There is no fiscal impact in FY92 because debt service payments will be scheduled to begin in FY93.
4. The buildings to be constructed at U of M and MSU provide for a 12% match and it is assumed the capital campaign will require at least two years.
5. The Governor's executive budget recommendation that general obligation debt service not increase by more than \$800,000 for the 1993 biennium will be achieved.

FISCAL IMPACT:

Department of Administration:


	FY 92			FY 93		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
<u>Expenditures:</u>						
Debt Service	n/a	n/a	n/a	10,953,910	11,753,910	800,000
<u>Funding:</u>						
General Fund				10,953,910	11,753,910	800,000

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The proposed total general obligation debt issue is \$60,860,830, which will increase general fund debt service payments by approximately \$6 million each year for 20 years.

TECHNICAL NOTES:

Cost of the major expansion at Montana State Prison is calculated based on passage of HB1005 which will allow the use of inmates in this construction project. If this bill does not pass, the prison projects costs will increase by \$1,872,049 and this would increase the debt service accordingly.

  
 \_\_\_\_\_  
 ROD SUNDSTED, BUDGET DIRECTOR  
 Office of Budget and Program Planning

4-2-91  
 DATE

  
 \_\_\_\_\_  
 FRANCIS BARDANOUE, PRIMARY SPONSOR

4-5-91  
 DATE

Fiscal Note for HB0005, third reading

**HB5-2**



APPROVED BY COMMITTEE  
ON APPROPRIATIONS

1 HOUSE BILL NO. 5

2 INTRODUCED BY BARDANOUVE, CONNELLY

3 BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO APPROPRIATE MONEY FOR CAPITAL PROJECTS; TO AUTHORIZE THE  
6 ISSUANCE AND SALE OF GENERAL OBLIGATION LONG-RANGE BUILDING PROGRAM BONDS; TO APPROPRIATE THE  
7 PROCEEDS OF THE BONDS FOR CAPITAL PROJECTS FOR THE BIENNIUM ENDING JUNE 30, 1993; TO PROVIDE FOR AN  
8 AGREEMENT BETWEEN THE BOARD OF EXAMINERS AND THE BOARD OF REGENTS; TO PROVIDE FOR OTHER MATTERS  
9 RELATING TO THE APPROPRIATIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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16 legislative branch, or office of the judicial branch of state government.

17 (2) "Approved budget amendment" means approval by the budget director of a request submitted  
18 through the architecture and engineering division of the department of administration to transfer  
19 excess funds appropriated to a capital project within an agency in order to increase the  
20 appropriations of another capital project within that agency or to obtain financing to expand a  
21 project with funds that were not available for consideration by the legislature.

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23 construction, renovation, furnishing, or major repair projects authorized in [sections 1 through 19  
24 17].

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SECOND READING  
HB 5

1 (5) "Major maintenance" means building maintenance or repair projects that are not needed on an  
2 annual or biennial basis or are not the function of the permanent maintenance staff of the agency.

3 (6) "Major maintenance plan" means a 6-year schedule of anticipated major maintenance  
4 requirements and costs for the first 2 years of the schedule, developed for each state building, as  
5 determined by the department of administration. The plan must include a record of major maintenance  
6 performed in the previous biennium.

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20 proposals submitted to the legislature and for all existing applicable state buildings, as  
21 determined by the department of administration, each agency, in consultation with the architecture  
22 and engineering division of the department of administration, shall provide a major maintenance  
23 plan. This plan must be submitted by the agency to the department of administration by July 1 of  
24 each even-numbered year, along with the proposed long-range building program required under  
25 17-7-202.

1        NEW SECTION. Section 6. **Capital projects appropriations.** (1) The following money is  
 2 appropriated for the indicated capital projects from the indicated sources to the department of  
 3 administration, which is authorized to transfer the appropriated money among the necessary fund  
 4 types for these projects:

<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
6 DEPARTMENT OF ADMINISTRATION		
7        Hazardous        Material        Abatement,		
8                Statewide	\$ 656,688	\$ 150,000 Auxiliary
9	<u>617,500</u>	
10 <u>STATE BUILDING ENERGY RETROFIT,</u>		
11 <u>STATEWIDE</u>		<u>500,000 NONSTATE STATE SPECIAL REVENUE</u>
12		<u>1,000,000 FEDERAL SPECIAL REVENUE</u>
13		<u>500,000 AUXILIARY OR OTHER</u>
14        Construction Litigation, Architecture		
15                and Engineering Division	345,000	
16        Develop Alternate Water Supply,		
17                Capitol Complex		50,000 Proprietary Funds
18        Property Acquisition and Development,		
19                Capitol Complex		123,014 Capitol Land Grant
20 DEPARTMENT OF COMMERCE		
21        Improve Pavement and Lighting,		
22                Yellowstone Airport		51,773 Proprietary Funds
23		465,957 Federal Special Revenue
24 DEPARTMENT OF EDUCATION		

	<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
1			
2	Replace Academic Building Roof and		
3	Miscellaneous Repairs, Montana		
4	School for the Deaf and Blind	339,000	
5	DEPARTMENT OF FAMILY SERVICES		
6	Expand Security Fence, Pine Hills		
7	School	27,000	
8	Replace and Repair Roofs, Family		
9	Services	127,600	
10	DEPARTMENT OF FISH, WILDLIFE, AND PARKS		
11	Remove Underground Storage Tanks,		
12	Statewide		150,000 State Special Revenue
13	Headquarters Maintenance and		
14	Improvements, Statewide		85,000 State Special Revenue
15	Department Property Development,		
16	Statewide		360,000 State Special Revenue
17	State Park Maintenance and		
18	Development, Statewide		3,798,500 State Special Revenue
19			1,124,500 Federal Special Revenue
20	Fish Hatchery Maintenance, Statewide		37,500 State Special Revenue
21			112,500 Federal Special Revenue
22	Fishing Access Site Improvements,		
23	Statewide		286,000 State Special Revenue
24			858,000 Federal Special Revenue
25	Motorboat Access Facilities, Statewide		67,000 State Special Revenue

	<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
1			
2			201,000 Federal Special Revenue
3	Wildlife Habitat Maintenance,		
4	Statewide		304,000 State Special Revenue
5	Waterfowl Habitat Enhancement,		
6	Statewide		399,500 State Special Revenue
7			<u>349,500</u>
8	DEPARTMENT OF HIGHWAYS		
9	Maintenance Projects, Statewide		300,000 Highways State Special Revenue
10			<u>450,000</u>
11	Construct and Expand Maintenance <u>AND</u>		
12	<u>STORAGE</u> Buildings, Statewide		745,000 Highways State Special Revenue
13			<u>1,167,600</u>
14	Equipment-Storage-Buildings,-Statewide		568,525 Highways-State-Special-Revenue
15			<u>115,925</u> <u>FEDERAL SPECIAL REVENUE</u>
16	DEPARTMENT OF INSTITUTIONS		
17	Replace Water and Steam Lines, Montana		
18	Developmental Center	149,206	
19		<u>116,708</u>	
20	Replace Roofs, Institutions	30,000	
21	Moisture Protection, Eastmont Human		
22	Services Center	98,450	
23	Maintain Roads and Parking Lots,		
24	Institutions	150,000	
25		<u>37,625</u>	

	<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>	
2	<u>MONTANA STATE HOSPITAL INFRASTRUCTURE</u>			
3	<u>STUDY</u>	112,375		
4	Seal Buildings, Montana State Prison	25,000		
5	Building Improvements, Center for the			
6	Aged	105,015		
7	Replace Multipurpose Building			
8	Flooring, Montana State Hospital,			
9	Warm Springs	26,800		
10	<u>GALEN REPAIR PROJECTS</u>	181,000		
11	DEPARTMENT OF LABOR AND INDUSTRY			
12	Renovate and Expand Job Service, Great			
13	Falls		310,000	Federal Special Revenue
14	<u>VARIOUS MAJOR MAINTENANCE PROJECTS</u>		209,450	<u>FEDERAL SPECIAL REVENUE</u>
15	DEPARTMENT OF STATE LANDS			
16	Construct Unit Office, Plains	235,000		
17	Construct Two Greenhouses, Missoula		191,900	State Special Revenue
18	DEPARTMENT OF MILITARY AFFAIRS			
19	Kitchen Upgrade, Statewide	45,000		
20	Rifle Range Rehabilitation, Statewide	10,000	555,000	Federal Special Revenue
21	Armory Additions and Alterations,			
22	Statewide	150,000	16,155,000	Federal Special Revenue
23	Acquire Land and Preplan Armory,			
24	Billings	150,000	200,000	Federal Special Revenue

	<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
1			
2	Expand Military Vehicle Compounds,		
3	Statewide	5,000	275,000 Federal Special Revenue
4	Federal Spending Authority		300,000 Federal Special Revenue
5	MONTANA UNIVERSITY SYSTEM		
6	Primary Electrical Vault Disconnect,		
7	Eastern Montana College	31,000	14,000 Auxiliary
8	Install Fire Alarm System, University		
9	of Montana	70,000	
10	Replace and Improve Roofs, University		
11	System	<del>1,089,550</del>	350,000 Auxiliary
12		<u>1,154,550</u>	<u>PLANT</u>
13	Improve Underground Utilities, Phase		
14	I, University System	296,000	200,000 Auxiliary
15	Repair and Improve Heating System,		
16	Western Montana College	57,900	
17	Improve Handicapped Access, University		
18	System	335,000	
19	Replace Carpet, Great Falls Vo-Tech	60,000	
20	Improve Sidewalks and Fire Access,		
21	University System	86,000	
22	Plan Chemistry/Pharmacy Renovations		
23	and----Life----Sciences----Building,		
24	University of Montana	50,000	50,000 Federal-Special-Revenue
25			150,000 Donations

	<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
1			
2	Plan Metallurgy Remodel, Montana Tech	50,000	
3	<u>WINDOW RETROFIT MUSEUM BUILDING,</u>		
4	<u>MONTANA TECH</u>	<u>142,000</u>	
5	Various Improvements, University of		
6	Montana		2,584,600 Federal, Higher Education
7			Funds, and/or Donations
8	<u>CENTENNIAL MALL, MONTANA STATE</u>		
9	<u>UNIVERSITY</u>		<u>1,600,000 PLANT</u>
10	Remodel Student Union Building,		
11	Western Montana College		600,000 Auxiliary
12	Construct Engineering/Physical		
13	Sciences Complex, Montana State		
14	University		3,335,258 Higher Education Funds and/or
15			Donations
16			<u>2,668,200</u>
17	<u>LIFE SCIENCE BUILDING, UNIVERSITY OF</u>		
18	<u>MONTANA</u>		<u>12,000,000 FEDERAL SPECIAL REVENUE</u>
19	Construct Business Administration		
20	Building, University of Montana		2,322,908 Higher Education Funds and/or
21			Donations
22			<u>1,858,320</u>
23	<u>MULTIPURPOSE BUILDING, NORTHERN</u>		
24	<u>AGRICULTURAL RESEARCH CENTER</u>	<u>150,000</u>	
25	<u>(2) FOR PURPOSES OF OBTAINING CASH FOR THE CONSTRUCTION LITIGATION APPROPRIATION AUTHORITY IN</u>		



1 [SECTION 6(1)], THE ARCHITECTURE AND ENGINEERING DIVISION OF THE DEPARTMENT OF ADMINISTRATION IS  
 2 AUTHORIZED TO REQUEST A BUDGET AMENDMENT FOR TRANSFER OF ANY EXCESS LONG-RANGE BUILDING PROJECT  
 3 FUNDS FROM ANY AGENCY SO LONG AS THE AMENDMENT DOES NOT MOVE FUNDS REQUIRED TO COMPLETE ANY  
 4 AUTHORIZED AGENCY PROJECT.

