

HOUSE BILL NO. 5

INTRODUCED BY BERGSAGEL

BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING

A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING MONEY FOR CAPITAL PROJECTS FOR THE BIENNIUM ENDING JUNE 30, 1999; PROVIDING 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 8], unless otherwise stated, the following definitions apply:

(1) "Capital project" means the acquisition of land or improvements or the planning, capital construction, renovation, furnishing, or major repair projects authorized in [sections 1 through 8].

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

(3) "Other funding sources" means money other than LRBP money, including special revenue fund money, that accrues to an agency under the provisions of law.

NEW SECTION. Section 2. Capital projects appropriations. 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>LRBP</u>	<u>Other Funding Sources</u>
DEPARTMENT OF ADMINISTRATION		
Repair Limestone on Museum and Repair		
Masonry on Other Capitol Complex Buildings	\$300,000	
Plan Lease Reduction Program, Helena	350,000	
Roof Repair and Replacement, Capitol Complex	279,000	
Hazardous Materials Mitigation, Statewide	720,000	
State Building Energy Retrofit, Statewide	\$1,000,000	Nonstate State Special Revenue

1	DEPARTMENT OF AGRICULTURE			
2	Modify State Grain Laboratory to Comply With			
3	ADA Standards	40,000		
4	DEPARTMENT OF CORRECTIONS			
5	Secure Female Facility and Renovations,			
6	MYAP, Boulder	1,450,000		
7	Xanthopoulos Building Renovations, MSP,			
8	Warm Springs	600,000		
9	MCE Improvements/Expansion, MSP,			
10	Warm Springs	400,000	Proprietary	
11	Regional Correctional Facilities	2,400,000	Federal Special Revenue	
12	DEPARTMENT OF FISH, WILDLIFE, AND PARKS			
13	Secure Water Supply, Giant Springs			
14	Trout Hatchery	753,847	State Special Revenue	
15	Bluewater Hatchery Renovation, Phase III	3,316,319	State Special Revenue	
16	Construct Parks Interpretive Center	1,250,000	State Special Revenue	
17	Secure Water Supply, Big Springs			
18	Trout Hatchery	1,620,451	State Special Revenue	
19	DEPARTMENT OF LABOR			
20	Install Elevator, Missoula Job Service	87,000	State Special Revenue	
21	DEPARTMENT OF MILITARY AFFAIRS			
22	Demolition of Poplar Armory	300,000		
23	Furnace Replacement, Womack Armory	300,000		
24	Replace Roof, OMS #3, Helena	30,000	90,000	Federal Special Revenue
25	MONTANA UNIVERSITY SYSTEM			
26	Code Compliance/Disability Access,			
27	University System	2,900,000		
28	Roof Replacements, University System	971,500		
29	Replace Primary Electrical Distribution,			
30	MSU-Billings	300,000	Auxiliary	

1	Utility Tunnel Extension, MSU-Bozeman	3,944,000	Auxiliary
2	DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION		
3	Maintenance and Improvement Projects,		
4	Statewide	200,000	
5	Fire Cache/Garage, Plains Unit	175,000	
6	DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES		
7	Miscellaneous Maintenance and		
8	Improvements, Montana Veterans' Home	406,000	State Special Revenue
9	DEPARTMENT OF TRANSPORTATION		
10	Equipment Buildings, Statewide	2,535,000	Highways State Special Revenue
11			
12	<u>NEW SECTION. Section 3. Land acquisition appropriation.</u> The following money is appropriated		
13	to the department of fish, wildlife, and parks in the indicated amounts for purposes of land acquisition, land		
14	leasing, easement purchase, or development agreement:		
15	<u>Agency/Project</u>	<u>LRBP</u>	<u>Other Funding Sources</u>
16	Habitat Montana	\$6,200,000	State Special Revenue
17	Fishing Access Site Acquisition, Statewide	466,000	State Special Revenue
18	Bighorn Sheep Program	330,000	State Special Revenue
19			
20	<u>NEW SECTION. Section 4. Capital improvements.</u> (1) The following money is appropriated to the		
21	department of fish, wildlife, and parks in the indicated amounts for the purpose of making capital		
22	improvements to statewide facilities:		
23	<u>Agency/Project</u>	<u>LRBP</u>	<u>Other Funding Sources</u>
24	Cultural and Historic Parks Improvements	\$ 690,000	State Special Revenue
25	Future Fisheries Improvement Program	1,000,000	State Special Revenue
26	Miles City Hatchery Repairs	305,500	State Special Revenue
27	Capitol Complex Irrigation Improvements	225,000	Capitol Land Grant Revenue
28	Road Improvements, State Parks	1,768,000	State Special Revenue
29	Water-Based Recreation Parks Program	642,500	State Special Revenue
30		450,000	Federal Special Revenue

1	Administrative Facilities Repairs and Improvements	687,000	State Special Revenue
2	Wildlife Habitat Maintenance	825,000	State Special Revenue
3		100,000	Federal Special Revenue
4	Fishing Access Site Protection, Statewide	650,000	State Special Revenue
5		50,000	Federal Special Revenue
6	Waterfowl Stamp Protection	165,000	State special Revenue
7	Fishing Access Site Maintenance, Statewide	275,000	State Special Revenue

8 (2) The following money is appropriated to the department of military affairs in the indicated
 9 amounts for the purpose of making capital improvements to statewide facilities:

10	<u>Agency/Project</u>	<u>LRBP</u>	<u>Other Funding Sources</u>
11	Federal Spending Authority	\$ 800,000	Federal Special Revenue
12	Eastern Montana State Veterans'	52,500	State Special Revenue
13	Cemetery, Phase I	52,500	Federal Special Revenue
14	Track Parking, Fort Harrison	500,000	Federal Special Revenue
15	BOQ/BEQ, Fort Harrison	1,700,000	Federal Special Revenue
16	CSMS, Fort Harrison	75,000	Federal Special Revenue

17 (3) The following money is appropriated to Montana state university in the indicated amount for the
 18 purpose of making capital improvements to campus facilities:

19	<u>Agency/Project</u>	<u>LRBP</u>	<u>Other Funding Sources</u>
20	Authority Only Projects, Montana State University	\$5,000,000	Auxiliary

21 (4) The following money is appropriated to the university of Montana in the indicated amount for
 22 the purpose of making capital improvements to campus facilities:

23	<u>Agency/Project</u>	<u>LRBP</u>	<u>Other Funding Sources</u>
24	Authority Only Projects, University of Montana	\$16,050,000	Federal, Trust, Higher
25			Education Funds, and Donations

26 (5) The following money is appropriated to the department of transportation in the indicated amount
 27 for the purpose of making capital improvements to statewide facilities:

28	<u>Agency/Project</u>	<u>LRBP</u>	<u>Other Funding Sources</u>
29	Repair, Maintenance, and Minor		
30	Construction Projects, Statewide	\$1,415,000	Highways State Special Revenue

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7 APPROPRIATIONS; AMENDING SECTION 6, CHAPTER 547, LAWS OF 1995; AND PROVIDING AN
8 IMMEDIATE EFFECTIVE DATE."

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

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12 NEW SECTION. **Section 1. Definitions.** For the purposes of [sections 1 through 8], unless
13 otherwise stated, the following definitions apply:

14 (1) "Capital project" means the acquisition of land or improvements or the planning, capital
15 construction, renovation, furnishing, or major repair projects authorized in [sections 1 through 8].

16 (2) "LRBP" means the long-range building program account in the capital projects fund type.

17 (3) "Other funding sources" means money other than LRBP money, including special revenue fund
18 money, that accrues to an agency under the provisions of law.

19
20 NEW SECTION. **Section 2. Capital projects appropriations.** (1) The following money is
21 appropriated for the indicated capital projects from the indicated sources to the department of
22 administration, which is authorized to transfer the appropriated money among the necessary fund types for
23 these projects:

24 <u>Agency/Project</u>	<u>LRBP</u>	<u>Other Funding Sources</u>
25 DEPARTMENT OF ADMINISTRATION		
26 Repair Limestone on Museum and Repair		
27 Masonry on Other Capitol Complex Buildings	\$300,000	
28 Plan Lease Reduction Program, Helena	350,000	
29 Roof Repair and Replacement, Capitol Complex	279,000	
30 Hazardous Materials Mitigation, Statewide	720,000	

