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House BILL NO. 603

INTRODUCED BY



BY REQUEST OF THE LONG-RANGE PLANNING SUBCOMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING CERTAIN CONSTRUCTION PROJECTS FROM CERTAIN STATE LAWS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Exemptions.** If the construction of a stadium at Montana state university - Bozeman and the restoration and remodeling of the Prescott house at the university of Montana - Missoula are authorized in House Bill No. 5, the projects are not subject to the requirements of Title 18, chapter 2, except that:

- (1) the department of administration shall execute the provisions of 18-2-103(1)(a) and (1)(e); and
- (2) the provisions of Title 18, chapter 2, part 4, apply to all labor other than donated labor.

NEW SECTION. **Section 2. Coordination.** If House Bill No. 5 does not contain authority for the projects referred to in [section 1], then [this act] is void.

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

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0603, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act exempting certain Montana university system construction projects from certain state laws.

FISCAL IMPACT:

No fiscal impact.

Dave Lewis 5-21-95
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Tom Zook
TOM ZOOK, PRIMARY SPONSOR DATE
Fiscal Note for HB0603, as introduced
HB 603

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6 CERTAIN STATE LAWS; AUTHORIZING FUNDING FOR THE PROJECTS; ESTABLISHING PARAMETERS
7 AND CONDITIONS FOR THE PROJECTS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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12 at Montana state university - Bozeman ~~and~~, the restoration and remodeling of the Prescott house AND
13 CAMPUS DRIVE at the university of Montana - Missoula ~~are authorized in House Bill No. 5, the, AND~~
14 IMPROVEMENTS TO THE PHYSICAL EDUCATION COMPLEX AND RENOVATION OF VIGILANTE STADIUM
15 AT WESTERN MONTANA COLLEGE OF THE UNIVERSITY OF MONTANA ARE AUTHORIZED BY [SECTIONS
16 1 THROUGH 5]. THE DESIGN AND CONSTRUCTION OF THESE projects are not subject to the
17 requirements of Title 18, ~~chapter~~ CHAPTERS 2 AND 8, except that:

- 18 (1) the department of administration shall execute the provisions of 18-2-103(1)(a) and (1)(e); and
19 (2) the provisions of Title 18, chapter 2, part 4, apply to all labor other than donated labor.

20
21 ~~NEW SECTION. Section 2. Coordination. If House Bill No. 5 does not contain authority for the~~
22 ~~projects referred to in [section 1], then [this act] is void.~~

23
24 NEW SECTION. SECTION 2. AUTHORIZATION. PRIVATE FUNDING IS AUTHORIZED FOR THE
25 FOLLOWING PROJECTS:

26 MONTANA STATE UNIVERSITY - BOZEMAN

27 RENOVATE OR CONSTRUCT ATHLETIC COMPLEX \$12,000,000 PRIVATE FUNDS

28 UNIVERSITY OF MONTANA - MISSOULA

29 PRESCOTT HOUSE AND CAMPUS DRIVE IMPROVEMENTS 1,650,000 PRIVATE FUNDS

30 WESTERN MONTANA COLLEGE OF THE UNIVERSITY OF MONTANA

1	<u>PHYSICAL EDUCATION COMPLEX IMPROVEMENTS</u>	<u>150,000</u>	<u>PRIVATE FUNDS</u>
2	<u>RENOVATE VIGILANTE STADIUM</u>	<u>300,000</u>	<u>PRIVATE FUNDS</u>

3

4 NEW SECTION. SECTION 3. TERMS AND CONDITIONS. THE TERMS, GUARANTIES, AND
5 AGREEMENTS RELATIVE TO THESE PROJECTS MUST BE NEGOTIATED IN THE BEST INTERESTS OF THE
6 STATE AND MUST INCLUDE GUARANTIES THAT NO COMMITMENT OF STATE APPROPRIATED FUNDS
7 FOR DESIGN, CONSTRUCTION, OPERATIONS, OR MAINTENANCE IS EXPRESSED OR IMPLIED. THE
8 TERMS, GUARANTIES, AND AGREEMENTS ARE SUBJECT TO FINAL REVIEW AND APPROVAL BY THE
9 BOARD OF REGENTS, AFTER WHICH THE APPROVING AUTHORITY IS REQUIRED TO PROVIDE A REPORT
10 CERTIFYING TO THE BUDGET DIRECTOR THAT THESE CONDITIONS ARE MET. THE BUDGET DIRECTOR
11 SHALL CERTIFY ACCEPTANCE OF THIS REPORT TO THE DEPARTMENT OF ADMINISTRATION PRIOR TO
12 FINAL APPROVAL BY THE DEPARTMENT OF ADMINISTRATION PURSUANT TO 18-2-103(1)(A).