5 ~~(2)~~(3) The following money is appropriated to the department of administration in the indicated  
 6 amounts for the purpose of planning projects described in [section 12] and authorized in [section  
 7 13]:

<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
Preliminary Design for Prison Expansion	\$ 877,500	
Preliminary Design, University System:		
Engineering/Physical Sciences, MSU	1,165,290	
Business Administration, UM	604,705	
Apsaroke-Hatt, -EMC	77,646	

14 NEW SECTION. Section 7. **Capital improvements appropriation to Montana state prison.** The  
 15 following money is appropriated to Montana state prison in the indicated amounts for the purpose of  
 16 making capital improvements to the Montana state prison industries facilities:

<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
Expand Industries Facilities, Montana		
State Prison		\$321,976 Proprietary Funds
		14,000 Federal Special Revenue

21 NEW SECTION. Section 8. **Land acquisition appropriation.** (1) The following money is  
 22 appropriated to the department of fish, wildlife, and parks in the indicated amounts for purposes of  
 23 land acquisition, land leasing, or easement purchase:

<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
-----------------------	--------------	------------------------------

	<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
1			
2	Fishing Access Site Acquisition,		
3	Statewide	\$ 881,000	State Special Revenue
4	Wildlife Habitat Acquisition, Statewide	4,923,356	State Special Revenue
5	Bighorn Sheep Habitat Acquisition,		
6	Statewide	48,500	State Special Revenue

7 (2) THE AMOUNT OF \$150,000 OF THE APPROPRIATION FOR "WILDLIFE HABITAT ACQUISITION, STATEWIDE"  
 8 MAY BE USED TO IMPLEMENT THE PROVISIONS OF [SECTION 2 OF SENATE BILL NO. 252], PASSED BY THE 52ND  
 9 LEGISLATURE.

10 NEW SECTION. Section 9. River restoration. The following money is appropriated to the  
 11 department of fish, wildlife, and parks for river restoration:

	<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
12			
13	River Restoration, Statewide	\$267,888	State Special Revenue
14		\$219,000	

15 NEW SECTION. Section 10. Capital improvements. (1) The following money is appropriated to the  
 16 department of highways in the indicated amount for the purpose of making capital improvements to  
 17 statewide facilities:

	<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
18			
19	Maintenance Projects, Statewide	\$149,588	Highways State Special Revenue
20		\$243,500	

21 (2) The following money is appropriated to the department of state lands in the indicated  
 22 amounts for the purpose of making capital improvements to statewide facilities:

	<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
23			
24	Maintenance and Improvement Projects,		
25	Statewide	\$118,280	\$100,000 Federal Special Revenue

1       (3) THE FOLLOWING MONEY IS APPROPRIATED TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS IN THE  
 2 INDICATED AMOUNT FOR THE PURPOSE OF IMPROVING WATERFOWL HABITAT:

<u>AGENCY/PROJECT</u>	<u>LRBPF</u>	<u>OTHER FUNDING SOURCES</u>
4 <u>WATERFOWL HABITAT ENHANCEMENT, STATEWIDE</u>		<u>\$50,000 STATE SPECIAL REVENUE</u>

5       NEW SECTION. Section 11. Disposition of unspent bond proceeds and related investment income.

6 Excess investment income and excess principal of bonds issued for a specific purpose or project may  
 7 be placed in the debt service fund to retire bonds issued for the purpose or project.

8       NEW SECTION. Section 12. Appropriation of bond proceeds and other funds. The following money

9 is appropriated from the bond proceeds and other funding sources to the department of administration  
 10 for the capital projects described in this section contingent upon the respective authorization and  
 11 sale of general obligation long-range building program bonds by the 52nd legislature and the board  
 12 of examiners:

<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
14 Major Expansion, Montana State Prison		\$19,360,745
15 Construct Engineering/Physical Sciences		
16     Complex, Montana State University		+7,734,460
17		<u>18,401,510</u>
18 Construct Business Administration		
19     Building, University of Montana		+2,550,395
20		<u>13,022,975</u>
21 <u>CONSTRUCT WOMEN'S CORRECTION CENTER</u>		<u>10,075,600</u>
22 Construct--Gymnasium--Northern--Montana		
23     College		8,000,000
24 Renovate-Apsaroke-Hall--Eastern--Montana		
25     College		+228,360

1        NEW SECTION. Section 13. **Authorization of bonds.** The board of examiners is authorized to issue  
 2 and sell general obligation long-range building program bonds in an amount not exceeding \$50,000,960  
 3 \$68,957,560 for the projects described in [section 12] over and above the amount of general  
 4 obligation long-range building program bonds outstanding on January 1, 1991, to be issued in  
 5 accordance with the terms and in the manner required by Title 17, chapter 5, part 8. The authority  
 6 granted to the board by this section is in addition to any other authorization to the board to issue  
 7 and sell general obligation long-range building program bonds.

8        ~~NEW SECTION:--Section-14:--Agreement-with-the-board-of-regents:--For-the--proceeds--of--bonds--or~~  
 9 ~~notes--authorized--and--appropriated--by--{this-act}-for-the-construction-of-a-gymnasium-at-northern~~  
 10 ~~Montana-college;--the-board-of-examiners-and-the-board-of-regents-may-enter-into-an--agreement--under~~  
 11 ~~the--terms--of--which--the--regents--shall--pay--the-state-treasurer;--for-deposit-in-accordance-with~~  
 12 ~~17-2-101-through-17-2-107;--as-determined-by-the-state-treasurer;--an-amount--sufficient--to--pay--the~~  
 13 ~~principal--and--interest--as-due-on-the-bonds-or-notes-from-which-the-appropriation-was-made-and-to~~  
 14 ~~acomodate-and-maintain-reserves-required-under-such-bonds;--The-agreement-must-further-provide--that~~  
 15 ~~income--from--the--investment--of-bond-proceeds;--unused-principal;--and-the-reserves-not-required-for~~  
 16 ~~construction-or-renovation-costs-may-be-credited-against-the-regents'-payment-obligation;--Payments~~  
 17 ~~by-the-regents-must-be-made-from-availabte-funds;~~

18        ~~NEW SECTION:--Section-15:--Benefit--of--state;--The--agreement--made-pursuant-to-{section-14}-is~~  
 19 ~~solely-for-the-benefit-of-the-state-of-Montana-and--is--not--enforceable--by--bondholders--or--other~~  
 20 ~~third-party-beneficiaries;~~

21        NEW SECTION. Section 14. **Capital projects reauthorization.** (1) The appropriations for capital  
 22 projects authorized in section 5, House Bill No. 900, Laws of 1983, and in section 6, House Bill No.  
 23 5, Laws of 1987, for the Creston Springs hatchery operated by the department of fish, wildlife, and  
 24 parks are appropriated through the biennium ending June 30, 1993, for a kokanee salmon facility.

25        (2) The appropriation for capital projects authorized in section 6, House Bill No. 777, Laws of

1 1989, for the construction of statewide sandhouses operated by the department of highways is  
 2 appropriated through the biennium ending June 30, 1993, for the construction of an equipment storage  
 3 garage near Lincoln.

4 (3) THE APPROPRIATIONS FOR CAPITAL PROJECTS AUTHORIZED IN SECTIONS 6 AND 8(1) OF HOUSE BILL NO.  
 5 777, LAWS OF 1989, FOR THE LAKE ELMO IMPROVEMENTS PROJECT ARE REAPPROPRIATED AS FOLLOWS: THROUGH  
 6 JUNE 30, 1991, APPROPRIATED FUNDS ARE RESERVED FOR THE LAKE ELMO IMPROVEMENTS PROJECT. ANY CAPITAL  
 7 PROJECTS FUNDS THAT HAVE NOT BY THAT DATE BEEN MATCHED WITH LOCAL FUNDS ON A CASH BASIS, THROUGH A  
 8 DEPOSIT OF CASH WITH THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS ACCOUNTS, ARE NO LONGER RESERVED  
 9 FOR THE PROJECT. ANY REMAINING BALANCE OF CAPITAL PROJECTS FUNDS NOT DESIGNATED FOR LAKE ELMO  
 10 IMPROVEMENTS AS OF JULY 1, 1991, ARE AVAILABLE TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO  
 11 EXPEND FOR STATE PARKS IMPROVEMENTS. FUNDS FOR THESE PROJECTS MUST BE MATCHED EQUALLY BY LOCAL  
 12 FUNDS. THE DEPARTMENT OF ADMINISTRATION MAY EXPEND ONLY THAT PORTION OF THE APPROPRIATION THAT IS  
 13 EQUALLY MATCHED WITH LOCAL FUNDS ON A CASH BASIS. IN-KIND SERVICES MAY NOT BE CONSIDERED FOR  
 14 MATCHING PURPOSES.

15 NEW SECTION. Section 15. **Planning and design.** The department of administration may proceed  
 16 with the planning and design of capital projects prior to the sale of bonds or the receipt of other  
 17 funding sources. The department may use interaccount loans in accordance with 17-2-107 to pay  
 18 planning and design costs incurred prior to the receipt of bond proceeds or other funding sources.

19 NEW SECTION. Section 16. **Capital projects -- contingent funds.** (1) If a capital project is  
 20 financed in whole or in part with appropriations contingent upon the receipt of other funding  
 21 sources, the department of administration may not let such projects for bid until the agency has  
 22 submitted a financial plan for approval by the director of the department of administration. A  
 23 financial plan may not be approved by the director if:

24 (a) the level of funding provided under the financial plan deviates substantially from the  
 25 funding levels provided in [sections 1 through +9 17] for that project; or

1 (b) the scope of the project must be substantially altered or revised from the preliminary  
2 plans presented for that project in the 1992-93 long-range building program presented to the 52nd  
3 legislature.

4 (2) The funds appropriated in [section 6(1)] for the construction of an engineering/physical  
5 sciences complex at Montana state university and for the construction of a business administration  
6 building at the university of Montana shall be expended before expenditure of state bond proceeds  
7 for construction.

8 NEW SECTION. Section 17. **Legislative consent.** The appropriations authorized in [sections 1  
9 through ~~9~~ 17] constitute legislative consent for the capital projects contained in [sections 1  
10 through ~~9~~ 17] within the meaning of 18-2-102.

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

15 NEW SECTION. Section 19. **Requirements for approval of state debt.** Because [section 13]  
16 authorizes the creation of a state debt, a vote of two-thirds of the members of each house is  
17 required for enactment of [sections 12 through ~~15~~ AND 13]. If [section 13] is not approved by the  
18 required vote, [section 6(2) and sections 12 through ~~15~~ AND 13] are void. The remaining sections of  
19 [this act] are valid and remain in effect in all valid applications upon enactment.

20 NEW SECTION. Section 20. **Effective date.** [This act] is effective on passage and approval.

-End-

HOUSE BILL NO. 5

INTRODUCED BY BARDANOUVE, CONNELLY

BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING

A BILL FOR AN ACT ENTITLED: "AN ACT TO APPROPRIATE MONEY FOR CAPITAL PROJECTS; TO AUTHORIZE THE ISSUANCE AND SALE OF GENERAL OBLIGATION LONG-RANGE BUILDING PROGRAM BONDS; TO APPROPRIATE THE PROCEEDS OF THE BONDS FOR CAPITAL PROJECTS FOR THE BIENNIUM ENDING JUNE 30, 1993; TO PROVIDE FOR AN AGREEMENT BETWEEN THE BOARD OF EXAMINERS AND THE BOARD OF REGENTS; TO PROVIDE 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 19 17], unless otherwise stated, the following definitions apply:

(1) "Agency" includes each state office, department, board, commission, council, or committee, the university system, or any other entity or instrumentality of the executive branch, office of the legislative branch, or office of the judicial branch of state government.

(2) "Approved budget amendment" means approval by the budget director of a request submitted through the architecture and engineering division of the department of administration to transfer excess funds appropriated to a capital project within an agency in order to increase the appropriations of another capital project within that agency or to obtain financing to expand a project with funds that were not available for consideration by the legislature.

(3) "Capital project" means acquisition of land or improvements, planning, capital construction, renovation, furnishing, or major repair projects authorized in [sections 1 through 19 17].

(4) "LRBPF" means the long-range building program fund in the capital projects fund type.



THIRD READING  
HB 5

1 (5) "Major maintenance" means building maintenance or repair projects that are not needed on an  
2 annual or biennial basis or are not the function of the permanent maintenance staff of the agency.

3 (6) "Major maintenance plan" means a 6-year schedule of anticipated major maintenance  
4 requirements and costs for the first 2 years of the schedule, developed for each state building, as  
5 determined by the department of administration. The plan must include a record of major maintenance  
6 performed in the previous biennium.