1	State Building Energy Retrofit, Statewide	\$1,000,000	Nonstate State Special
2			Revenue
3	<u>HISTORIC RESTORATION,</u>		
4	<u> MONTANA STATE CAPITOL</u>	<u>100,000</u>	
5	<u>HEALTH SAFETY/CODE</u>		
6	<u> COMPLIANCE, STATEWIDE</u>	<u>408,000</u>	
7	DEPARTMENT OF AGRICULTURE		
8	Modify State Grain Laboratory to Comply With		
9	ADA Standards	40,000	
10	DEPARTMENT OF CORRECTIONS		
11	Secure Female Facility and Renovations,		
12	MYAP, Boulder	1,450,000	
13		<u>1,846,580</u>	
14	Xanthopoulos Building Renovations, MSP,		
15	Warm Springs	600,000	
16	MCE Improvements/Expansion, MSP,		
17	Warm Springs	400,000	Proprietary
18	Regional Correctional Facilities	2,400,000	Federal Special Revenue
19	<u>ONE REGIONAL CORRECTIONAL FACILITY</u>	<u>3,251,547</u>	<u>FEDERAL SPECIAL REVENUE</u>
20	<u>192-BED EXPANSION,</u>		
21	<u> MSP, DEER LODGE</u>	<u>6,560,000</u>	<u>FEDERAL SPECIAL REVENUE</u>
22	<u>SPIRITUAL ACTIVITY CENTER, WCC</u>		
23	<u> AUTHORITY ONLY</u>	<u>350,000</u>	<u>DONATIONS</u>
24	DEPARTMENT OF FISH, WILDLIFE, AND PARKS		
25	Secure Water Supply, Giant Springs		
26	Trout Hatchery	753,847	State Special Revenue
27		<u>553,847</u>	
28		<u>200,000</u>	<u>FEDERAL SPECIAL REVENUE</u>
29	Bluewater Hatchery Renovation, Phase III	3,316,319	State Special Revenue
30	Construct Parks Interpretive Center	1,250,000	State Special Revenue

1		<u>950,000</u>	
2	Secure Water Supply, Big Springs		
3	Trout Hatchery	1,620,451	State Special Revenue
4	DEPARTMENT OF LABOR		
5	Install Elevator, Missoula Job Service	<u>87,000</u>	State Special Revenue
6		<u>23,490</u>	
7		<u>63,510</u>	<u>FEDERAL SPECIAL REVENUE</u>
8	DEPARTMENT OF MILITARY AFFAIRS		
9	Demolition of Poplar Armory	<u>300,000</u>	
10		<u>150,000</u>	
11	Furnace Replacement, Womack Armory	<u>300,000</u>	
12		<u>275,000</u>	
13	Replace Roof, OMS #3, Helena	30,000	90,000 Federal Special Revenue
14	<u>ARMY AVIATION SUPPORT FACILITY</u>		
15	<u>MAINTENANCE</u>	<u>39,578</u>	
16	<u>BOZEMAN ARMORY ADA MODIFICATIONS</u>	<u>50,000</u>	
17	<u>ARMED FORCES RESERVE CENTER,</u>		
18	<u>BILLINGS</u>	<u>3,000,000</u>	<u>FEDERAL SPECIAL REVENUE</u>
19	MONTANA UNIVERSITY SYSTEM		
20	Code Compliance/Disability Access,		
21	University System	2,900,000	
22	Roof Replacements, University System	971,500	
23	Replace Primary Electrical Distribution,		
24	MSU-Billings	<u>300,000</u>	Auxiliary
25		<u>356,400</u>	
26	Utility Tunnel Extension, MSU-Bozeman	<u>3,944,000</u>	Auxiliary
27		<u>2,510,219</u>	
28	<u>REPAIR/REPLACE PRIMARY</u>		
29	<u>ELECTRICAL DISTRIBUTION,</u>		
30	<u>MSU-NORTHERN</u>	<u>122,000</u>	<u>AUXILIARY</u>

1	<u>RURAL TECHNOLOGICAL CENTER PLANNING,</u>		
2	<u>UM-DILLON</u>	<u>75,000</u>	
3	<u>CHEMISTRY BUILDING RENOVATION,</u>		
4	<u>UM-MONTANA TECH</u>	<u>750,000</u>	<u>DONATIONS</u>
5	DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION		
6	Maintenance and Improvement Projects,		
7	Statewide	200,000	
8	Fire Cache/Garage, Plains Unit	175,000	
9	DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES		
10	Miscellaneous Maintenance and		
11	Improvements, Montana Veterans' Home	406,000	State Special Revenue
12	DEPARTMENT OF TRANSPORTATION		
13	Equipment Buildings, Statewide	2,535,000	Highways State Special Revenue
14		<u>1,910,000</u>	

15 (2) IF ANY BONDED FUNDING AUTHORIZED IN HOUSE BILL NO. 14 FOR THE CRITICAL PROJECT
 16 REQUIREMENTS PORTION OF THE CAPITOL RESTORATION PROJECT IS NOT NEEDED BECAUSE OF A
 17 REDUCTION IN COSTS FOR THE APPROVED PROJECT, FUNDING MAY BE USED FOR HISTORIC
 18 RESTORATION OF THE MONTANA STATE CAPITOL.

19 (3) THE \$600,000 APPROPRIATION AND AUTHORITY FOR THE XANTHOPOULOS BUILDING
 20 RENOVATION PROJECT AT MSP, WARM SPRINGS, IS CONTINGENT ON THE CONSTRUCTION OF A NEW
 21 STATE HOSPITAL AT WARM SPRINGS.

22 (4) IN REGARD TO THE CONSTRUCT PARKS INTERPRETIVE CENTER PROJECT AT ULM PISHKUN,
 23 IT IS THE INTENT OF THE 55TH LEGISLATURE THAT THE SOVEREIGN NATIONS BE OFFERED THE
 24 OPPORTUNITY FOR ECONOMIC BENEFITS, FOR EXAMPLE THE OPTION TO SELL SOUVENIRS.

25
 26 NEW SECTION. Section 3. Land acquisition appropriation. The following money is appropriated
 27 to the department of fish, wildlife, and parks in the indicated amounts for purposes of land acquisition, land
 28 leasing, easement purchase, or development agreement:

29	Agency/Project	<u>LRBP</u>	<u>Other Funding Sources</u>
30	Habitat Montana	\$6,200,000	State Special Revenue

1 Fishing Access Site Acquisition, Statewide 466,000 State Special Revenue
 2 Bighorn Sheep Program 330,000 State Special Revenue

3

4 NEW SECTION. Section 4. Capital improvements. (1) (A) The following money is appropriated
 5 to the department of fish, wildlife, and parks in the indicated amounts for the purpose of making capital
 6 improvements to statewide facilities:

<u>Agency/Project</u>	<u>LRBP</u>	<u>Other Funding Sources</u>
8 Cultural and Historic Parks Improvements	\$ 690,000	State Special Revenue
9	<u>\$ 535,000</u>	
10 Future Fisheries Improvement Program	1,000,000	State Special Revenue
11	<u>1,200,000</u>	
12 Miles City Hatchery Repairs	305,500	State Special Revenue
13	<u>815,000</u>	
14 Capitol Complex Irrigation Improvements	225,000	Capitol Land Grant Revenue
15 Road Improvements, State Parks	1,768,000	State Special Revenue
16	<u>2,068,000</u>	
17 Water-Based Recreation Parks Program	642,500	State Special Revenue
18	450,000	Federal Special Revenue
19	<u>350,000</u>	
20 Administrative Facilities Repairs and Improvements	687,000	State Special Revenue
21 Wildlife Habitat Maintenance	825,000	State Special Revenue
22	100,000	Federal Special Revenue
23 Fishing Access Site Protection, Statewide	650,000	State Special Revenue
24	50,000	Federal Special Revenue
25 Waterfowl Stamp Protection	165,000	State special Revenue
26 Fishing Access Site Maintenance, Statewide	275,000	State Special Revenue

27 (B) THE TOTAL AMOUNT AUTHORIZED FOR CULTURAL AND HISTORIC PARKS IMPROVEMENTS
 28 IS \$690,000. THE REDUCED APPROPRIATION REFLECTS \$155,000 IN LODGING FACILITIES TAX
 29 REVENUE THAT IS ALLOCATED TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS AND THAT IS
 30 STATUTORILY APPROPRIATED UNDER 15-65-121 FOR MAINTENANCE OF FACILITIES IN STATE PARKS.

1 (C) OF THE \$1,200,000 APPROPRIATED TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS
 2 FOR THE FUTURE FISHERIES IMPROVEMENT PROGRAM, \$75,000 IS TO BE USED FOR THE PN BRIDGE
 3 AND CAMPGROUND - STREAMBANK EROSION CONTROL PROJECT SPONSORED BY CHOUTEAU AND
 4 FERGUS COUNTIES.

5 (D) THE APPROPRIATION OF \$225,000 IN CAPITOL LAND GRANT REVENUE TO THE
 6 DEPARTMENT OF FISH, WILDLIFE, AND PARKS IS THE LAST PRIORITY FOR USE OF THESE FUNDS
 7 DURING THE 1999 BIENNIUM. IF NECESSARY, THE PROJECT MAY BE PHASED IN AS CAPITOL LAND
 8 GRANT REVENUE BECOMES AVAILABLE.