13

14 NEW SECTION. SECTION 4. SPECIFIC TERMS FOR ATHLETIC COMPLEX. THE AUTHORIZATION
15 FOR ATHLETIC FACILITIES AT MONTANA STATE UNIVERSITY - BOZEMAN, AS AUTHORIZED IN
16 [SECTIONS 1 THROUGH 5], ALLOWS THE BOARD OF REGENTS TO LEASE THE LAND OR THE LAND AND
17 ITS FACILITIES TO A PRIVATE, NONPROFIT ORGANIZATION IN ORDER TO SOLICIT, MANAGE, AND
18 ADMINISTER GIFTS, DONATIONS, IN-KIND CONTRIBUTIONS, AND REVENUE ON BEHALF OF THE
19 UNIVERSITY FOR THE PURPOSE OF COMPLETING THE RENOVATION OR CONSTRUCTION OF A NEW
20 ATHLETIC COMPLEX.

21

22 NEW SECTION. SECTION 5. COORDINATION INSTRUCTION. IF [THIS ACT] AND HOUSE BILL
23 NO. 352 ARE BOTH PASSED AND APPROVED, THEN [SECTION 1] OF HOUSE BILL NO. 352 IS AMENDED
24 TO READ:

25 **"Section 1. Prohibition on transfer to foundation. (1) ~~is~~ Except as provided in subsection (2), in**
26 **order to implement the provisions of Article VIII, section 12, of the Montana constitution, ownership of the**
27 **following may not be transferred to a nonprofit corporation or foundation established for the benefit of a**
28 **unit of the university system unless full market value is received for the transfer and laws applicable to the**
29 **disposition of property are followed:**

30 ~~(1)(a)~~ money in the higher education funds provided for in 17-2-102;

1 ~~(2)(b)~~ excess proceeds of money borrowed pursuant to 20-25-402; and
 2 ~~(3)(c)~~ real or personal property acquired with money listed in subsection (1)~~(a)~~ or proceeds listed
 3 in subsection ~~(2)~~ (1)(b).

4 (2) Subsection (1) does not apply to the lease for the athletic complex at Montana state university
 5 provided for in [section 4] of House Bill No. 603. The land lease for the athletic complex must be of a term
 6 not to exceed 7 years from the date of approval of the lease."

7

8 NEW SECTION. **Section 6. Effective date.** [This act] is effective on passage and approval.

9

-END-

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3 BY REQUEST OF THE LONG-RANGE PLANNING SUBCOMMITTEE

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30 AUXILIARY FUNDS

1	<u>WESTERN MONTANA COLLEGE OF THE UNIVERSITY OF MONTANA</u>		
2	<u>PHYSICAL EDUCATION COMPLEX IMPROVEMENTS</u>	<u>150,000</u>	<u>PRIVATE FUNDS</u>
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11 CERTIFYING TO THE BUDGET DIRECTOR THAT THESE CONDITIONS ARE MET. THE BUDGET DIRECTOR
12 SHALL CERTIFY ACCEPTANCE OF THIS REPORT TO THE DEPARTMENT OF ADMINISTRATION PRIOR TO
13 FINAL APPROVAL BY THE DEPARTMENT OF ADMINISTRATION PURSUANT TO 18-2-103(1)(A).

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15 NEW SECTION. SECTION 4. SPECIFIC TERMS FOR PRESCOTT HOUSE AND CAMPUS DRIVE
16 IMPROVEMENTS. FOR THE AUTHORIZATION TO THE UNIVERSITY OF MONTANA - MISSOULA FOR THE
17 PRESCOTT HOUSE PROJECT, THE UNIVERSITY IS PROHIBITED FROM SUBSTANTIALLY ALTERING OR
18 CHANGING THE CONFIGURATION OF CAMPUS DRIVE.

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3 following may not be transferred to a nonprofit corporation or foundation established for the benefit of a
4 unit of the university system unless full market value is received for the transfer and laws applicable to the
5 disposition of property are followed:

6 ~~(1)(a)~~ money in the higher education funds provided for in 17-2-102;

7 ~~(2)(b)~~ excess proceeds of money borrowed pursuant to 20-25-402; and

8 ~~(3)(c)~~ real or personal property acquired with money listed in subsection (1)(a) or proceeds listed
9 in subsection ~~(2)~~ (1)(b).

10 (2) Subsection (1) does not apply to the lease for the athletic complex at Montana state university
11 provided for in [section 4] of House Bill No. 603. The land lease for the athletic complex must be of a term
12 not to exceed 7 years from the date of approval of the lease."

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14 NEW SECTION. Section 7. Effective date. [This act] is effective on passage and approval.

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