7 (7) "Other funding sources" means money other than general fund money or long-range building  
8 program fund money, including special revenue fund money, that accrues to an agency under the  
9 provisions of law.

10 NEW SECTION. Section 2. **Expansion required to be authorized.** An existing capital project may  
11 not be expanded beyond the scope of the project as approved by the 52nd legislature unless the  
12 capital project expansion is authorized by an approved budget amendment.

13 NEW SECTION. Section 3. **Federal funds for administration.** All federal funds received as a  
14 reimbursement for the cost of administering the federal funds when the cost was financed from the  
15 general fund revert to the general fund.

16 NEW SECTION. Section 4. **Reappropriation.** Notwithstanding any other provision of law, the  
17 remaining balances on capital projects previously appropriated are reappropriated until June 30,  
18 1993, for the purposes for which originally appropriated.

19 NEW SECTION. Section 5. **Major maintenance plan -- requirements.** For all new construction  
20 proposals submitted to the legislature and for all existing applicable state buildings, as  
21 determined by the department of administration, each agency, in consultation with the architecture  
22 and engineering division of the department of administration, shall provide a major maintenance  
23 plan. This plan must be submitted by the agency to the department of administration by July 1 of  
24 each even-numbered year, along with the proposed long-range building program required under  
25 17-7-202.



1 NEW SECTION. Section 6. Capital projects appropriations. (1) The following money is  
 2 appropriated for the indicated capital projects from the indicated sources to the department of  
 3 administration, which is authorized to transfer the appropriated money among the necessary fund  
 4 types for these projects:

<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
DEPARTMENT OF ADMINISTRATION		
Hazardous Material Abatement,		
Statewide	\$ 658,888	\$ 150,000 Auxiliary
	<u>617,500</u>	
<u>STATE BUILDING ENERGY RETROFIT,</u>		
<u>STATEWIDE</u>		<u>500,000 NONSTATE STATE SPECIAL REVENUE</u>
		<u>1,000,000 FEDERAL SPECIAL REVENUE</u>
		<u>500,000 AUXILIARY OR OTHER</u>
Construction Litigation, Architecture and Engineering Division	345,000	
Develop Alternate Water Supply, Capitol Complex		50,000 Proprietary Funds
Property Acquisition and Development, Capitol Complex		123,014 Capitol Land Grant
DEPARTMENT OF COMMERCE		
Improve Pavement and Lighting, Yellowstone Airport		51,773 Proprietary Funds
		465,957 Federal Special Revenue
DEPARTMENT OF EDUCATION		

1	<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
2	Replace Academic Building Roof and		
3	Miscellaneous Repairs, Montana		
4	School for the Deaf and Blind	339,000	
5	DEPARTMENT OF FAMILY SERVICES		
6	Expand Security Fence, Pine Hills		
7	School	27,000	
8	Replace and Repair Roofs, Family		
9	Services	127,600	
10	DEPARTMENT OF FISH, WILDLIFE, AND PARKS		
11	Remove Underground Storage Tanks,		
12	Statewide		150,000 State Special Revenue
13	Headquarters Maintenance and		
14	Improvements, Statewide		85,000 State Special Revenue
15	Department Property Development,		
16	Statewide		360,000 State Special Revenue
17	State Park Maintenance and		
18	Development, Statewide		3,798,500 State Special Revenue
19			1,124,500 Federal Special Revenue
20	Fish Hatchery Maintenance, Statewide		37,500 State Special Revenue
21			112,500 Federal Special Revenue
22	Fishing Access Site Improvements,		
23	Statewide		286,000 State Special Revenue
24			858,000 Federal Special Revenue
25	Motorboat Access Facilities, Statewide		67,000 State Special Revenue

	<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
1			
2			201,000 Federal Special Revenue
3	Wildlife Habitat Maintenance,		
4	Statewide		304,000 State Special Revenue
5	Waterfowl Habitat Enhancement,		
6	Statewide		399,500 State Special Revenue
7			<u>349,500</u>
8	DEPARTMENT OF HIGHWAYS		
9	Maintenance Projects, Statewide		300,000 Highways State Special Revenue
10			<u>450,000</u>
11	Construct and Expand Maintenance <u>AND</u>		
12	<u>STORAGE</u> Buildings, Statewide		715,000 Highways State Special Revenue
13			<u>1,167,600</u>
14	Equipment-Storage-Buildings,-Statewide		568,525 Highways-State-Special-Revenue
15			<u>115,925</u> <u>FEDERAL SPECIAL REVENUE</u>
16	DEPARTMENT OF INSTITUTIONS		
17	Replace Water and Steam Lines, Montana		
18	Developmental Center	149,200	
19		<u>116,708</u>	
20	Replace Roofs, Institutions	30,000	
21	Moisture Protection, Eastmont Human		
22	Services Center	98,450	
23	Maintain Roads and Parking Lots,		
24	Institutions	150,000	
25		<u>37,625</u>	

	<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>	
2	<u>MONTANA STATE HOSPITAL INFRASTRUCTURE</u>			
3	<u>STUDY</u>	<u>112,375</u>		
4	Seal Buildings, Montana State Prison	25,000		
5	Building Improvements, Center for the			
6	Aged	105,015		
7	Replace Multipurpose Building			
8	Flooring, Montana State Hospital,			
9	Warm Springs	26,800		
10	<u>GALEN REPAIR PROJECTS</u>	<u>181,000</u>		
11	DEPARTMENT OF LABOR AND INDUSTRY			
12	Renovate and Expand Job Service, Great			
13	Falls		310,000	Federal Special Revenue
14	<u>VARIOUS MAJOR MAINTENANCE PROJECTS</u>		<u>209,450</u>	<u>FEDERAL SPECIAL REVENUE</u>
15	DEPARTMENT OF STATE LANDS			
16	Construct Unit Office, Plains	235,000		
17	Construct Two Greenhouses, Missoula		191,900	State Special Revenue
18	DEPARTMENT OF MILITARY AFFAIRS			
19	Kitchen Upgrade, Statewide	45,000		
20	Rifle Range Rehabilitation, Statewide	10,000	555,000	Federal Special Revenue
21	Armory Additions and Alterations,			
22	Statewide	150,000	16,155,000	Federal Special Revenue
23	Acquire Land and Preplan Armory,			
24	Billings	150,000	200,000	Federal Special Revenue

	<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
1			
2	Expand Military Vehicle Compounds,		
3	Statewide	5,000	275,000 Federal Special Revenue
4	Federal Spending Authority		300,000 Federal Special Revenue
5	MONTANA UNIVERSITY SYSTEM		
6	Primary Electrical Vault Disconnect,		
7	Eastern Montana College	31,000	14,000 Auxiliary
8	Install Fire Alarm System, University		
9	of Montana	70,000	
10	Replace and Improve Roofs, University		
11	System	<del>1,089,550</del>	350,000 Auxiliary
12		<u>1,154,550</u>	<u>PLANT</u>
13	Improve Underground Utilities, Phase		
14	I, University System	296,000	200,000 Auxiliary
15	Repair and Improve Heating System,		
16	Western Montana College	57,900	
17	Improve Handicapped Access, University		
18	System	335,000	
19	Replace Carpet, Great Falls Vo-Tech	60,000	
20	Improve Sidewalks and Fire Access,		
21	University System	86,000	
22	Plan Chemistry/Pharmacy Renovations		
23	and----Life----Sciences----Building,		
24	University of Montana	50,000	50,000 Federal-Special-Revenue
25			<del>150,000</del> Donations

	<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
1			
2	Plan Metallurgy Remodel, Montana Tech	50,000	
3	<u>WINDOW RETROFIT MUSEUM BUILDING,</u>		
4	<u>MONTANA TECH</u>	<u>142,000</u>	
5	Various Improvements, University of		
6	Montana		2,584,600 Federal, Higher Education
7			Funds, and/or Donations
8	<u>CENTENNIAL MALL, MONTANA STATE</u>		
9	<u>UNIVERSITY</u>		<u>1,600,000 PLANT</u>
10	Remodel Student Union Building,		
11	Western Montana College		600,000 Auxiliary
12	Construct Engineering/Physical		
13	Sciences Complex, Montana State		
14	University		9,335,250 Higher Education Funds and/or
15			Donations
16			<u>2,668,200</u>
17	<u>LIFE SCIENCE BUILDING, UNIVERSITY OF</u>		
18	<u>MONTANA</u>		<u>12,000,000 FEDERAL SPECIAL REVENUE</u>
19	Construct Business Administration		
20	Building, University of Montana		2,822,988 Higher Education Funds and/or
21			Donations
22			<u>1,858,320</u>
23	<u>MULTIPURPOSE BUILDING, NORTHERN</u>		
24	<u>AGRICULTURAL RESEARCH CENTER</u>	<u>150,000</u>	
25	<u>(2) FOR PURPOSES OF OBTAINING CASH FOR THE CONSTRUCTION LITIGATION APPROPRIATION AUTHORITY IN</u>		

1 [SECTION 6(1)], THE ARCHITECTURE AND ENGINEERING DIVISION OF THE DEPARTMENT OF ADMINISTRATION IS  
 2 AUTHORIZED TO REQUEST A BUDGET AMENDMENT FOR TRANSFER OF ANY EXCESS LONG-RANGE BUILDING PROJECT  
 3 FUNDS FROM ANY AGENCY SO LONG AS THE AMENDMENT DOES NOT MOVE FUNDS REQUIRED TO COMPLETE ANY  
 4 AUTHORIZED AGENCY PROJECT.

5 (2)(3) The following money is appropriated to the department of administration in the indicated  
 6 amounts for the purpose of planning projects described in [section 12] and authorized in [section  
 7 13]:

<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
Preliminary Design for Prison Expansion	\$ 877,500	
Preliminary Design, University System:		
Engineering/Physical Sciences, MSU	1,165,290	
Business Administration, UM	604,705	
Apsaroke-Hatt;-EMC	77,648	

14 NEW SECTION. Section 7. Capital improvements appropriation to Montana state prison. The  
 15 following money is appropriated to Montana state prison in the indicated amounts for the purpose of  
 16 making capital improvements to the Montana state prison industries facilities:

<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
Expand Industries Facilities, Montana		
State Prison		\$321,976 Proprietary Funds
		14,000 Federal Special Revenue

21 NEW SECTION. Section 8. Land acquisition appropriation. (1) The following money is  
 22 appropriated to the department of fish, wildlife, and parks in the indicated amounts for purposes of  
 23 land acquisition, land leasing, or easement purchase:

<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
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1	<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
2	Fishing Access Site Acquisition,		
3	Statewide		\$ 881,000 State Special Revenue
4	Wildlife Habitat Acquisition, Statewide		4,923,356 State Special Revenue
5	Bighorn Sheep Habitat Acquisition,		
6	Statewide		48,500 State Special Revenue

7 (2) THE AMOUNT OF \$150,000 OF THE APPROPRIATION FOR "WILDLIFE HABITAT ACQUISITION, STATEWIDE"  
 8 MAY BE USED TO IMPLEMENT THE PROVISIONS OF [SECTION 2 OF SENATE BILL NO. 252], PASSED BY THE 52ND  
 9 LEGISLATURE.

10 NEW SECTION. Section 9. River restoration. The following money is appropriated to the  
 11 department of fish, wildlife, and parks for river restoration:

12	<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
13	River Restoration, Statewide		\$261,000 State Special Revenue
14			<u>\$219,000</u>

15 NEW SECTION. Section 10. Capital improvements. (1) The following money is appropriated to the  
 16 department of highways in the indicated amount for the purpose of making capital improvements to  
 17 statewide facilities:

18	<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
19	Maintenance Projects, Statewide		\$148,500 Highways State Special Revenue
20			<u>\$243,500</u>

21 (2) The following money is appropriated to the department of state lands in the indicated  
 22 amounts for the purpose of making capital improvements to statewide facilities:

23	<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
24	Maintenance and Improvement Projects,		
25	Statewide	\$118,280	\$100,000 Federal Special Revenue



1       (3) THE FOLLOWING MONEY IS APPROPRIATED TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS IN THE  
 2       INDICATED AMOUNT FOR THE PURPOSE OF IMPROVING WATERFOWL HABITAT:

<u>AGENCY/PROJECT</u>	<u>LRBPF</u>	<u>OTHER FUNDING SOURCES</u>
<u>WATERFOWL HABITAT ENHANCEMENT, STATEWIDE</u>		<u>\$50,000 STATE SPECIAL REVENUE</u>

5       NEW SECTION. Section 11. Disposition of unspent bond proceeds and related investment income.  
 6       Excess investment income and excess principal of bonds issued for a specific purpose or project may  
 7       be placed in the debt service fund to retire bonds issued for the purpose or project.