9 (2) The following money is appropriated to the department of military affairs in the indicated
 10 amounts for the purpose of making capital improvements to statewide facilities:

<u>Agency/Project</u>	<u>LRBP</u>	<u>Other Funding Sources</u>
Federal Spending Authority	\$ 800,000	Federal Special Revenue
Eastern Montana State Veterans'	52,500	State Special Revenue
Cemetery, Phase I	52,500	Federal Special Revenue
Track Parking, Fort Harrison	500,000	Federal Special Revenue
BOQ/BEQ, Fort Harrison	1,700,000	Federal Special Revenue
CSMS, Fort Harrison	75,000	Federal Special Revenue

18 (3) (A) The following money is appropriated to Montana state university in the indicated amount
 19 for the purpose of making capital improvements to campus facilities:

<u>Agency/Project</u>	<u>LRBP</u>	<u>Other Funding Sources</u>
Authority Only Projects, Montana State University	\$5,000,000	Auxiliary
	<u>\$19,000,000</u>	<u>ACADEMIC BUILDING FEE,</u>
		<u>INDIRECT COST RECOVERY,</u>
		<u>FEDERAL, PRIVATE,</u>
		<u>PLANT FUNDS</u>

26 (B) IT IS THE INTENT OF THE 55TH LEGISLATURE THAT AT LEAST 50% OF ALL FUTURE
 27 OPERATIONS AND MAINTENANCE COSTS FOR THE CLASSROOM-LABORATORY BUILDING AUTHORIZED
 28 IN THE AMOUNT OF \$19,000,000 AT MSU-BOZEMAN BE FUNDED BY MONTANA STATE UNIVERSITY
 29 AND THAT NO MORE THAN 50% BE FUNDED WITH GENERAL FUND MONEY.

30 (4) The following money is appropriated to the university of Montana in the indicated amount for

1 the purpose of making capital improvements to campus facilities:

<u>Agency/Project</u>	<u>LRBP</u>	<u>Other Funding Sources</u>
3 Authority Only Projects, University of Montana	\$16,050,000	Federal, Trust, Higher
4		Education Funds, and Donations

5 RENOVATE MAIN HALL AUDITORIUM,

6 <u>UM-DILLON</u>	<u>1,250,000</u>	<u>DONATIONS</u>
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7 (5) The following money is appropriated to the department of transportation in the indicated amount
 8 for the purpose of making capital improvements to statewide facilities:

<u>Agency/Project</u>	<u>LRBP</u>	<u>Other Funding Sources</u>
10 Repair, Maintenance, and Minor		
11 Construction Projects, Statewide	\$1,415,000	Highways State Special Revenue

13 **NEW SECTION. Section 5. Transfer of funds.** The department of fish, wildlife, and parks is
 14 authorized to transfer money appropriated in [sections 1 through 4] among fund types.

16 **NEW SECTION. Section 6. Planning and design.** The department of administration may proceed
 17 with the planning and design of capital projects prior to the receipt of other funding sources. The
 18 department may use interaccount loans in accordance with 17-2-107 to pay planning and design costs
 19 incurred before the receipt of other funding sources.

21 **NEW SECTION. Section 7. Capital projects -- contingent funds.** If a capital project is financed,
 22 in whole or in part, with appropriations contingent upon the receipt of other funding sources, the
 23 department of administration may not let the projects for bid until the agency has submitted a financial plan
 24 for approval by the director of the department of administration. A financial plan may not be approved by
 25 the director if:

26 (1) the level of funding provided under the financial plan deviates substantially from the funding
 27 level provided in [sections 1 through 4] for that project; or

28 (2) the scope of the project is substantially altered or revised from the preliminary plans presented
 29 for that project in the 1998-99 long-range building program presented to the 55th legislature.

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 7 THE ACQUISITION, RENOVATION, AND PRESERVATION OF HISTORIC PROPERTIES; ELIMINATING THE
 8 ALLOCATION OF COAL SEVERANCE TAXES TO THE CULTURAL TRUST FUND; ALLOCATING COAL
 9 SEVERANCE TAX REVENUE FOR CULTURAL AND AESTHETIC PROJECTS; ESTABLISHING THE MONTANA
 10 HERITAGE PRESERVATION AND DEVELOPMENT COMMISSION; AUTHORIZING THE MONTANA HERITAGE
 11 PRESERVATION AND DEVELOPMENT COMMISSION TO ADMINISTER PROPERTIES AT VIRGINIA CITY
 12 AND NEVADA CITY AND OTHER CULTURALLY AND HISTORICALLY SIGNIFICANT PROPERTIES;
 13 PROVIDING FOR OTHER MATTERS RELATING TO THE APPROPRIATIONS; AMENDING SECTIONS
 14 5-11-115, 15-35-108, 22-2-301, 22-2-304, AND 23-1-108, MCA; AMENDING SECTION 6, CHAPTER 547,
 15 LAWS OF 1995; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE DATES."

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6	Roof Repair and Replacement, Capitol Complex	279,000	
7	Hazardous Materials Mitigation, Statewide	720,000	
8	State Building Energy Retrofit, Statewide	\$1,000,000	Nonstate State Special
9			Revenue
10	<u>HISTORIC RESTORATION,</u>		
11	<u>MONTANA STATE CAPITOL</u>	<u>100,000</u>	
12	<u>HEALTH SAFETY/CODE</u>		
13	<u>COMPLIANCE, STATEWIDE</u>	<u>408,000</u>	
14	DEPARTMENT OF AGRICULTURE		
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16	ADA Standards	40,000	
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20		<u>1,846,580</u>	
21	Xanthopoulos Building Renovations, MSP,		
22	Warm Springs	600,000	
23	MCE Improvements/Expansion, MSP,		
24	Warm Springs	400,000	Proprietary
25	Regional Correctional Facilities	2,400,000	Federal Special Revenue
26	<u>ONE REGIONAL CORRECTIONAL FACILITY</u>	<u>3,251,547</u>	<u>FEDERAL SPECIAL REVENUE</u>
27	<u>192-BED EXPANSION,</u>		
28	<u>MSP, DEER LODGE</u>	<u>6,560,000</u>	<u>FEDERAL SPECIAL REVENUE</u>
29	<u>SPIRITUAL ACTIVITY CENTER, WCC</u>		
30	<u>AUTHORITY ONLY</u>	<u>350,000</u>	<u>DONATIONS</u>

1	DEPARTMENT OF FISH, WILDLIFE, AND PARKS			
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3	Trout Hatchery		753,847	State Special Revenue
4			<u>553,847</u>	
5			<u>200,000</u>	<u>FEDERAL SPECIAL REVENUE</u>
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8			<u>950,000</u>	
9	Secure Water Supply, Big Springs			
10	Trout Hatchery		1,620,451	State Special Revenue
11	DEPARTMENT OF LABOR			
12	Install Elevator, Missoula Job Service		87,000	State Special Revenue
13			<u>23,490</u>	
14			<u>63,510</u>	<u>FEDERAL SPECIAL REVENUE</u>
15	DEPARTMENT OF MILITARY AFFAIRS			
16	Demolition of Poplar Armory	300,000		
17		<u>150,000</u>		
18	Furnace Replacement, Womack Armory	300,000		
19		<u>275,000</u>		
20	Replace Roof, OMS #3, Helena	30,000	90,000	Federal Special Revenue
21	<u>ARMY AVIATION SUPPORT FACILITY</u>			
22	<u>MAINTENANCE</u>	<u>39,578</u>		
23	<u>BOZEMAN ARMORY ADA MODIFICATIONS</u>	<u>50,000</u>		
24	<u>ARMED FORCES RESERVE CENTER,</u>			
25	<u>BILLINGS</u>		<u>3,000,000</u>	<u>FEDERAL SPECIAL REVENUE</u>
26	MONTANA UNIVERSITY SYSTEM			
27	Code Compliance/Disability Access,			
28	University System	2,900,000		
29	Roof Replacements, University System	971,500		
30	Replace Primary Electrical Distribution,			

1	MSU-Billings	300,000	Auxiliary
2		<u>356,400</u>	
3	Utility Tunnel Extension, MSU-Bozeman	3,844,000	Auxiliary
4		<u>2,510,219</u>	
5	<u>REPAIR/REPLACE PRIMARY</u>		
6	<u>ELECTRICAL DISTRIBUTION,</u>		
7	<u>MSU-NORTHERN</u>	<u>122,000</u>	<u>AUXILIARY</u>
8	<u>RURAL TECHNOLOGICAL CENTER PLANNING,</u>		
9	<u>UM-DILLON</u>	<u>75,000</u>	
10	<u>CHEMISTRY BUILDING RENOVATION,</u>		
11	<u>UM-MONTANA TECH</u>	<u>750,000</u>	<u>DONATIONS</u>
12	DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION		
13	Maintenance and Improvement Projects,		
14	Statewide	200,000	
15	Fire Cache/Garage, Plains Unit	175,000	
16	DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES		
17	Miscellaneous Maintenance and		
18	Improvements, Montana Veterans' Home	406,000	State Special Revenue
19	DEPARTMENT OF TRANSPORTATION		
20	Equipment Buildings, Statewide	2,535,000	Highways State Special Revenue
21		<u>1,910,000</u>	
22	<u>(2) IF ANY BONDED FUNDING AUTHORIZED IN HOUSE BILL NO. 14 FOR THE CRITICAL PROJECT</u>		
23	<u>REQUIREMENTS PORTION OF THE CAPITOL RESTORATION PROJECT IS NOT NEEDED BECAUSE OF A</u>		
24	<u>REDUCTION IN COSTS FOR THE APPROVED PROJECT, FUNDING MAY BE USED FOR HISTORIC</u>		
25	<u>RESTORATION OF THE MONTANA STATE CAPITOL.</u>		
26	<u>(3) THE \$600,000 APPROPRIATION AND AUTHORITY FOR THE XANTHOPOULOS BUILDING</u>		
27	<u>RENOVATION PROJECT AT MSP, WARM SPRINGS, IS CONTINGENT ON THE CONSTRUCTION OF A NEW</u>		
28	<u>STATE HOSPITAL AT WARM SPRINGS.</u>		
29	<u>(4) IN REGARD TO THE CONSTRUCT PARKS INTERPRETIVE CENTER PROJECT AT ULM PISHKUN,</u>		
30	<u>IT IS THE INTENT OF THE 55TH LEGISLATURE THAT THE SOVEREIGN NATIONS BE OFFERED THE</u>		