8       NEW SECTION. Section 12. Appropriation of bond proceeds and other funds. The following money  
 9       is appropriated from the bond proceeds and other funding sources to the department of administration  
 10       for the capital projects described in this section contingent upon the respective authorization and  
 11       sale of general obligation long-range building program bonds by the 52nd legislature and the board  
 12       of examiners:

<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
Major Expansion, Montana State Prison		\$19,360,745
Construct Engineering/Physical Sciences		
Complex, Montana State University		17,734,460
		<u>18,401,510</u>
Construct Business Administration		
Building, University of Montana		12,558,995
		<u>13,022,975</u>
<u>CONSTRUCT WOMEN'S CORRECTION CENTER</u>		<u>10,075,600</u>
Construct--Gymnasium;--Northern--Montana		
Cottage		8,000,000
Renovate--Apsaroke-Hall;--Eastern--Montana		
Cottage		1,228,360

1        NEW SECTION. Section 13. **Authorization of bonds.** The board of examiners is authorized to issue  
 2 and sell general obligation long-range building program bonds in an amount not exceeding \$58,881,960  
 3 \$68,957,560 for the projects described in [section 12] over and above the amount of general  
 4 obligation long-range building program bonds outstanding on January 1, 1991, to be issued in  
 5 accordance with the terms and in the manner required by Title 17, chapter 5, part 8. The authority  
 6 granted to the board by this section is in addition to any other authorization to the board to issue  
 7 and sell general obligation long-range building program bonds.

8        ~~NEW SECTION:--Section 14:--Agreement with the board of regents:--For the proceeds of bonds or~~  
 9 ~~notes authorized and appropriated by {this act} for the construction of a gymnasium at northern~~  
 10 ~~Montana college; the board of examiners and the board of regents may enter into an agreement under~~  
 11 ~~the terms of which the regents shall pay the state treasurer, for deposit in accordance with~~  
 12 ~~17-2-181 through 17-2-187, as determined by the state treasurer, an amount sufficient to pay the~~  
 13 ~~principal and interest as due on the bonds or notes from which the appropriation was made and to~~  
 14 ~~accumulate and maintain reserves required under such bonds. The agreement must further provide that~~  
 15 ~~income from the investment of bond proceeds, unused principal, and the reserves not required for~~  
 16 ~~construction or renovation costs may be credited against the regents' payment obligation. Payments~~  
 17 ~~by the regents must be made from available funds.~~

18        ~~NEW SECTION:--Section 15:--Benefit of state:--The agreement made pursuant to {section 14} is~~  
 19 ~~solely for the benefit of the state of Montana and is not enforceable by bondholders or other~~  
 20 ~~third-party beneficiaries.~~

21        NEW SECTION. Section 14. **Capital projects reauthorization.** (1) The appropriations for capital  
 22 projects authorized in section 5, House Bill No. 900, Laws of 1983, and in section 6, House Bill No.  
 23 5, Laws of 1987, for the Creston Springs hatchery operated by the department of fish, wildlife, and  
 24 parks are appropriated through the biennium ending June 30, 1993, for a kokanee salmon facility.

25        (2) The appropriation for capital projects authorized in section 6, House Bill No. 777, Laws of

1 1989, for the construction of statewide sandhouses operated by the department of highways is  
2 appropriated through the biennium ending June 30, 1993, for the construction of an equipment storage  
3 garage near Lincoln.

4 (3) THE APPROPRIATIONS FOR CAPITAL PROJECTS AUTHORIZED IN SECTIONS 6 AND 8(1) OF HOUSE BILL NO.  
5 777, LAWS OF 1989, FOR THE LAKE ELMO IMPROVEMENTS PROJECT ARE REAPPROPRIATED AS FOLLOWS: THROUGH  
6 JUNE 30, 1991, APPROPRIATED FUNDS ARE RESERVED FOR THE LAKE ELMO IMPROVEMENTS PROJECT. ANY CAPITAL  
7 PROJECTS FUNDS THAT HAVE NOT BY THAT DATE BEEN MATCHED WITH LOCAL FUNDS ON A CASH BASIS, THROUGH A  
8 DEPOSIT OF CASH WITH THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS ACCOUNTS, ARE NO LONGER RESERVED  
9 FOR THE PROJECT. ANY REMAINING BALANCE OF CAPITAL PROJECTS FUNDS NOT DESIGNATED FOR LAKE ELMO  
10 IMPROVEMENTS AS OF JULY 1, 1991, ARE AVAILABLE TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO  
11 EXPEND FOR STATE PARKS IMPROVEMENTS. FUNDS FOR THESE PROJECTS MUST BE MATCHED EQUALLY BY LOCAL  
12 FUNDS. THE DEPARTMENT OF ADMINISTRATION MAY EXPEND ONLY THAT PORTION OF THE APPROPRIATION THAT IS  
13 EQUALLY MATCHED WITH LOCAL FUNDS ON A CASH BASIS. IN-KIND SERVICES MAY NOT BE CONSIDERED FOR  
14 MATCHING PURPOSES.

15 NEW SECTION. Section 15. Planning and design. The department of administration may proceed  
16 with the planning and design of capital projects prior to the sale of bonds or the receipt of other  
17 funding sources. The department may use interaccount loans in accordance with 17-2-107 to pay  
18 planning and design costs incurred prior to the receipt of bond proceeds or other funding sources.

19 NEW SECTION. Section 16. Capital projects -- contingent funds. (1) If a capital project is  
20 financed in whole or in part with appropriations contingent upon the receipt of other funding  
21 sources, the department of administration may not let such projects for bid until the agency has  
22 submitted a financial plan for approval by the director of the department of administration. A  
23 financial plan may not be approved by the director if:

24 (a) the level of funding provided under the financial plan deviates substantially from the  
25 funding levels provided in [sections 1 through 17] for that project; or

1 (b) the scope of the project must be substantially altered or revised from the preliminary  
2 plans presented for that project in the 1992-93 long-range building program presented to the 52nd  
3 legislature.

4 (2) The funds appropriated in [section 6(1)] for the construction of an engineering/physical  
5 sciences complex at Montana state university and for the construction of a business administration  
6 building at the university of Montana shall be expended before expenditure of state bond proceeds  
7 for construction.

8 NEW SECTION. Section 17. **Legislative consent.** The appropriations authorized in [sections 1  
9 through ~~19~~ 17] constitute legislative consent for the capital projects contained in [sections 1  
10 through ~~19~~ 17] within the meaning of 18-2-102.

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

15 NEW SECTION. Section 19. **Requirements for approval of state debt.** Because [section 13]  
16 authorizes the creation of a state debt, a vote of two-thirds of the members of each house is  
17 required for enactment of [sections 12 through ~~15~~ AND 13]. If [section 13] is not approved by the  
18 required vote, [section 6(2) and sections 12 through ~~15~~ AND 13] are void. The remaining sections of  
19 [this act] are valid and remain in effect in all valid applications upon enactment.

20 NEW SECTION. Section 20. **Effective date.** [This act] is effective on passage and approval.

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
April 12, 1991

MR. PRESIDENT:

We, your committee on Finance and Claims having had under consideration House Bill No. 5 (third reading copy -- blue), respectfully report that House Bill No. 5 be amended and as so amended be concurred in:

1. Page 9, following line 13.

Insert: "(4) If Senate Bill No. 461 is passed and approved, the following money is appropriated to the department of administration for the university system:

<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
University System		
Deferred Maintenance Projects Approved by the Board of Regents	8,000,000	General Fund

(5) Amounts not to exceed \$490,000 of federal special revenue money and \$163,333 of state special revenue money appropriated in the state parks maintenance and development statewide line item under subsection (1) may be added to the line item appropriations for motorboat access facilities statewide under subsection (1) or fishing access site acquisition statewide under [section 8(1)]. This subsection is void if House Bill No. 386 and Senate Bill No. 415 are passed and approved and provide sufficient additional state special revenue money required as state matching funds to fully utilize all of the federal special revenue money provided in subsection (1) in the line item appropriation for state parks."

2. Page 14, following line 20.

Insert: "NEW SECTION. Section 21. Coordination instruction.

All projects in [sections 6 and 10] funded from LRBPF funds are contingent upon passage and approval of Senate Bill No. 461. If Senate Bill No. 461 is not passed and approved, the appropriations from LRBPF funds in [sections 6 and 10] are void and the \$8,032,298 from the LRBPF funds is transferred to the general fund."

Signed: Judy H. Jacobson  
Judy H. Jacobson, Chairman

SB 4/12/91  
Amd. Coord.  
SB 4/12 2:50  
Sec. of Senate

SENATE

HB 5

SENATE COMMITTEE OF THE WHOLE AMENDMENT

April 13, 1991 10:01 am  
Mr. Chairman: I move to amend House Bill No. 5 (third reading copy -- blue) as follows:

- 1. Page 7.  
Following: line 4  
Insert: "Libby Armory                    827,000 Federal Special Revenue"
- 2. Page 11.  
Following: line 25  
Insert: "Construct Libby Armory        400,000"
- 3. Page 12, line 3.  
Strike: "\$68,957,560"  
Insert: "\$61,260,830"

ADOPT

REJECT

Signed: Glenn Vaughn  
Senator Vaughn

4-13-91  
Amd. Coord.  
SB 4-13  
Sec. of Senate

SENATE COMMITTEE OF THE WHOLE AMENDMENT

April 13, 1991 9:06 am  
Mr. Chairman: I move to amend House Bill No. 5 (third reading copy -- blue) as follows:

Amend Senate Committee on Finance and Claims amendments dated April 12, 1991, as follows:

In amendment No. 1 following the last paragraph.  
Insert: "(6) If Senate Bill No. 461 is passed and approved, the following money is appropriated to the department of administration:

<u>Agency/Project</u>	<u>Other Funding Sources</u>
Department of Administration Capitol Renovation	\$1,000,000 General Fund"

ADOPT

REJECT

Signed: Chet Blaylock  
Senator Blaylock

LB 4/13/91  
Amd. Coord.  
SB 4/13  
Sec. of Senate

SENATE COMMITTEE OF THE WHOLE AMENDMENT

April 13, 1991 1:27 pm

Mr. Chairman: I move to amend House Bill No. 5 (third reading copy -- blue) as follows:

1. Title, line 5.  
Following: "AN ACT TO"  
Insert: "GENERALLY REVISE THE LAWS RELATING TO CAPITAL PROJECTS; TO"  
Following: "PROJECTS"  
Insert: "AND ACCREDITATION NEEDS IN THE MONTANA UNIVERSITY SYSTEM"

2. Title, line 9.  
Following: "APPROPRIATIONS;"  
Insert: "AMENDING SECTION 17-5-404, MCA;"

3. Page 14, following line 10.  
Insert: "Section 18. Section 17-5-404, MCA, is amended to read: "17-5-404. Use of capital projects fund. The capital projects fund shall be segregated by the treasurer from all other money in that or any other fund in the state treasury and used only to pay costs of the long-range building program, except for appropriations specifically made by the legislature for other uses of these funds. The department may transfer all money authorized by the legislature for its administrative expenditures from the capital projects fund to a special revenue fund, and for such purposes the money is statutorily appropriated as provided in 17-7-502."

NEW SECTION. Section 19. Contingent appropriation. If [section 13] is not approved by the required vote, [sections 6(3), 12, and 13] are void and there is appropriated \$1,769,995 from LRBPF funds to Montana Board of Regents for accreditation needs in the university system."

Renumber: subsequent sections

4. Page 14, line 18.  
Strike: "6(2)"  
Insert: "6(3)"

ADOPT

REJECT

Signed: Tom Bianchi  
Senator Bianchi

MA 4/13/91  
Asst. Coord.  
SB 4/13  
Sec. of Senate

#6

SENATE COMMITTEE OF THE WHOLE AMENDMENT

April 13, 1991 4:36 pm

Mr. Chairman: I move to amend House Bill No. 5 (third reading copy -- blue) as follows:

Strike the Blaylock amendment in its entirety.

ADOPT

REJECT

Signed: Julius  
Senator Harp

MA 4-13-91  
Asst. Coord.  
SB 4/13  
Sec. of Senate

## 1 HOUSE BILL NO. 5

2 INTRODUCED BY BARDANOUE, CONNELLY

3 BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE LAWS RELATING TO CAPITAL PROJECTS; TO  
6 APPROPRIATE MONEY FOR CAPITAL PROJECTS AND ACCREDITATION NEEDS IN THE MONTANA UNIVERSITY SYSTEM; TO  
7 AUTHORIZE THE ISSUANCE AND SALE OF GENERAL OBLIGATION LONG-RANGE BUILDING PROGRAM BONDS; TO  
8 APPROPRIATE THE PROCEEDS OF THE BONDS FOR CAPITAL PROJECTS FOR THE BIENNIUM ENDING JUNE 30, 1993; TO  
9 PROVIDE FOR AN AGREEMENT BETWEEN THE BOARD OF EXAMINERS AND THE BOARD OF REGENTS; TO PROVIDE FOR  
10 OTHER MATTERS RELATING TO THE APPROPRIATIONS; AMENDING SECTION 17-5-404, MCA; AND PROVIDING AN  
11 IMMEDIATE EFFECTIVE DATE."

12

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

14 NEW SECTION. Section 1. Definitions. For the purposes of [sections 1 through +9 17], unless  
15 otherwise stated, the following definitions apply:

16 (1) "Agency" includes each state office, department, board, commission, council, or committee,  
17 the university system, or any other entity or instrumentality of the executive branch, office of the  
18 legislative branch, or office of the judicial branch of state government.

19 (2) "Approved budget amendment" means approval by the budget director of a request submitted  
20 through the architecture and engineering division of the department of administration to transfer  
21 excess funds appropriated to a capital project within an agency in order to increase the  
22 appropriations of another capital project within that agency or to obtain financing to expand a  
23 project with funds that were not available for consideration by the legislature.

24 (3) "Capital project" means acquisition of land or improvements, planning, capital  
25 construction, renovation, furnishing, or major repair projects authorized in [sections 1 through +9

**REFERENCE BILL****AS AMENDED**



1 17].

2 (4) "LRBPF" means the long-range building program fund in the capital projects fund type.

3 (5) "Major maintenance" means building maintenance or repair projects that are not needed on an  
4 annual or biennial basis or are not the function of the permanent maintenance staff of the agency.

5 (6) "Major maintenance plan" means a 6-year schedule of anticipated major maintenance  
6 requirements and costs for the first 2 years of the schedule, developed for each state building, as  
7 determined by the department of administration. The plan must include a record of major maintenance  
8 performed in the previous biennium.

9 (7) "Other funding sources" means money other than general fund money or long-range building  
10 program fund money, including special revenue fund money, that accrues to an agency under the  
11 provisions of law.

12 NEW SECTION. Section 2. **Expansion required to be authorized.** An existing capital project may  
13 not be expanded beyond the scope of the project as approved by the 52nd legislature unless the  
14 capital project expansion is authorized by an approved budget amendment.

15 NEW SECTION. Section 3. **Federal funds for administration.** All federal funds received as a  
16 reimbursement for the cost of administering the federal funds when the cost was financed from the  
17 general fund revert to the general fund.

18 NEW SECTION. Section 4. **Reappropriation.** Notwithstanding any other provision of law, the  
19 remaining balances on capital projects previously appropriated are reappropriated until June 30,  
20 1993, for the purposes for which originally appropriated.

21 NEW SECTION. Section 5. **Major maintenance plan -- requirements.** For all new construction  
22 proposals submitted to the legislature and for all existing applicable state buildings, as  
23 determined by the department of administration, each agency, in consultation with the architecture  
24 and engineering division of the department of administration, shall provide a major maintenance  
25 plan. This plan must be submitted by the agency to the department of administration by July 1 of

1 each even-numbered year, along with the proposed long-range building program required under  
 2 17-7-202.

3 NEW SECTION. Section 6. **Capital projects appropriations.** (1) The following money is  
 4 appropriated for the indicated capital projects from the indicated sources to the department of  
 5 administration, which is authorized to transfer the appropriated money among the necessary fund  
 6 types for these projects:

7 <u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
8 DEPARTMENT OF ADMINISTRATION		
9 Hazardous Material Abatement,		
10 Statewide	\$ 650,000	\$ 150,000 Auxiliary
	<u>617,500</u>	
12 <u>STATE BUILDING ENERGY RETROFIT,</u>		
13 <u>STATEWIDE</u>		<u>500,000 NONSTATE STATE SPECIAL REVENUE</u>
		<u>1,000,000 FEDERAL SPECIAL REVENUE</u>
		<u>500,000 AUXILIARY OR OTHER</u>
16 Construction Litigation, Architecture		
17 and Engineering Division	345,000	
18 Develop Alternate Water Supply,		
19 Capitol Complex		50,000 Proprietary Funds
20 Property Acquisition and Development,		
21 Capitol Complex		123,014 Capitol Land Grant
22 DEPARTMENT OF COMMERCE		
23 Improve Pavement and Lighting,		
24 Yellowstone Airport		51,773 Proprietary Funds
25		465,957 Federal Special Revenue

	<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
1			
2	DEPARTMENT OF EDUCATION		
3	Replace Academic Building Roof and		
4	Miscellaneous Repairs, Montana		
5	School for the Deaf and Blind	339,000	
6	DEPARTMENT OF FAMILY SERVICES		
7	Expand Security Fence, Pine Hills		
8	School	27,000	
9	Replace and Repair Roofs, Family		
10	Services	127,600	
11	DEPARTMENT OF FISH, WILDLIFE, AND PARKS		
12	Remove Underground Storage Tanks,		
13	Statewide		150,000 State Special Revenue
14	Headquarters Maintenance and		
15	Improvements, Statewide		85,000 State Special Revenue
16	Department Property Development,		
17	Statewide		360,000 State Special Revenue
18	State Park Maintenance and		
19	Development, Statewide		3,798,500 State Special Revenue
20			1,124,500 Federal Special Revenue
21	Fish Hatchery Maintenance, Statewide		37,500 State Special Revenue
22			112,500 Federal Special Revenue
23	Fishing Access Site Improvements,		
24	Statewide		286,000 State Special Revenue
25			858,000 Federal Special Revenue

	<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
1			
2	Motorboat Access Facilities, Statewide		67,000 State Special Revenue
3			201,000 Federal Special Revenue
4	Wildlife Habitat Maintenance,		
5	Statewide		304,000 State Special Revenue
6	Waterfowl Habitat Enhancement,		
7	Statewide		999,500 State Special Revenue
8			<u>349,500</u>
9	DEPARTMENT OF HIGHWAYS		
10	Maintenance Projects, Statewide		388,888 Highways State Special Revenue
11			<u>450,000</u>
12	Construct and Expand Maintenance <u>AND</u>		
13	<u>STORAGE</u> Buildings, Statewide		715,888 Highways State Special Revenue
14			<u>1,167,600</u>
15	Equipment-Storage-Buildings;-Statewide		568,525 Highways-State-Special-Revenue
16			<u>115,925</u> <u>FEDERAL SPECIAL REVENUE</u>
17	DEPARTMENT OF INSTITUTIONS		
18	Replace Water and Steam Lines, Montana		
19	Developmental Center	+49,288	
20		<u>116,708</u>	
21	Replace Roofs, Institutions	30,000	
22	Moisture Protection, Eastmont Human		
23	Services Center	98,450	
24	Maintain Roads and Parking Lots,		
25	Institutions	+58,888	

	<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>	
2		37,625		
3	<u>MONTANA STATE HOSPITAL INFRASTRUCTURE</u>			
4	<u>STUDY</u>	112,375		
5	Seal Buildings, Montana State Prison	25,000		
6	Building Improvements, Center for the			
7	Aged	105,015		
8	Replace Multipurpose Building			
9	Flooring, Montana State Hospital,			
10	Warm Springs	26,800		
11	<u>GALEN REPAIR PROJECTS</u>	181,000		
12	DEPARTMENT OF LABOR AND INDUSTRY			
13	Renovate and Expand Job Service, Great			
14	Falls		310,000	Federal Special Revenue
15	<u>VARIOUS MAJOR MAINTENANCE PROJECTS</u>		209,450	<u>FEDERAL SPECIAL REVENUE</u>
16	DEPARTMENT OF STATE LANDS			
17	Construct Unit Office, Plains	235,000		
18	Construct Two Greenhouses, Missoula		191,900	State Special Revenue
19	DEPARTMENT OF MILITARY AFFAIRS			
20	Kitchen Upgrade, Statewide	45,000		
21	Rifle Range Rehabilitation, Statewide	10,000	555,000	Federal Special Revenue
22	Armory Additions and Alterations,			
23	Statewide	150,000	16,155,000	Federal Special Revenue
24	Acquire Land and Preplan Armory,			
25	Billings	150,000	200,000	Federal Special Revenue

	<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
2	Expand Military Vehicle Compounds,		
3	Statewide	5,000	275,000 Federal Special Revenue
4	Federal Spending Authority		300,000 Federal Special Revenue
5	<u>LIBBY ARMORY</u>		<u>827,000 FEDERAL SPECIAL REVENUE</u>
6	MONTANA UNIVERSITY SYSTEM		
7	Primary Electrical Vault Disconnect,		
8	Eastern Montana College	31,000	14,000 Auxiliary
9	Install Fire Alarm System, University		
10	of Montana	70,000	
11	Replace and Improve Roofs, University		
12	System	1,089,550	350,000 Auxiliary
13		<u>1,154,550</u>	<u>PLANT</u>
14	Improve Underground Utilities, Phase		
15	I, University System	296,000	200,000 Auxiliary
16	Repair and Improve Heating System,		
17	Western Montana College	57,900	
18	Improve Handicapped Access, University		
19	System	335,000	
20	Replace Carpet, Great Falls Vo-Tech	60,000	
21	Improve Sidewalks and Fire Access,		
22	University System	86,000	
23	Plan Chemistry/Pharmacy Renovations		
24	and---Life---Sciences---Building,		
25	University of Montana	50,000	50,000 Federal-Special-Revenue

1	<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
2			158,000 Donations
3	Plan Metallurgy Remodel, Montana Tech	50,000	
4	<u>WINDOW RETROFIT MUSEUM BUILDING,</u>		
5	<u>MONTANA TECH</u>	<u>142,000</u>	
6	Various Improvements, University of		
7	Montana		2,584,600 Federal, Higher Education
8			Funds, and/or Donations
9	<u>CENTENNIAL MALL, MONTANA STATE</u>		
10	<u>UNIVERSITY</u>		<u>1,600,000 PLANT</u>
11	Remodel Student Union Building,		
12	Western Montana College		600,000 Auxiliary
13	Construct Engineering/Physical		
14	Sciences Complex, Montana State		
15	University		9,995,250 Higher Education Funds and/or
16			Donations
17			<u>2,668,200</u>
18	<u>LIFE SCIENCE BUILDING, UNIVERSITY OF</u>		
19	<u>MONTANA</u>		<u>12,000,000 FEDERAL SPECIAL REVENUE</u>
20	Construct Business Administration		
21	Building, University of Montana		2,322,900 Higher Education Funds and/or
22			Donations
23			<u>1,858,320</u>
24	<u>MULTIPURPOSE BUILDING, NORTHERN</u>		
25	<u>AGRICULTURAL RESEARCH CENTER</u>	<u>150,000</u>	

1       (2) FOR PURPOSES OF OBTAINING CASH FOR THE CONSTRUCTION LITIGATION APPROPRIATION AUTHORITY IN  
 2 [SECTION 6(1)], THE ARCHITECTURE AND ENGINEERING DIVISION OF THE DEPARTMENT OF ADMINISTRATION IS  
 3 AUTHORIZED TO REQUEST A BUDGET AMENDMENT FOR TRANSFER OF ANY EXCESS LONG-RANGE BUILDING PROJECT  
 4 FUNDS FROM ANY AGENCY SO LONG AS THE AMENDMENT DOES NOT MOVE FUNDS REQUIRED TO COMPLETE ANY  
 5 AUTHORIZED AGENCY PROJECT.