1 OPPORTUNITY FOR ECONOMIC BENEFITS, FOR EXAMPLE THE OPTION TO SELL SOUVENIRS.

2
3 NEW SECTION. Section 3. Land acquisition appropriation. The following money is appropriated
4 to the department of fish, wildlife, and parks in the indicated amounts for purposes of land acquisition, land
5 leasing, easement purchase, or development agreement:

6 Agency/Project	<u>LRBP</u>	<u>Other Funding Sources</u>
7 Habitat Montana	\$6,200,000	State Special Revenue
8 Fishing Access Site Acquisition, Statewide	466,000	State Special Revenue
9 Bighorn Sheep Program	330,000	State Special Revenue

10
11 NEW SECTION. Section 4. Capital improvements. (1) (A) The following money is appropriated
12 to the department of fish, wildlife, and parks in the indicated amounts for the purpose of making capital
13 improvements to statewide facilities:

14 <u>Agency/Project</u>	<u>LRBP</u>	<u>Other Funding Sources</u>
15 Cultural and Historic Parks Improvements	\$ 680,000	State Special Revenue
16	<u>\$ 535,000</u>	
17 Future Fisheries Improvement Program	1,000,000	State Special Revenue
18	<u>1,200,000</u>	
19	<u>1,470,000</u>	
20 Miles City Hatchery Repairs	305,500	State Special Revenue
21	<u>815,000</u>	
22 Capitol Complex Irrigation Improvements	225,000	Capitol Land Grant Revenue
23 Road Improvements, State Parks	1,768,000	State Special Revenue
24	<u>2,068,000</u>	
25 Water-Based Recreation Parks Program	642,500	State Special Revenue
26	450,000	Federal Special Revenue
27	<u>350,000</u>	
28 Administrative Facilities Repairs and Improvements	687,000	State Special Revenue
29 Wildlife Habitat Maintenance	825,000	State Special Revenue
30	100,000	Federal Special Revenue

1	Fishing Access Site Protection, Statewide	650,000	State Special Revenue
2		50,000	Federal Special Revenue
3	Waterfowl Stamp Protection	165,000	State special Revenue
4	Fishing Access Site Maintenance, Statewide	275,000	State Special Revenue

5 (B) THE TOTAL AMOUNT AUTHORIZED FOR CULTURAL AND HISTORIC PARKS IMPROVEMENTS
 6 IS \$690,000. THE REDUCED APPROPRIATION REFLECTS \$155,000 IN LODGING FACILITIES TAX
 7 REVENUE THAT IS ALLOCATED TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS AND THAT IS
 8 STATUTORILY APPROPRIATED UNDER 15-65-121 FOR MAINTENANCE OF FACILITIES IN STATE PARKS.

9 (C) OF THE \$1,200,000 APPROPRIATED TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS
 10 FOR THE FUTURE FISHERIES IMPROVEMENT PROGRAM, \$75,000 IS TO BE USED FOR THE PN BRIDGE
 11 AND CAMPGROUND - STREAMBANK EROSION CONTROL PROJECT SPONSORED BY CHOUTEAU AND
 12 FERGUS COUNTIES.

13 (D) THE APPROPRIATION OF \$225,000 IN CAPITOL LAND GRANT REVENUE TO THE
 14 DEPARTMENT OF FISH, WILDLIFE, AND PARKS IS THE LAST PRIORITY FOR USE OF THESE FUNDS
 15 DURING THE 1999 BIENNIUM. IF NECESSARY, THE PROJECT MAY BE PHASED IN AS CAPITOL LAND
 16 GRANT REVENUE BECOMES AVAILABLE.

17 (2) The following money is appropriated to the department of military affairs in the indicated
 18 amounts for the purpose of making capital improvements to statewide facilities:

19	<u>Agency/Project</u>	<u>LRBP</u>	<u>Other Funding Sources</u>
20	Federal Spending Authority	\$ 800,000	Federal Special Revenue
21	Eastern Montana State Veterans'	52,500	State Special Revenue
22	Cemetery, Phase I	52,500	Federal Special Revenue
23	Track Parking, Fort Harrison	500,000	Federal Special Revenue
24	BOQ/BEQ, Fort Harrison	1,700,000	Federal Special Revenue
25	CSMS, Fort Harrison	75,000	Federal Special Revenue

26 (3) (A) The following money is appropriated to Montana state university in the indicated amount
 27 for the purpose of making capital improvements to campus facilities:

28	<u>Agency/Project</u>	<u>LRBP</u>	<u>Other Funding Sources</u>
29	Authority Only Projects, Montana State University	\$5,000,000	Auxiliary
30		<u>\$19,000,000</u>	<u>ACADEMIC BUILDING FEE,</u>

INDIRECT COST RECOVERY,
FEDERAL, PRIVATE,
PLANT FUNDS

(B) IT IS THE INTENT OF THE 55TH LEGISLATURE THAT AT LEAST 50% OF ALL FUTURE OPERATIONS AND MAINTENANCE COSTS FOR THE CLASSROOM-LABORATORY BUILDING AUTHORIZED IN THE AMOUNT OF \$19,000,000 AT MSU-BOZEMAN BE FUNDED BY MONTANA STATE UNIVERSITY AND THAT NO MORE THAN 50% BE FUNDED WITH GENERAL FUND MONEY.

(4) The following money is appropriated to the university of Montana in the indicated amount for the purpose of making capital improvements to campus facilities:

<u>Agency/Project</u>	<u>LRBP</u>	<u>Other Funding Sources</u>
Authority Only Projects, University of Montana	\$16,050,000	Federal, Trust, Higher Education Funds, and Donations
<u>RENOVATE MAIN HALL AUDITORIUM,</u>		
<u>UM-DILLON</u>	<u>1,250,000</u>	<u>DONATIONS</u>

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

<u>Agency/Project</u>	<u>LRBP</u>	<u>Other Funding Sources</u>
Repair, Maintenance, and Minor Construction Projects, Statewide	\$1,415,000	Highways State Special Revenue

NEW SECTION. Section 5. Transfer of funds. The department of fish, wildlife, and parks is authorized to transfer money appropriated in [sections 1 through 4] among fund types.

NEW SECTION. Section 6. Planning and design. The department of administration may proceed with the planning and design of capital projects prior to 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 before the receipt of other funding sources.

NEW SECTION. Section 7. Capital projects -- contingent funds. If a capital project is financed, in whole or in part, with appropriations contingent upon the receipt of other funding sources, the

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

4 (1) the level of funding provided under the financial plan deviates substantially from the funding
 5 level provided in [sections 1 through 4] for that project; or

6 (2) the scope of the project is substantially altered or revised from the preliminary plans presented
 7 for that project in the 1998-99 long-range building program presented to the 55th legislature.

8

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

12

13 **NEW SECTION. SECTION 9. APPROPRIATION FOR PURCHASE AND MAINTENANCE OF VIRGINIA**
 14 **CITY AND NEVADA CITY ASSETS. THE BALANCE IN THE CULTURAL TRUST FUND, UP TO \$7,750,000,**
 15 **IS APPROPRIATED TO THE MONTANA HISTORICAL SOCIETY FOR THE ACQUISITION, RENOVATION,**
 16 **AND PRESERVATION OF REAL AND PERSONAL PROPERTY OWNED BY BOVEY RESTORATIONS,**
 17 **INCORPORATED, AND THE HISTORIC LANDMARK SOCIETY OF MONTANA IN THE COMMUNITIES**
 18 **KNOWN AS VIRGINIA CITY AND NEVADA CITY.**

19

20 **SECTION 10. SECTION 5-11-115, MCA, IS AMENDED TO READ:**

21 **"5-11-115. Function of department of administration -- capitol area master plan -- advice of**
 22 **legislative council.** (1) The department of administration shall establish and maintain a master plan for the
 23 orderly development of state buildings in the immediate area of the capital city. The master plan must be
 24 developed and maintained, with consideration given to the following factors:

25 (a) the needs of the state relative to the location and design of buildings to be constructed,
 26 purchase of land, parking facilities, traffic management, and landscaping;

27 (b) the ordinances, plans, requirements, and proposed improvements of the city of Helena and
 28 Lewis and Clark County, based without limitation upon zoning regulations, population trends, and plans for
 29 rapid transit development;

30 (c) any other factors that bear upon the orderly, integrated, and cooperative development of the

1 state, the city of Helena, Lewis and Clark County, and state property in the immediate area of the capital
2 city.

3 (2) The legislative council shall consult with and advise the department of administration
4 concerning the assignment of space in the capitol.

5 (3) The legislative council shall consult with and advise the Montana historical society on the
6 placement of busts, statues, memorials, or art displays of a permanent nature within public areas of the
7 capitol building. An item may not be permanently displayed unless approved by the legislature.