6       ~~(2)~~(3) The following money is appropriated to the department of administration in the indicated  
 7 amounts for the purpose of planning projects described in [section 12] and authorized in [section  
 8 13]:

	<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
9			
10	Preliminary Design for Prison Expansion	\$ 877,500	
11	Preliminary Design, University System:		
12	Engineering/Physical Sciences, MSU	1,165,290	
13	Business Administration, UM	604,705	
14	Apsaroke-Hatt;-EMC	71,648	

15       (4) IF SENATE BILL NO. 461 IS PASSED AND APPROVED, THE FOLLOWING MONEY IS APPROPRIATED TO THE  
 16 DEPARTMENT OF ADMINISTRATION FOR THE UNIVERSITY SYSTEM:

	<u>AGENCY/PROJECT</u>	<u>LRBPF</u>	<u>OTHER FUNDING SOURCES</u>
17			
18	<u>UNIVERSITY SYSTEM</u>		
19	<u>DEFERRED MAINTENANCE PROJECTS APPROVED</u>		
20	<u>BY THE BOARD OF REGENTS</u>	<u>\$8,000,000</u>	<u>GENERAL FUND</u>

21       (5) AMOUNTS NOT TO EXCEED \$490,000 OF FEDERAL SPECIAL REVENUE MONEY AND \$163,333 OF STATE  
 22 SPECIAL REVENUE MONEY APPROPRIATED IN THE STATE PARKS MAINTENANCE AND DEVELOPMENT STATEWIDE LINE  
 23 ITEM UNDER SUBSECTION (1) MAY BE ADDED TO THE LINE ITEM APPROPRIATIONS FOR MOTORBOAT ACCESS  
 24 FACILITIES STATEWIDE UNDER SUBSECTION (1) OR FISHING ACCESS SITE ACQUISITION STATEWIDE UNDER  
 25 [SECTION 8(1)]. THIS SUBSECTION IS VOID IF HOUSE BILL NO. 386 AND SENATE BILL NO. 415 ARE PASSED AND



1 APPROVED AND PROVIDE SUFFICIENT ADDITIONAL STATE SPECIAL REVENUE MONEY REQUIRED AS STATE MATCHING  
 2 FUNDS TO FULLY UTILIZE ALL OF THE FEDERAL SPECIAL REVENUE MONEY PROVIDED IN SUBSECTION (1) IN THE  
 3 LINE ITEM APPROPRIATION FOR STATE PARKS.

4 (6) -- IF -- SENATE -- BILL -- NO. -- 461 -- IS -- PASSED -- AND -- APPROVED, -- THE -- FOLLOWING -- MONEY -- IS -- APPROPRIATED -- TO -- THE

5 DEPARTMENT OF ADMINISTRATION:

6 AGENCY/PROJECT OTHER FUNDING SOURCES

7 DEPARTMENT OF ADMINISTRATION

8 CAPI TOL RENOVATION \$1,800,000 GENERAL FUND

9 NEW SECTION. Section 7. Capital improvements appropriation to Montana state prison. The  
 10 following money is appropriated to Montana state prison in the indicated amounts for the purpose of  
 11 making capital improvements to the Montana state prison industries facilities:

<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
Expand Industries Facilities, Montana		
State Prison		\$321,976 Proprietary Funds
		14,000 Federal Special Revenue

16 NEW SECTION. Section 8. Land acquisition appropriation. (1) The following money is  
 17 appropriated to the department of fish, wildlife, and parks in the indicated amounts for purposes of  
 18 land acquisition, land leasing, or easement purchase:

<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
Fishing Access Site Acquisition,		
Statewide		\$ 881,000 State Special Revenue
Wildlife Habitat Acquisition, Statewide		4,923,356 State Special Revenue
Bighorn Sheep Habitat Acquisition,		
Statewide		48,500 State Special Revenue

24 (2) THE AMOUNT OF \$150,000 OF THE APPROPRIATION FOR "WILDLIFE HABITAT ACQUISITION, STATEWIDE"

1 MAY BE USED TO IMPLEMENT THE PROVISIONS OF [SECTION 2 OF SENATE BILL NO. 252], PASSED BY THE 52ND  
 2 LEGISLATURE.

3 NEW SECTION. Section 9. River restoration. The following money is appropriated to the  
 4 department of fish, wildlife, and parks for river restoration:

<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
River Restoration, Statewide		\$264,000 State Special Revenue
		<u>\$219,000</u>

8 NEW SECTION. Section 10. Capital improvements. (1) The following money is appropriated to the  
 9 department of highways in the indicated amount for the purpose of making capital improvements to  
 10 statewide facilities:

<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
Maintenance Projects, Statewide		\$149,500 Highways State Special Revenue
		<u>\$243,500</u>

14 (2) The following money is appropriated to the department of state lands in the indicated  
 15 amounts for the purpose of making capital improvements to statewide facilities:

<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
Maintenance and Improvement Projects, Statewide	\$118,280	\$100,000 Federal Special Revenue

19 (3) THE FOLLOWING MONEY IS APPROPRIATED TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS IN THE  
 20 INDICATED AMOUNT FOR THE PURPOSE OF IMPROVING WATERFOWL HABITAT:

<u>AGENCY/PROJECT</u>	<u>LRBPF</u>	<u>OTHER FUNDING SOURCES</u>
<u>WATERFOWL HABITAT ENHANCEMENT, STATEWIDE</u>		<u>\$50,000 STATE SPECIAL REVENUE</u>

23 NEW SECTION. Section 11. Disposition of unspent bond proceeds and related investment income.  
 24 Excess investment income and excess principal of bonds issued for a specific purpose or project may  
 25 be placed in the debt service fund to retire bonds issued for the purpose or project.

1        NEW SECTION. Section 12. **Appropriation of bond proceeds and other funds.** The following money  
 2 is appropriated from the bond proceeds and other funding sources to the department of administration  
 3 for the capital projects described in this section contingent upon the respective authorization and  
 4 sale of general obligation long-range building program bonds by the 52nd legislature and the board  
 5 of examiners:

<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
7 Major Expansion, Montana State Prison		\$19,360,745
8 Construct Engineering/Physical Sciences		
9     Complex, Montana State University		+7,794,468
10		<u>18,401,510</u>
11 Construct Business Administration		
12     Building, University of Montana		+2,558,395
13		<u>13,022,975</u>
14 <u>CONSTRUCT WOMEN'S CORRECTION CENTER</u>		<u>10,075,600</u>
15 Construct--Gymnasium--Northern--Montana		
16     College		8,888,888
17 Renovate--Apsaroke-Hall--Eastern-Montana		
18     College		+228,368
19 <u>CONSTRUCT LIBBY ARMORY</u>		<u>400,000</u>

20        NEW SECTION. Section 13. **Authorization of bonds.** The board of examiners is authorized to issue  
 21 and sell general obligation long-range building program bonds in an amount not exceeding \$58,881,968  
 22 ~~\$68,957,568~~ \$61,260,830 for the projects described in [section 12] over and above the amount of  
 23 general obligation long-range building program bonds outstanding on January 1, 1991, to be issued in  
 24 accordance with the terms and in the manner required by Title 17, chapter 5, part 8. The authority  
 25 granted to the board by this section is in addition to any other authorization to the board to issue

1 and sell general obligation long-range building program bonds.

2 ~~NEW SECTION: Section 14: Agreement with the board of regents: For the proceeds of bonds or~~  
 3 ~~notes authorized and appropriated by [this act] for the construction of a gymnasium at northern~~  
 4 ~~Montana college; the board of examiners and the board of regents may enter into an agreement under~~  
 5 ~~the terms of which the regents shall pay the state treasurer; for deposit in accordance with~~  
 6 ~~17-2-101 through 17-2-107; as determined by the state treasurer; an amount sufficient to pay the~~  
 7 ~~principal and interest as due on the bonds or notes from which the appropriation was made and to~~  
 8 ~~accumulate and maintain reserves required under such bonds; The agreement must further provide that~~  
 9 ~~income from the investment of bond proceeds; unused principal; and the reserves not required for~~  
 10 ~~construction or renovation costs may be credited against the regents' payment obligation; Payments~~  
 11 ~~by the regents must be made from available funds;~~

12 ~~NEW SECTION: Section 15: Benefit of state: The agreement made pursuant to [section 14] is~~  
 13 ~~solely for the benefit of the state of Montana and is not enforceable by bondholders or other~~  
 14 ~~third-party beneficiaries;~~

15 NEW SECTION. Section 14. Capital projects reauthorization. (1) The appropriations for capital  
 16 projects authorized in section 5, House Bill No. 900, Laws of 1983, and in section 6, House Bill No.  
 17 5, Laws of 1987, for the Creston Springs hatchery operated by the department of fish, wildlife, and  
 18 parks are appropriated through the biennium ending June 30, 1993, for a kokanee salmon facility.

19 (2) The appropriation for capital projects authorized in section 6, House Bill No. 777, Laws of  
 20 1989, for the construction of statewide sandhouses operated by the department of highways is  
 21 appropriated through the biennium ending June 30, 1993, for the construction of an equipment storage  
 22 garage near Lincoln.

23 (3) THE APPROPRIATIONS FOR CAPITAL PROJECTS AUTHORIZED IN SECTIONS 6 AND 8(1) OF HOUSE BILL NO.  
 24 777, LAWS OF 1989, FOR THE LAKE ELMO IMPROVEMENTS PROJECT ARE REAPPROPRIATED AS FOLLOWS: THROUGH  
 25 JUNE 30, 1991, APPROPRIATED FUNDS ARE RESERVED FOR THE LAKE ELMO IMPROVEMENTS PROJECT. ANY CAPITAL

1 PROJECTS FUNDS THAT HAVE NOT BY THAT DATE BEEN MATCHED WITH LOCAL FUNDS ON A CASH BASIS, THROUGH A  
 2 DEPOSIT OF CASH WITH THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS ACCOUNTS, ARE NO LONGER RESERVED  
 3 FOR THE PROJECT. ANY REMAINING BALANCE OF CAPITAL PROJECTS FUNDS NOT DESIGNATED FOR LAKE ELMO  
 4 IMPROVEMENTS AS OF JULY 1, 1991, ARE AVAILABLE TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO  
 5 EXPEND FOR STATE PARKS IMPROVEMENTS. FUNDS FOR THESE PROJECTS MUST BE MATCHED EQUALLY BY LOCAL  
 6 FUNDS. THE DEPARTMENT OF ADMINISTRATION MAY EXPEND ONLY THAT PORTION OF THE APPROPRIATION THAT IS  
 7 EQUALLY MATCHED WITH LOCAL FUNDS ON A CASH BASIS. IN-KIND SERVICES MAY NOT BE CONSIDERED FOR  
 8 MATCHING PURPOSES.

9 NEW SECTION. Section 15. **Planning and design.** The department of administration may proceed  
 10 with the planning and design of capital projects prior to the sale of bonds or the receipt of other  
 11 funding sources. The department may use interaccount loans in accordance with 17-2-107 to pay  
 12 planning and design costs incurred prior to the receipt of bond proceeds or other funding sources.

13 NEW SECTION. Section 16. **Capital projects -- contingent funds.** (1) If a capital project is  
 14 financed in whole or in part with appropriations contingent upon the receipt of other funding  
 15 sources, the department of administration may not let such projects for bid until the agency has  
 16 submitted a financial plan for approval by the director of the department of administration. A  
 17 financial plan may not be approved by the director if:

18 (a) the level of funding provided under the financial plan deviates substantially from the  
 19 funding levels provided in [sections 1 through 17] for that project; or

20 (b) the scope of the project must be substantially altered or revised from the preliminary  
 21 plans presented for that project in the 1992-93 long-range building program presented to the 52nd  
 22 legislature.

23 (2) The funds appropriated in [section 6(1)] for the construction of an engineering/physical  
 24 sciences complex at Montana state university and for the construction of a business administration  
 25 building at the university of Montana shall be expended before expenditure of state bond proceeds

1 for construction.

2 NEW SECTION. Section 17. **Legislative consent.** The appropriations authorized in [sections 1  
3 through +9 17] constitute legislative consent for the capital projects contained in [sections 1  
4 through +9 17] within the meaning of 18-2-102.

5 SECTION 18. SECTION 17-5-404, MCA, IS AMENDED TO READ:

6 "17-5-404. **Use of capital projects fund.** The capital projects fund shall be segregated by the  
7 treasurer from all other money in that or any other fund in the state treasury and used only to pay  
8 costs of the long-range building program, except for appropriations specifically made by the  
9 legislature for other uses of these funds. The department may transfer all money authorized by the  
10 legislature for its administrative expenditures from the capital projects fund to a special revenue  
11 fund, and for such purposes the money is statutorily appropriated as provided in 17-7-502."

12 NEW SECTION. SECTION 19. CONTINGENT APPROPRIATION. IF [SECTION 13] IS NOT APPROVED BY THE  
13 REQUIRED VOTE, [SECTIONS 6(3), 12, AND 13] ARE VOID AND THERE IS APPROPRIATED \$1,769,995 FROM LRBPF  
14 FUNDS TO THE MONTANA BOARD OF REGENTS FOR ACCREDITATION NEEDS IN THE UNIVERSITY SYSTEM.

15 NEW SECTION. Section 20. **Severability.** If a part of [this act] is invalid, all valid parts  
16 that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one  
17 or more of its applications, the part remains in effect in all valid applications that are severable  
18 from the invalid applications.

19 NEW SECTION. Section 21. **Requirements for approval of state debt.** Because [section 13]  
20 authorizes the creation of a state debt, a vote of two-thirds of the members of each house is  
21 required for enactment of [sections 12 through +5 AND 13]. If [section 13] is not approved by the  
22 required vote, [section 6(2) 6(3) and sections 12 through +5 AND 13] are void. The remaining  
23 sections of [this act] are valid and remain in effect in all valid applications upon enactment.

24 NEW SECTION. Section 22. **Effective date.** [This act] is effective on passage and approval.

25 NEW SECTION. SECTION 23. COORDINATION INSTRUCTION. ALL PROJECTS IN [SECTIONS 6 AND 10] FUNDED

1 FROM LRBPF FUNDS ARE CONTINGENT ON PASSAGE AND APPROVAL OF SENATE BILL NO. 461. IF SENATE BILL NO.  
2 461 IS NOT PASSED AND APPROVED, THE APPROPRIATIONS FROM LRBPF FUNDS IN [SECTIONS 6 AND 10] ARE VOID  
3 AND THE \$8,032,298 FROM THE LRBPF FUNDS IS TRANSFERRED TO THE GENERAL FUND.

-End-

Free Conference Committee  
on House Bill 5  
Report No. 1, April 29, 1991

4/29/91  
6:15 PM

April 29, 1991  
Page 2 of 3

Page 1 of 3

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered House Bill 5 and recommend as that House Bill 5 (reference copy -- salmon) be amended as follows:

1. Title, lines 5 through 10.

Following: "TO" on line 5

Strike: "GENERALLY REVISE THE LAWS RELATING TO CAPITAL PROJECTS;  
TO"

Following: "PROJECTS" on line 6

Strike: "AND ACCREDITATION NEEDS IN THE MONTANA UNIVERSITY  
SYSTEM"

Following: ";" on line 10

Strike: "AMENDING SECTION 17-5-404, MCA;"

2. Page 2, line 9.

Following: "than"

Strike: "general fund money or"

3. Page 8, line 17.

Strike: "2,668,200"

Insert: "2,168,200"

4. Page 8, following line 25.

Insert: "Repair Northern Montana  
College Gymnasium 1,700,000

Higher Education  
Funds and/or  
Donations"

5. Page 8, following line 25.

Insert: "(2) If House Bill No. 959 is not passed and approved,  
the appropriation in this section to construct the  
engineering/physical sciences complex at MSU is \$2,668,200  
from higher education funds and/or donations."

Renumber: subsequent subsections

6. Page 9, line 15.

Following: "(4)"

Insert: "(a)"

Following: "IF"

Strike: "SENATE BILL NO. 461"

Insert: "House Bill No. 959"

7. Page 9, line 19.

Following: "PROJECTS"

Insert: "and Equipment"

8. Page 9, line 20.

Strike: "\$8,000,000"

Insert: "\$600,000"

9. Page 9, following line 20.

Insert: "Repair Northern Montana College Gymnasium	\$1,300,000	General Fund
Equipment for Eastern Montana College	600,000	General Fund
Construct Engineering/ Physical Sciences Complex, Montana State University	500,000	General Fund"

10. Page 9, following line 20.

Insert: "(b) If the bonding program in [section 13] fails to receive the necessary two-thirds vote of both houses of the legislature and if House Bill No. 959 is passed and approved, there is appropriated \$1,800,000 from the general fund to the university system for deferred maintenance projects and/or equipment as approved by the board of regents. The \$1,165,290 appropriation for the engineering/physical sciences complex at MSU, and the \$604,705 appropriation for the business administration building at UM in [section 6(4)] are void, and LRBPF funds in the amount of \$1,769,995 are appropriated to replace the \$1,300,000 general fund appropriation for the repairs of the northern Montana college gymnasium in subsection (5), funds in the amount of \$400,000 are appropriated to replace the bonding money for the Libby armory in [section 12], and funds in the amount of \$69,995 are appropriated to design the remodeling of the Great Falls vocational-technical center."

11. Page 12, line 1.

Following: "funds."

Insert: "(1)"

12. Page 12, following line 19.

Insert: "(2) If the bonding program in [section 13] fails to receive the necessary two-thirds vote of both houses of the legislature, the \$400,000 for the Libby armory is appropriated from the LRBPF funds as stated in [section 6 (5)(b)]."

ADOPT

REJECT

901631CC.HSF

FCC #1  
HB 5  
901631CC.HSF



April 29, 1995  
Page 3 of

13. Page 14, line 25.

Following: "Montana"

Strike: "shall be expended"

Insert: "are from higher education funds and/or donations and  
must be committed to the universities"

14. Page 15, lines 5 through 14.

Strike: sections 18 and 19 in their entirety

Renumber: subsequent sections

15. Page 15, line 22.

Following: "[

Strike: "section"

Strike: "6(3) and"

Following: "12"

Insert: ", except for the Libby armory project,"

16. Page 15, line 25 through page 16, line 3.

Strike: section 23 in its entirety

Insert: "NEW SECTION. Section 21. Priority of projects. Any  
projects funded by appropriations made from the long-range  
building program capital projects fund in other  
appropriation bills have a lower priority than capital  
projects funded by appropriations in [this act]."

And this Free Conference Committee report be adopted.

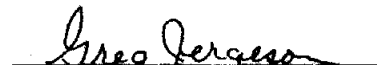
For the House:

  
Rep. Bardanoue, Chair

  
Rep. Connelly

Rep. Grady

For the Senate:

  
Sen. Jergeson, Chair

  
Sen. Harding

  
Sen. Weeding



AN ACT TO APPROPRIATE MONEY FOR CAPITAL PROJECTS; TO AUTHORIZE THE ISSUANCE AND SALE OF GENERAL OBLIGATION LONG-RANGE BUILDING PROGRAM BONDS; TO APPROPRIATE THE PROCEEDS OF THE BONDS FOR CAPITAL PROJECTS FOR THE BIENNIUM ENDING JUNE 30, 1993; TO PROVIDE FOR AN AGREEMENT BETWEEN THE BOARD OF EXAMINERS AND THE BOARD OF REGENTS; TO PROVIDE FOR OTHER MATTERS RELATING TO THE APPROPRIATIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. **Definitions.** For the purposes of [sections 1 through 17], unless otherwise stated, the following definitions apply:

(1) "Agency" includes each state office, department, board, commission, council, or committee, the university system, or any other entity or instrumentality of the executive branch, office of the legislative branch, or office of the judicial branch of state government.

(2) "Approved budget amendment" means approval by the budget director of a request submitted through the architecture and engineering division of the department of administration to transfer excess funds appropriated to a capital project within an agency in order to increase the appropriations of another capital project within that agency or to obtain financing to expand a project with funds that were not available for consideration by the legislature.

(3) "Capital project" means acquisition of land or improvements, planning, capital construction, renovation, furnishing, or major repair projects authorized in [sections 1 through 17].

(4) "LRBPF" means the long-range building program fund in the capital projects fund type.

(5) "Major maintenance" means building maintenance or repair projects that are not needed on an annual or biennial basis or are not the function of the permanent maintenance staff of the agency.

(6) "Major maintenance plan" means a 6-year schedule of anticipated major maintenance requirements and costs for the first 2 years of the schedule, developed for each state building, as

ENROLLED BILL



determined by the department of administration. The plan must include a record of major maintenance performed in the previous biennium.

(7) "Other funding sources" means money other than long-range building program fund money, including special revenue fund money, that accrues to an agency under the provisions of law.

Section 2. **Expansion required to be authorized.** An existing capital project may not be expanded beyond the scope of the project as approved by the 52nd legislature unless the capital project expansion is authorized by an approved budget amendment.

Section 3. **Federal funds for administration.** All federal funds received as a reimbursement for the cost of administering the federal funds when the cost was financed from the general fund revert to the general fund.

Section 4. **Reappropriation.** Notwithstanding any other provision of law, the remaining balances on capital projects previously appropriated are reappropriated until June 30, 1993, for the purposes for which originally appropriated.

Section 5. **Major maintenance plan -- requirements.** For all new construction proposals submitted to the legislature and for all existing applicable state buildings, as determined by the department of administration, each agency, in consultation with the architecture and engineering division of the department of administration, shall provide a major maintenance plan. This plan must be submitted by the agency to the department of administration by July 1 of each even-numbered year, along with the proposed long-range building program required under 17-7-202.

Section 6. **Capital projects appropriations.** (1) The following money is appropriated for the indicated capital projects from the indicated sources to the department of administration, which is authorized to transfer the appropriated money among the necessary fund types for these projects:

<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
DEPARTMENT OF ADMINISTRATION		

<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
Hazardous Material Abatement, Statewide	\$ 617,500	\$ 150,000 Auxiliary
State Building Energy Retrofit, Statewide		500,000 Nonstate State Special Revenue 1,000,000 Federal Special Revenue 500,000 Auxiliary or Other
Construction Litigation, Architecture and Engineering Division	345,000	
Develop Alternate Water Supply, Capitol Complex		50,000 Proprietary Funds
Property Acquisition and Development, Capitol Complex		123,014 Capitol Land Grant
DEPARTMENT OF COMMERCE		
Improve Pavement and Lighting, Yellowstone Airport		51,773 Proprietary Funds 465,957 Federal Special Revenue
DEPARTMENT OF EDUCATION		
Replace Academic Building Roof and Miscellaneous Repairs, Montana School for the Deaf and Blind	339,000	
DEPARTMENT OF FAMILY SERVICES		
Expand Security Fence, Pine Hills School	27,000	

<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
Replace and Repair Roofs, Family Services	127,600	
DEPARTMENT OF FISH, WILDLIFE, AND PARKS		
Remove Underground Storage Tanks, Statewide		150,000 State Special Revenue
Headquarters Maintenance and Improvements, Statewide		85,000 State Special Revenue
Department Property Development, Statewide		360,000 State Special Revenue
State Park Maintenance and Development, Statewide		3,798,500 State Special Revenue 1,124,500 Federal Special Revenue
Fish Hatchery Maintenance, Statewide		37,500 State Special Revenue 112,500 Federal Special Revenue
Fishing Access Site Improvements, Statewide		286,000 State Special Revenue 858,000 Federal Special Revenue
Motorboat Access Facilities, Statewide		67,000 State Special Revenue 201,000 Federal Special Revenue
Wildlife Habitat Maintenance, Statewide		304,000 State Special Revenue
Waterfowl Habitat Enhancement, Statewide		349,500 State Special Revenue
DEPARTMENT OF HIGHWAYS		