8 (4) The Montana historical society shall protect and preserve the permanent artwork in the capitol
9 building and request funding for periodic inspection, maintenance, and repair of the artwork from the ~~trust~~
10 ~~fund established~~ account provided for in 15-35-108 for protection of works of art in the state capitol and
11 other cultural and aesthetic projects.

12 (5) The legislative council shall serve as a long-range building committee to recommend to the
13 legislature and the department of administration construction and remodeling priorities for the capitol."
14

15 **SECTION 11. SECTION 15-35-108, MCA, IS AMENDED TO READ:**

16 "15-35-108. **Disposal of severance taxes.** Severance taxes collected under this chapter must, in
17 accordance with the provisions of 15-1-501, be allocated as follows:

18 (1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by
19 Article IX, section 5, of the Montana constitution. The trust fund money must be deposited in the fund
20 established under 17-6-203(6) and invested by the board of investments as provided by law.

21 (2) Twelve percent of coal severance tax collections is allocated to the long-range building program
22 account established in 17-7-205.

23 (3) The amount of 8.36% must be credited to an account in the state special revenue fund to be
24 allocated by the legislature for local impacts, county land planning, provision of basic library services for
25 the residents of all counties through library federations and for payment of the costs of participating in
26 regional and national networking, conservation districts, and the Montana Growth Through Agriculture Act.
27 Any cash balance that is unspent at the end of each fiscal year must be deposited in the general fund.

28 (4) The amount of 1.27% must be allocated to a nonexpendable trust fund for the purpose of parks
29 acquisition or management. Income from this trust fund must be appropriated for the acquisition,
30 development, operation, and maintenance of any sites and areas described in 23-1-102.

1 (5) The amount of 0.95% must be allocated to the debt service fund type to the credit of the
2 renewable resource loan debt service fund.

3 (6) The amount of ~~0.63%~~ 1.79% must be allocated to a ~~nonexpendable trust~~ an account in the
4 state special revenue fund for the purpose of protection of works of art in the state capitol and for other
5 cultural and aesthetic projects. ~~Income from this trust fund must be appropriated for protection of works~~
6 ~~of art in the state capitol and other cultural and aesthetic projects.~~

7 (7) All other revenue from severance taxes collected under the provisions of this chapter must be
8 credited to the general fund of the state."
9

10 **SECTION 12. SECTION 22-2-301, MCA, IS AMENDED TO READ:**

11 **"22-2-301. Cultural and aesthetic projects grants.** (1) Any person, association, or representative
12 of a governing unit seeking a grant for a cultural or aesthetic project from the ~~income of the trust fund~~
13 ~~created~~ account provided for in 15-35-108 must submit a grant proposal to the cultural and aesthetic
14 projects advisory committee, in care of the Montana arts council, by August 1 of the year preceding the
15 convening of a regular legislative session.

16 (2) Grant proposals must be for the purpose of protecting works of art in the state capitol or other
17 cultural and aesthetic projects."
18

19 **SECTION 13. SECTION 22-2-304, MCA, IS AMENDED TO READ:**

20 **"22-2-304. Cultural and aesthetic project appropriations -- administration.** (1) The legislature must
21 appropriate funds from the ~~income of the trust fund~~ ~~created~~ account provided for in 15-35-108 for cultural
22 and aesthetic projects before any grant for a cultural or aesthetic project is awarded.

23 (2) Costs incurred by the Montana arts council for accounting, correspondence, project visits, and
24 solicitation of proposals related to cultural and aesthetic project grants and the costs of the advisory
25 committee established in 2-15-1521 shall be paid from appropriations from the income of the trust fund.

26 (3) Grant proposals are heard by a legislative appropriations subcommittee.

27 (4) Grant proposals approved by the legislature are administered by the Montana arts council."
28

29 **SECTION 14. SECTION 23-1-108, MCA, IS AMENDED TO READ:**

30 **"23-1-108. Acquisition of certain state parks, monuments, or historical sites.** (1) Any person,

1 association, or representative of a governing unit may submit a proposal for the acquisition of a site or area
 2 described in 23-1-102 from the ~~income of the trust fund created~~ account provided for in 15-35-108 to the
 3 department of fish, wildlife, and parks by July 1 of the year preceding the convening of a legislative
 4 session.

5 (2) The fish, wildlife, and parks commission shall present to the legislature by the 15th day of any
 6 legislative session a list of areas, sites, or objects that were proposed for purchase for use as state parks,
 7 state recreational areas, state monuments, or state historical sites with the money contained in the parks
 8 account.

9 (3) The legislature must appropriate funds from this account before any park, area, monument, or
 10 site may be purchased."

11
 12 **NEW SECTION. SECTION 15. MONTANA HERITAGE PRESERVATION AND DEVELOPMENT**
 13 **COMMISSION. (1) THERE IS A MONTANA HERITAGE PRESERVATION AND DEVELOPMENT**
 14 **COMMISSION. THE COMMISSION IS ATTACHED TO THE MONTANA HISTORICAL SOCIETY FOR**
 15 **ADMINISTRATIVE PURPOSES. THE COMMISSION CONSISTS OF NINE MEMBERS. THE MEMBERS SHALL**
 16 **BROADLY REPRESENT THE STATE. FIVE MEMBERS MUST BE APPOINTED BY THE GOVERNOR, ONE**
 17 **MEMBER MUST BE APPOINTED BY THE PRESIDENT OF THE SENATE, AND ONE MEMBER MUST BE**
 18 **APPOINTED BY THE SPEAKER OF THE HOUSE. THE DIRECTOR OF THE MONTANA HISTORICAL SOCIETY**
 19 **AND THE DIRECTOR OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS SHALL SERVE AS**
 20 **MEMBERS.**

21 **(2) OF THE MEMBERS APPOINTED BY THE GOVERNOR:**

22 **(A) ONE MEMBER MUST HAVE EXTENSIVE EXPERIENCE IN MANAGING FACILITIES THAT CATER**
 23 **TO THE NEEDS OF TOURISTS;**

24 **(B) ONE MEMBER MUST HAVE EXPERIENCE IN COMMUNITY PLANNING;**

25 **(C) ONE MEMBER MUST HAVE EXPERIENCE IN HISTORIC PRESERVATION;**

26 **(D) ONE MEMBER MUST HAVE BROAD EXPERIENCE IN BUSINESS; AND**

27 **(E) ONE MEMBER MUST BE A MONTANA HISTORIAN.**

28 **(3) EXCEPT FOR THE INITIAL APPOINTMENTS, MEMBERS APPOINTED BY THE GOVERNOR**
 29 **SHALL SERVE 3-YEAR TERMS. LEGISLATIVE APPOINTEES SHALL SERVE 2-YEAR TERMS. IF A**
 30 **VACANCY OCCURS, THE APPOINTING AUTHORITY SHALL MAKE AN APPOINTMENT FOR THE**

1 UNEXPIRED PORTION OF THE TERM.

2 (4) THE COMMISSION MAY EMPLOY AN EXECUTIVE DIRECTOR WHO HAS GENERAL
 3 RESPONSIBILITY FOR THE SELECTION AND MANAGEMENT OF COMMISSION STAFF, DEVELOPING
 4 RECOMMENDATIONS FOR THE PURCHASE OF PROPERTY, AND OVERSEEING THE MANAGEMENT OF
 5 ACQUIRED PROPERTY AND A CURATOR WHO IS RESPONSIBLE FOR THE DISPLAY AND PRESERVATION
 6 OF THE ACQUIRED PROPERTY. THE COMMISSION SHALL PRESCRIBE THE DUTIES AND ANNUAL
 7 SALARY OF THE EXECUTIVE DIRECTOR AND THE CURATOR.

8

9 NEW SECTION. SECTION 16. MONTANA HERITAGE PRESERVATION AND DEVELOPMENT
 10 COMMISSION -- INITIAL APPOINTMENTS. THE INITIAL APPOINTMENTS TO THE COMMISSION MUST
 11 BE FOR THE FOLLOWING TERMS:

12 (1) THE MEMBER WITH EXPERIENCE MANAGING FACILITIES THAT CATER TO THE NEEDS OF
 13 TOURISTS, 3 YEARS;

14 (2) THE MEMBER WITH EXPERIENCE IN COMMUNITY PLANNING, 4 YEARS;

15 (3) THE MEMBER WITH EXPERIENCE IN HISTORIC PRESERVATION, 5 YEARS;

16 (4) THE MEMBER WITH BROAD EXPERIENCE IN BUSINESS, 3 YEARS;

17 (5) THE MONTANA HISTORIAN, 5 YEARS; AND

18 (6) THE LEGISLATIVE APPOINTMENTS, 2 YEARS.

19

20 NEW SECTION. SECTION 17. PURPOSE. THE PURPOSE OF [SECTIONS 15 AND 18 AND THIS
 21 SECTION] IS TO ACQUIRE, ON BEHALF OF THE STATE, PROPERTIES THAT POSSESS OUTSTANDING
 22 HISTORICAL VALUE, DISPLAY EXCEPTIONAL QUALITIES WORTH PRESERVING, ARE GENUINELY
 23 REPRESENTATIVE OF THE STATE'S CULTURE AND HISTORY, AND DEMONSTRATE THE ABILITY TO
 24 BECOME ECONOMICALLY SELF-SUPPORTING. THE MONTANA HERITAGE PRESERVATION AND
 25 DEVELOPMENT COMMISSION SHALL ACHIEVE THIS PURPOSE BY PURCHASING FEE TITLE INTERESTS
 26 IN REAL AND PERSONAL PROPERTY.