<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
Maintenance Projects, Statewide		450,000 Highways State Special Revenue
Construct and Expand Maintenance and Storage Buildings, Statewide		1,167,600 Highways State Special Revenue
		115,925 Federal Special Revenue
 DEPARTMENT OF INSTITUTIONS		
Replace Water and Steam Lines, Montana Developmental Center	116,708	
Replace Roofs, Institutions	30,000	
Moisture Protection, Eastmont Human Services Center	98,450	
Maintain Roads and Parking Lots, Institutions	37,625	
Montana State Hospital Infrastructure Study	112,375	
Seal Buildings, Montana State Prison	25,000	
Building Improvements, Center for the Aged	105,015	
Replace Multipurpose Building Flooring, Montana State Hospital, Warm Springs	26,800	
Galen Repair Projects	181,000	
 DEPARTMENT OF LABOR AND INDUSTRY		
Renovate and Expand Job Service, Great Falls		310,000 Federal Special Revenue

<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>	
Various Major Maintenance Projects		209,450	Federal Special Revenue
DEPARTMENT OF STATE LANDS			
Construct Unit Office, Plains	235,000		
Construct Two Greenhouses, Missoula		191,900	State Special Revenue
DEPARTMENT OF MILITARY AFFAIRS			
Kitchen Upgrade, Statewide	45,000		
Rifle Range Rehabilitation, Statewide	10,000	555,000	Federal Special Revenue
Armory Additions and Alterations, Statewide	150,000	16,155,000	Federal Special Revenue
Acquire Land and Preplan Armory, Billings	150,000	200,000	Federal Special Revenue
Expand Military Vehicle Compounds, Statewide	5,000	275,000	Federal Special Revenue
Federal Spending Authority		300,000	Federal Special Revenue
Libby Armory		827,000	Federal Special Revenue
MONTANA UNIVERSITY SYSTEM			
Primary Electrical Vault Disconnect, Eastern Montana College	31,000	14,000	Auxiliary
Install Fire Alarm System, University of Montana	70,000		
Replace and Improve Roofs, University System	1,154,550	350,000	Plant
Improve Underground Utilities, Phase I, University System	296,000	200,000	Auxiliary

<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
Repair and Improve Heating System, Western Montana College	57,900	
Improve Handicapped Access, University System	335,000	
Replace Carpet, Great Falls Vo-Tech	60,000	
Improve Sidewalks and Fire Access, University System	86,000	
Plan Chemistry/Pharmacy Renovations, University of Montana	50,000	
Plan Metallurgy Remodel, Montana Tech	50,000	
Window Retrofit Museum Building, Montana Tech	142,000	
Various Improvements, University of Montana		2,584,600 Federal, Higher Education Funds, and/or Donations
Centennial Mall, Montana State University		1,600,000 Plant
Remodel Student Union Building, Western Montana College		600,000 Auxiliary
Construct Engineering/Physical Sciences Complex, Montana State University		2,168,200 Higher Education Funds and/or Donations



<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
Life Science Building, University of Montana		12,000,000 Federal Special Revenue
Construct Business Administration Building, University of Montana		1,858,320 Higher Education Funds and/or Donations
Multipurpose Building, Northern Agricultural Research Center	150,000	
Repair Northern Montana College Gymnasium		1,700,000 Higher Education Funds and/or Donations

(2) If House Bill No. 959 is not passed and approved, the appropriation in this section to construct the engineering/physical sciences complex at MSU is \$2,668,200 from higher education funds and/or donations.

(3) For purposes of obtaining cash for the construction litigation appropriation authority in [section 6(1)], the architecture and engineering division of the department of administration is authorized to request a budget amendment for transfer of any excess long-range building project funds from any agency so long as the amendment does not move funds required to complete any authorized agency project.

(4) The following money is appropriated to the department of administration in the indicated amounts for the purpose of planning projects described in [section 12] and authorized in [section 13]:

<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
Preliminary Design for Prison Expansion	\$ 877,500	
Preliminary Design, University System:		

<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
Engineering/Physical Sciences, MSU	1,165,290	
Business Administration, UM	604,705	

(5) (a) If House Bill No. 959 is passed and approved, the following money is appropriated to the department of administration for the university system:

<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
University System		
Deferred Maintenance Projects and Equipment Approved by the Board of Regents		\$600,000 General Fund
Repair Northern Montana College Gymnasium		1,300,000 General Fund
Equipment for Eastern Montana College		600,000 General Fund
Construct Engineering/Physical Sciences Complex, Montana State University		500,000 General Fund

(b) If the bonding program in [section 13] fails to receive the necessary two-thirds vote of both houses of the legislature and if House Bill No. 959 is passed and approved, there is appropriated \$1,800,000 from the general fund to the university system for deferred maintenance projects and/or equipment as approved by the board of regents. The \$1,165,290 appropriation for the engineering/physical sciences complex at MSU and the \$604,705 appropriation for the business administration building at UM in [section 6(4)] are void, and LRBPF funds in the amount of \$1,769,995 are appropriated to replace the \$1,300,000 general fund appropriation for the repairs of the northern Montana college gymnasium in subsection (5), funds in the amount of \$400,000 are appropriated to replace the bonding money for the Libby armory in [section 12], and funds in the

amount of \$69,995 are appropriated to design the remodeling of the Great Falls vocational-technical center.

(6) Amounts not to exceed \$490,000 of federal special revenue money and \$163,333 of state special revenue money appropriated in the state parks maintenance and development statewide line item under subsection (1) may be added to the line item appropriations for motorboat access facilities statewide under subsection (1) or fishing access site acquisition statewide under [section 8(1)]. This subsection is void if House Bill No. 386 and Senate Bill No. 415 are passed and approved and provide sufficient additional state special revenue money required as state matching funds to fully utilize all of the federal special revenue money provided in subsection (1) in the line item appropriation for state parks.

Section 7. **Capital improvements appropriation to Montana state prison.** The following money is appropriated to Montana state prison in the indicated amounts for the purpose of making capital improvements to the Montana state prison industries facilities:

<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
Expand Industries Facilities, Montana		
State Prison	\$321,976	Proprietary Funds
	14,000	Federal Special Revenue

Section 8. **Land acquisition appropriation.** (1) The following money is appropriated to the department of fish, wildlife, and parks in the indicated amounts for purposes of land acquisition, land leasing, or easement purchase:

<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
Fishing Access Site Acquisition,		
Statewide	\$ 881,000	State Special Revenue
Wildlife Habitat Acquisition, Statewide	4,923,356	State Special Revenue

<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
Bighorn Sheep Habitat Acquisition, Statewide		48,500 State Special Revenue

(2) The amount of \$150,000 of the appropriation for "Wildlife Habitat Acquisition, Statewide" may be used to implement the provisions of [section 2 of Senate Bill No. 252], passed by the 52nd legislature.

Section 9. River restoration. The following money is appropriated to the department of fish, wildlife, and parks for river restoration:

<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
River Restoration, Statewide		\$219,000 State Special Revenue

Section 10. Capital improvements. (1) The following money is appropriated to the department of highways in the indicated amount for the purpose of making capital improvements to statewide facilities:

<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
Maintenance Projects, Statewide		\$243,500 Highways State Special Revenue

(2) The following money is appropriated to the department of state lands in the indicated amounts for the purpose of making capital improvements to statewide facilities:

<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
Maintenance and Improvement Projects, Statewide	\$118,280	\$100,000 Federal Special Revenue

(3) The following money is appropriated to the department of fish, wildlife, and parks in the indicated amount for the purpose of improving waterfowl habitat:

<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
Waterfowl Habitat Enhancement, Statewide		\$50,000 State Special Revenue

Section 11. Disposition of unspent bond proceeds and related investment income. Excess

investment income and excess principal of bonds issued for a specific purpose or project may be placed in the debt service fund to retire bonds issued for the purpose or project.

Section 12. **Appropriation of bond proceeds and other funds.** (1) The following money is appropriated from the bond proceeds and other funding sources to the department of administration for the capital projects described in this section contingent upon the respective authorization and sale of general obligation long-range building program bonds by the 52nd legislature and the board of examiners:

<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
Major Expansion, Montana State Prison		\$19,360,745
Construct Engineering/Physical Sciences Complex, Montana State University		18,401,510
Construct Business Administration Building, University of Montana		13,022,975
Construct Women's Correction Center		10,075,600
Construct Libby Armory		400,000

(2) If the bonding program in [section 13] fails to receive the necessary two-thirds vote of both houses of the legislature, the \$400,000 for the Libby armory is appropriated from the LRBPF funds as stated in [section 6(5)(b)].

Section 13. **Authorization of bonds.** The board of examiners is authorized to issue and sell general obligation long-range building program bonds in an amount not exceeding \$61,260,830 for the projects described in [section 12] over and above the amount of general obligation long-range building program bonds outstanding on January 1, 1991, to be issued in accordance with the terms and in the manner required by Title 17, chapter 5, part 8. The authority granted to the board by this section is in addition to any other authorization to the board to issue and sell general obligation long-range building program bonds.

Section 14. **Capital projects reauthorization.** (1) The appropriations for capital projects authorized in section 5, House Bill No. 900, Laws of 1983, and in section 6, House Bill No. 5, Laws of 1987, for the Creston Springs hatchery operated by the department of fish, wildlife, and parks are appropriated through the biennium ending June 30, 1993, for a kokanee salmon facility.

(2) The appropriation for capital projects authorized in section 6, House Bill No. 777, Laws of 1989, for the construction of statewide sandhouses operated by the department of highways is appropriated through the biennium ending June 30, 1993, for the construction of an equipment storage garage near Lincoln.

(3) The appropriations for capital projects authorized in sections 6 and 8(1) of House Bill No. 777, Laws of 1989, for the Lake Elmo improvements project are reappropriated as follows: Through June 30, 1991, appropriated funds are reserved for the Lake Elmo improvements project. Any capital projects funds that have not by that date been matched with local funds on a cash basis, through a deposit of cash with the department of fish, wildlife, and parks accounts, are no longer reserved for the project. Any remaining balance of capital projects funds not designated for Lake Elmo improvements as of July 1, 1991, are available to the department of fish, wildlife, and parks to expend for state parks improvements. Funds for these projects must be matched equally by local funds. The department of administration may expend only that portion of the appropriation that is equally matched with local funds on a cash basis. In-kind services may not be considered for matching purposes.

Section 15. **Planning and design.** The department of administration may proceed with the planning and design of capital projects prior to the sale of bonds or the receipt of other funding sources. The department may use interaccount loans in accordance with 17-2-107 to pay planning and design costs incurred prior to the receipt of bond proceeds or other funding sources.

Section 16. **Capital projects -- contingent funds.** (1) If a capital project is financed in whole or in part with appropriations contingent upon the receipt of other funding sources, the department

of administration may not let such projects for bid until the agency has submitted a financial plan for approval by the director of the department of administration. A financial plan may not be approved by the director if:

(a) the level of funding provided under the financial plan deviates substantially from the funding levels provided in [sections 1 through 17] for that project; or

(b) the scope of the project must be substantially altered or revised from the preliminary plans presented for that project in the 1992-93 long-range building program presented to the 52nd legislature.

(2) The funds appropriated in [section 6(1)] for the construction of an engineering/physical sciences complex at Montana state university and for the construction of a business administration building at the university of Montana are from higher education funds and/or donations and must be committed to the universities before expenditure of state bond proceeds for construction.

Section 17. **Legislative consent.** The appropriations authorized in [sections 1 through 17] constitute legislative consent for the capital projects contained in [sections 1 through 17] within the meaning of 18-2-102.

Section 18. **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.

Section 19. **Requirements for approval of state debt.** Because [section 13] authorizes the creation of a state debt, a vote of two-thirds of the members of each house is required for enactment of [sections 12 and 13]. If [section 13] is not approved by the required vote, [sections 12, except for the Libby armory project, and 13] are void. The remaining sections of [this act] are valid and remain in effect in all valid applications upon enactment.

Section 20. **Effective date.** [This act] is effective on passage and approval.

Section 21. **Priority of projects.** Any projects funded by appropriations made from the long-range building program capital projects fund in other appropriation bills have a lower priority than capital projects funded by appropriations in [this act].