27

28 NEW SECTION. SECTION 18. POWERS OF COMMISSION -- CONTRACTS -- RULES. (1) (A) THE
 29 MONTANA HERITAGE PRESERVATION AND DEVELOPMENT COMMISSION MAY CONTRACT WITH
 30 PRIVATE ORGANIZATIONS TO ASSIST IN CARRYING OUT THE PURPOSE OF [SECTION 17]. THE TERM

1 OF A CONTRACT MAY NOT EXCEED 20 YEARS.

2 (B) NOTWITHSTANDING THE PROVISIONS OF TITLE 18, THE CONTRACTS MAY BE LET BY
3 DIRECT NEGOTIATION. THE CONTRACTS MAY BE ENTERED INTO DIRECTLY WITH A VENDOR AND ARE
4 NOT SUBJECT TO STATE PROCUREMENT LAWS.

5 (C) ARCHITECTURAL AND ENGINEERING REVIEW AND APPROVAL DO NOT APPLY TO THE
6 HISTORIC RENOVATION PROJECTS.

7 (D) THE CONTRACTS MUST PROVIDE FOR THE PAYMENT OF PREVAILING WAGES.

8 (E) A CONTRACT FOR SUPPLIES OR SERVICES, OR BOTH, MAY BE NEGOTIATED IN
9 ACCORDANCE WITH COMMISSION RULES.

10 (F) MANAGEMENT ACTIVITIES MUST BE UNDERTAKEN TO ENCOURAGE THE PROFITABLE
11 OPERATION OF PROPERTIES.

12 (G) CONTRACTS MAY INCLUDE THE LEASE OF PROPERTY MANAGED BY THE COMMISSION.
13 PROVISIONS FOR THE RENEWAL OF A CONTRACT MUST BE CONTAINED IN THE CONTRACT.

14 (2) THE COMMISSION MAY NOT CONTRACT FOR THE CONSTRUCTION OF A BUILDING, AS
15 DEFINED IN 18-2-101, IN EXCESS OF \$200,000 WITHOUT THE CONSENT OF THE LEGISLATURE.
16 BUILDING CONSTRUCTION MUST BE IN CONFORMITY WITH APPLICABLE GUIDELINES DEVELOPED BY
17 THE NATIONAL PARK SERVICE OF THE U.S. DEPARTMENT OF THE INTERIOR, THE MONTANA
18 HISTORICAL SOCIETY, AND THE MONTANA DEPARTMENT OF FISH, WILDLIFE, AND PARKS.

19 (3) THE COMMISSION, AS PART OF A CONTRACT, SHALL REQUIRE THAT A PORTION OF ANY
20 PROFIT BE REINVESTED IN THE PROPERTY AND THAT A PORTION BE USED TO PAY THE
21 ADMINISTRATIVE COSTS OF THE COMMISSION.

22 (4) THE COMMISSION MAY SOLICIT FUNDS FROM OTHER SOURCES FOR THE PURCHASE,
23 MANAGEMENT, AND OPERATION OF PROPERTIES.

24 (5) THE COMMISSION SHALL ADOPT RULES ESTABLISHING A POLICY FOR MAKING
25 ACQUISITIONS. WITH RESPECT TO EACH ACQUISITION, THE POLICY MUST GIVE CONSIDERATION TO:

26 (A) WHETHER THE PROPERTY REPRESENTS THE STATE'S CULTURE AND HISTORY;

27 (B) WHETHER THE PROPERTY CAN BECOME SELF-SUPPORTING;

28 (C) WHETHER THE PROPERTY CAN CONTRIBUTE TO THE ECONOMIC AND SOCIAL ENRICHMENT
29 OF THE STATE;

30 (D) WHETHER THE PROPERTY LENDS ITSELF TO PROGRAMS TO INTERPRET MONTANA

1 HISTORY:

2 (E) WHETHER THE ACQUISITION WILL CREATE SIGNIFICANT SOCIAL AND ECONOMIC IMPACTS
 3 TO AFFECTED LOCAL GOVERNMENTS AND THE STATE; AND

4 (F) OTHER MATTERS THAT THE COMMISSION CONSIDERS NECESSARY OR APPROPRIATE.

5 (6) PUBLIC NOTICE AND THE OPPORTUNITY FOR A HEARING MUST BE GIVEN IN THE
 6 GEOGRAPHICAL AREA OF A PROPOSED ACQUISITION BEFORE A FINAL DECISION TO ACQUIRE A
 7 PROPERTY IS MADE. THE COMMISSION SHALL APPROVE PROPOSALS FOR ACQUISITION AND
 8 RECOMMEND THE APPROVED PROPOSAL TO THE BOARD OF LAND COMMISSIONERS.

9

10 NEW SECTION. SECTION 19. CODIFICATION INSTRUCTION. [SECTIONS 15, 17, AND 18] ARE
 11 INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF TITLE 22, CHAPTER 3, AND THE PROVISIONS
 12 OF TITLE 22, CHAPTER 3, APPLY TO [SECTIONS 15, 17, AND 18].

13

14 SECTION 20. SECTION 6, CHAPTER 547, LAWS OF 1995, IS AMENDED TO READ:

15 The appropriations to the department of natural resources and conservation on page 3194, Laws
 16 of 1995, are amended to read:

17 "Tongue River Dam Rehabilitation ~~\$3,500,000~~
 18 \$2,868,473"

19

20 NEW SECTION. SECTION 21. TRANSFER OF FUNDS. ANY GENERAL FUND REVERSIONS FOR
 21 FISCAL YEAR 1997 IN EXCESS OF \$15.9 MILLION AND ANY GENERAL FUND REVERSIONS FOR FISCAL
 22 YEAR 1998 IN EXCESS OF \$5 MILLION MUST BE TRANSFERRED TO THE LONG-RANGE BUILDING
 23 PROGRAM ACCOUNT TO BE USED TO FUND CAPITAL PROJECTS.

24

25 NEW SECTION. Section 22. Severability. If a part of [this act] is invalid, all valid parts that are
 26 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its
 27 applications, the part remains in effect in all valid applications that are severable from the invalid
 28 applications.

29

30 NEW SECTION. Section 23. Effective ~~date~~ DATES. (1) EXCEPT AS PROVIDED IN SUBSECTION

1 ~~(2).~~ [This THIS act] is effective on passage and approval.

2 (2) [SECTIONS 10 AND 11] ARE EFFECTIVE JULY 1, 1997.

3 -END-

1 HOUSE BILL NO. 5

2 INTRODUCED BY BERGSAGEL

3 BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING MONEY FOR CAPITAL PROJECTS FOR THE

6 BIENNIUM ENDING JUNE 30, 1999; APPROPRIATING THE BALANCE IN THE CULTURAL TRUST FUND FOR

7 THE ACQUISITION, RENOVATION, AND PRESERVATION OF HISTORIC PROPERTIES; ELIMINATING THE

8 ALLOCATION OF COAL SEVERANCE TAXES TO THE CULTURAL TRUST FUND; ALLOCATING COAL

9 SEVERANCE TAX REVENUE FOR CULTURAL AND AESTHETIC PROJECTS; ESTABLISHING THE MONTANA

10 HERITAGE PRESERVATION AND DEVELOPMENT COMMISSION; AUTHORIZING THE MONTANA HERITAGE

11 PRESERVATION AND DEVELOPMENT COMMISSION TO ADMINISTER PROPERTIES AT VIRGINIA CITY

12 AND NEVADA CITY AND OTHER CULTURALLY AND HISTORICALLY SIGNIFICANT PROPERTIES;

13 CREATING A MONTANA HERITAGE PRESERVATION AND DEVELOPMENT ACCOUNT; ALLOCATING A

14 PORTION OF THE LODGING FACILITY USE TAX TO THE ACCOUNT; STATUTORILY APPROPRIATING THE

15 ACCOUNT; PROVIDING FOR OTHER MATTERS RELATING TO THE APPROPRIATIONS; AMENDING

16 SECTIONS 5-11-115, 15-35-108, 15-65-121, 17-7-502, 22-2-301, AND 22-2-304, AND ~~23-1-108~~, MCA;

17 AMENDING SECTION 6, CHAPTER 547, LAWS OF 1995; AND PROVIDING AN IMMEDIATE EFFECTIVE

18 DATE DATES AND A TERMINATION DATE."

19

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

21

22 NEW SECTION. **Section 1. Definitions.** For the purposes of [sections 1 through 8], unless

23 otherwise stated, the following definitions apply:

24 (1) "Capital project" means the acquisition of land or improvements or the planning, capital

25 construction, renovation, furnishing, or major repair projects authorized in [sections 1 through 8].

26 (2) "LRBP" means the long-range building program account in the capital projects fund type.

27 (3) "Other funding sources" means money other than LRBP money, including special revenue fund

28 money, that accrues to an agency under the provisions of law.

29

30 NEW SECTION. **Section 2. Capital projects appropriations.** (1) The following money is

1 appropriated for the indicated capital projects from the indicated sources to the department of
 2 administration, which is authorized to transfer the appropriated money among the necessary fund types for
 3 these projects:

<u>Agency/Project</u>	<u>LRBP</u>	<u>Other Funding Sources</u>
DEPARTMENT OF ADMINISTRATION		
Repair Limestone on Museum and Repair		
Masonry on Other Capitol Complex Buildings	\$300,000	
Plan Lease Reduction Program, Helena	350,000	
Roof Repair and Replacement, Capitol Complex	279,000	
Hazardous Materials Mitigation, Statewide	720,000	
State Building Energy Retrofit, Statewide	\$1,000,000	Nonstate State Special Revenue
<u>HISTORIC RESTORATION,</u>		
<u>MONTANA STATE CAPITOL</u>	<u>100,000</u>	
<u>HEALTH SAFETY/CODE</u>		
<u>COMPLIANCE, STATEWIDE</u>	<u>408,000</u>	
DEPARTMENT OF AGRICULTURE		
Modify State Grain Laboratory to Comply With		
ADA Standards	40,000	
DEPARTMENT OF CORRECTIONS		
Secure Female Facility and Renovations,		
MYAP, Boulder	1,450,000	
	<u>1,846,580</u>	
Xanthopoulos Building Renovations, MSP,		
Warm Springs	600,000	
MCE Improvements/Expansion, MSP,		
Warm Springs	400,000	Proprietary
Regional Correctional Facilities	2,400,000	Federal Special Revenue
<u>ONE REGIONAL CORRECTIONAL FACILITY</u>	<u>3,251,547</u>	<u>FEDERAL SPECIAL REVENUE</u>
<u>192-BED EXPANSION,</u>		

1	<u>MSP, DEER LODGE</u>	<u>6,560,000</u>	<u>FEDERAL SPECIAL REVENUE</u>
2	<u>SPIRITUAL ACTIVITY CENTER, WCC</u>		
3	<u>AUTHORITY ONLY</u>	<u>350,000</u>	<u>DONATIONS</u>
4	DEPARTMENT OF FISH, WILDLIFE, AND PARKS		
5	Secure Water Supply, Giant Springs		
6	Trout Hatchery	763,847	State Special Revenue
7		<u>553,847</u>	
8		<u>200,000</u>	<u>FEDERAL SPECIAL REVENUE</u>
9	Bluewater Hatchery Renovation, Phase III	3,316,319	State Special Revenue
10	Construct Parks Interpretive Center	1,260,000	State Special Revenue
11		<u>950,000</u>	
12	Secure Water Supply, Big Springs		
13	Trout Hatchery	1,620,451	State Special Revenue
14	DEPARTMENT OF LABOR		
15	Install Elevator, Missoula Job Service	87,000	State Special Revenue
16		<u>23,490</u>	
17		<u>63,510</u>	<u>FEDERAL SPECIAL REVENUE</u>
18	DEPARTMENT OF MILITARY AFFAIRS		
19	Demolition of Poplar Armory	300,000	
20		<u>150,000</u>	
21	Furnace Replacement, Womack Armory	300,000	
22		<u>275,000</u>	
23	Replace Roof, OMS #3, Helena	30,000	90,000 Federal Special Revenue
24	<u>ARMY AVIATION SUPPORT FACILITY</u>		
25	<u>MAINTENANCE</u>	<u>39,578</u>	
26	<u>BOZEMAN ARMORY ADA MODIFICATIONS</u>	<u>50,000</u>	
27	<u>ARMED FORCES RESERVE CENTER,</u>		
28	<u>BILLINGS</u>	<u>3,000,000</u>	<u>FEDERAL SPECIAL REVENUE</u>
29	MONTANA UNIVERSITY SYSTEM		
30	Code Compliance/Disability Access,		

1	University System	2,900,000	
2	Roof Replacements, University System	971,500	
3	Replace Primary Electrical Distribution,		
4	MSU-Billings	300,000	Auxiliary
5		<u>356,400</u>	
6	Utility Tunnel Extension, MSU-Bozeman	3,944,000	Auxiliary
7		<u>2,510,219</u>	
8	<u>REPAIR/REPLACE PRIMARY</u>		
9	<u>ELECTRICAL DISTRIBUTION,</u>		
10	<u>MSU-NORTHERN</u>	<u>122,000</u>	<u>AUXILIARY</u>
11	<u>RURAL TECHNOLOGICAL CENTER PLANNING,</u>		
12	<u>UM-DILLON</u>	<u>75,000</u>	
13	<u>CHEMISTRY BUILDING RENOVATION,</u>		
14	<u>UM-MONTANA TECH</u>	<u>750,000</u>	<u>DONATIONS</u>
15	DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION		
16	Maintenance and Improvement Projects,		
17	Statewide	200,000	
18	Fire Cache/Garage, Plains Unit	175,000	
19	DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES		
20	Miscellaneous Maintenance and		
21	Improvements, Montana Veterans' Home	406,000	State Special Revenue
22	DEPARTMENT OF TRANSPORTATION		
23	Equipment Buildings, Statewide	2,635,000	Highways State Special Revenue
24		<u>1,910,000</u>	
25	<u>DEPARTMENT OF COMMERCE</u>		
26	<u>FORT PECK INTERPRETIVE CENTER GRANT</u>		
27		<u>45,000</u>	<u>STATE SPECIAL REVENUE</u>
28	<u>(2) IF ANY BONDED FUNDING AUTHORIZED IN HOUSE BILL NO. 14 FOR THE CRITICAL PROJECT</u>		
29	<u>REQUIREMENTS PORTION OF THE CAPITOL RESTORATION PROJECT IS NOT NEEDED BECAUSE OF A</u>		
30	<u>REDUCTION IN COSTS FOR THE APPROVED PROJECT, FUNDING MAY BE USED FOR HISTORIC</u>		

1 RESTORATION OF THE MONTANA STATE CAPITOL.

2 (3) THE \$600,000 APPROPRIATION AND AUTHORITY FOR THE XANTHOPOULOS BUILDING
 3 RENOVATION PROJECT AT MSP, WARM SPRINGS, IS CONTINGENT ON THE CONSTRUCTION OF A NEW
 4 STATE HOSPITAL AT WARM SPRINGS.

5 (4) IN REGARD TO THE CONSTRUCT PARKS INTERPRETIVE CENTER PROJECT AT ULM PISHKUN,
 6 IT IS THE INTENT OF THE 55TH LEGISLATURE THAT THE SOVEREIGN NATIONS BE OFFERED THE
 7 OPPORTUNITY FOR ECONOMIC BENEFITS, FOR EXAMPLE THE OPTION TO SELL SOUVENIRS.

8
 9 NEW SECTION. Section 3. Land acquisition appropriation. The following money is appropriated
 10 to the department of fish, wildlife, and parks in the indicated amounts for purposes of land acquisition, land
 11 leasing, easement purchase, or development agreement:

12 Agency/Project	<u>LRBP</u>	<u>Other Funding Sources</u>
13 Habitat Montana	\$6,200,000	State Special Revenue
14 Fishing Access Site Acquisition, Statewide	466,000	State Special Revenue
15 Bighorn Sheep Program	330,000	State Special Revenue

16
 17 NEW SECTION. Section 4. Capital improvements. (1) (A) The following money is appropriated
 18 to the department of fish, wildlife, and parks in the indicated amounts for the purpose of making capital
 19 improvements to statewide facilities:

20 Agency/Project	<u>LRBP</u>	<u>Other Funding Sources</u>
21 Cultural and Historic Parks Improvements	\$ 690,000	State Special Revenue
	<u>\$ 535,000</u>	
23 Future Fisheries Improvement Program	1,000,000	State Special Revenue
	<u>1,200,000</u>	
	<u>1,470,000</u>	
26 Miles City Hatchery Repairs	305,500	State Special Revenue
	<u>815,000</u>	
28 Capitol Complex Irrigation Improvements	225,000	Capitol Land Grant Revenue
29 Road Improvements, State Parks	1,768,000	State Special Revenue
30	<u>2,068,000</u>	

1	Water-Based Recreation Parks Program	642,500	State Special Revenue
2		450,000	Federal Special Revenue
3		<u>350,000</u>	
4	Administrative Facilities Repairs and Improvements	687,000	State Special Revenue
5	Wildlife Habitat Maintenance	825,000	State Special Revenue
6		100,000	Federal Special Revenue
7	Fishing Access Site Protection, Statewide	650,000	State Special Revenue
8		50,000	Federal Special Revenue
9	Waterfowl Stamp Protection	165,000	State special Revenue
10	Fishing Access Site Maintenance, Statewide	275,000	State Special Revenue

11 (B) THE TOTAL AMOUNT AUTHORIZED FOR CULTURAL AND HISTORIC PARKS IMPROVEMENTS
 12 IS \$690,000. THE REDUCED APPROPRIATION REFLECTS \$155,000 IN LODGING FACILITIES TAX
 13 REVENUE THAT IS ALLOCATED TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS AND THAT IS
 14 STATUTORILY APPROPRIATED UNDER 15-65-121 FOR MAINTENANCE OF FACILITIES IN STATE PARKS.

15 (C) OF THE \$1,200,000 APPROPRIATED TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS
 16 FOR THE FUTURE FISHERIES IMPROVEMENT PROGRAM, \$75,000 IS TO BE USED FOR THE PN BRIDGE
 17 AND CAMPGROUND - STREAMBANK EROSION CONTROL PROJECT SPONSORED BY CHOUTEAU AND
 18 FERGUS COUNTIES.

19 (D) THE APPROPRIATION OF \$225,000 IN CAPITOL LAND GRANT REVENUE TO THE
 20 DEPARTMENT OF FISH, WILDLIFE, AND PARKS IS THE LAST PRIORITY FOR USE OF THESE FUNDS
 21 DURING THE 1999 BIENNIUM. IF NECESSARY, THE PROJECT MAY BE PHASED IN AS CAPITOL LAND
 22 GRANT REVENUE BECOMES AVAILABLE.

23 (E) THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS SHALL SUBMIT TO THE LEGISLATURE
 24 THE REPORT REQUIRED BY 23-1-110 REGARDING ANY MONEY APPROPRIATED IN [SECTIONS 1
 25 THROUGH 21] AND SPENT TO IMPROVE OR DEVELOP STATE PARKS OR FISHING ACCESS SITES. IN
 26 SUBMITTING THE PROPOSED 2001 BIENNIUM BUDGET OF THE DEPARTMENT OF FISH, WILDLIFE, AND
 27 PARKS TO THE LEGISLATIVE FISCAL ANALYST, AS PROVIDED IN 17-7-122, THE GOVERNOR SHALL
 28 INCLUDE THE REPORT REQUIRED BY 23-1-110 FOR LEGISLATIVE CONSIDERATION AND FUNDING
 29 APPROVAL OF THE SPECIFIC PROJECTS. THE LEGISLATURE RECOMMENDS THAT THE 1999
 30 LEGISLATURE NOT APPROPRIATE ANY FUNDS FOR THE IMPROVEMENT OR DEVELOPMENT OF A STATE

1 PARK OR FISHING ACCESS SITE WITHOUT REVIEWING AND CONSIDERING EACH PROPOSED PROJECT
 2 CONTAINED IN THE REPORT. IT IS THE INTENT OF THE LEGISLATURE THAT PRIORITIES IN THE 2001
 3 BIENNIUM FUNDING REQUEST FOR STATE PARKS AND FISHING ACCESS SITES BE ON MAINTENANCE
 4 OF EXISTING FACILITIES RATHER THAN ON IMPROVEMENT OR DEVELOPMENT. AS USED IN THIS
 5 INTENT STATEMENT, "MAINTENANCE" MEANS PLACING, CLEANING, AND STOCKING OF LATRINES;
 6 GARBAGE AND LITTER CLEANUP; FENCE INSTALLATION AND REPAIR; WEED CONTROL;
 7 IMPLEMENTATION OF SAFETY AND HEALTH MEASURES REQUIRED BY LAW TO PROTECT THE PUBLIC;
 8 UPKEEP OF ESTABLISHED TRAILS, ROADS, BOAT DOCKS, AND OTHER EXISTING FACILITIES; IN-KIND
 9 REPLACEMENT OF EXISTING FACILITIES; EROSION CONTROL; STREAMBANK STABILIZATION; ERECTION
 10 OF BARRIERS NECESSARY TO PRESERVE RIPARIAN VEGETATION AND HABITAT; MINIMAL SIGNAGE
 11 NECESSARY TO INFORM USERS OF APPROPRIATE PARK OR SITE USE AND APPLICABLE REGULATIONS;
 12 MEASURES NECESSARY TO ENSURE COMPLIANCE WITH THE FEDERAL AMERICANS WITH DISABILITIES
 13 ACT OF 1990, WHEN APPLICABLE; PLANTING OF NATIVE TREES, GRASSES, AND SHRUBS; AND
 14 INSTALLATION OF FIRE RINGS, PICNIC TABLES, AND TRASH COLLECTION FACILITIES.

15 (F) UNEXPENDED FUNDS APPROPRIATED IN [THIS ACT] TO THE DEPARTMENT OF FISH,
 16 WILDLIFE, AND PARKS FOR MAINTENANCE MAY BE USED ONLY FOR THAT PURPOSE. UNEXPENDED
 17 FUNDS APPROPRIATED IN [THIS ACT] TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS FOR
 18 CAPITAL IMPROVEMENTS MAY BE SPENT ONLY FOR MAINTENANCE.

19 (2) The following money is appropriated to the department of military affairs in the indicated
 20 amounts for the purpose of making capital improvements to statewide facilities:

<u>Agency/Project</u>	<u>LRBP</u>	<u>Other Funding Sources</u>
Federal Spending Authority	\$ 800,000	Federal Special Revenue
Eastern Montana State Veterans'	52,500	State Special Revenue
Cemetery, Phase I	52,500	Federal Special Revenue
Track Parking, Fort Harrison	500,000	Federal Special Revenue
BOQ/BEQ, Fort Harrison	1,700,000	Federal Special Revenue
CSMS, Fort Harrison	75,000	Federal Special Revenue

28 ~~(3) (A) The following money is appropriated to Montana state university in the indicated amount~~
 29 ~~for the purpose of making capital improvements to campus facilities:~~

Agency/Project	LRBP	Other Funding Sources
---------------------------	-----------------	----------------------------------

1 ~~Authority Only Projects, Montana State University~~ ~~\$5,000,000~~ ~~Auxiliary~~
 2 ~~\$19,000,000~~ ~~ACADEMIC BUILDING FEE,~~
 3 ~~INDIRECT COST RECOVERY,~~
 4 ~~FEDERAL, PRIVATE,~~
 5 ~~PLANT FUNDS~~

6 ~~(B) IT IS THE INTENT OF THE 55TH LEGISLATURE THAT AT LEAST 50% OF ALL FUTURE~~
 7 ~~OPERATIONS AND MAINTENANCE COSTS FOR THE CLASSROOM-LABORATORY BUILDING AUTHORIZED~~
 8 ~~IN THE AMOUNT OF \$19,000,000 AT MSU-BOZEMAN BE FUNDED BY MONTANA STATE UNIVERSITY~~
 9 ~~AND THAT NO MORE THAN 50% BE FUNDED WITH GENERAL FUND MONEY.~~

10 (4)(3) The following money is appropriated to the university of Montana in the indicated amount
 11 for the purpose of making capital improvements to campus facilities:

<u>Agency/Project</u>	<u>LRBP</u>	<u>Other Funding Sources</u>
Authority Only Projects, University of Montana	\$16,050,000	Federal, Trust, Higher Education Funds, and Donations

15 RENOVATE MAIN HALL AUDITORIUM,

<u>UM-DILLON</u>	<u>1,250,000</u>	<u>DONATIONS</u>
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17 (5)(4) The following money is appropriated to the department of transportation in the indicated
 18 amount for the purpose of making capital improvements to statewide facilities:

<u>Agency/Project</u>	<u>LRBP</u>	<u>Other Funding Sources</u>
Repair, Maintenance, and Minor Construction Projects, Statewide	\$1,415,000	Highways State Special Revenue

23 NEW SECTION. Section 5. Transfer of funds. The department of fish, wildlife, and parks is
 24 authorized to transfer money appropriated in [sections 1 through 4] among fund types.

26 NEW SECTION. Section 6. Planning and design. The department of administration may proceed
 27 with the planning and design of capital projects prior to the receipt of other funding sources. The
 28 department may use interaccount loans in accordance with 17-2-107 to pay planning and design costs
 29 incurred before the receipt of other funding sources.

30

1 **NEW SECTION. Section 7. Capital projects -- contingent funds.** If a capital project is financed,
 2 in whole or in part, with appropriations contingent upon the receipt of other funding sources, the
 3 department of administration may not let the projects for bid until the agency has submitted a financial plan
 4 for approval by the director of the department of administration. A financial plan may not be approved by
 5 the director if:

6 (1) the level of funding provided under the financial plan deviates substantially from the funding
 7 level provided in [sections 1 through 4] for that project; or

8 (2) the scope of the project is substantially altered or revised from the preliminary plans presented
 9 for that project in the 1998-99 long-range building program presented to the 55th legislature.

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

14
 15 **NEW SECTION. SECTION 9. APPROPRIATION FOR PURCHASE AND MAINTENANCE OF VIRGINIA**
 16 **CITY AND NEVADA CITY ASSETS. (1) THE BALANCE IN THE CULTURAL TRUST FUND, UP TO**
 17 **\$7,750,000, IS APPROPRIATED TO THE MONTANA HISTORICAL SOCIETY FOR THE ACQUISITION,**
 18 **RENOVATION, AND PRESERVATION OF REAL AND PERSONAL PROPERTY OWNED BY BOVEY**
 19 **RESTORATIONS, INCORPORATED, AND THE HISTORIC LANDMARK SOCIETY OF MONTANA IN THE**
 20 **COMMUNITIES KNOWN AS VIRGINIA CITY AND NEVADA CITY. THE MONTANA HISTORICAL SOCIETY**
 21 **MAY DELIVER THE PURCHASE PRICE TO AN INTERMEDIARY DESIGNATED BY THE SELLER, IN THE**
 22 **SELLER'S SOLE DISCRETION. IN ADDITION, THE MONTANA HISTORICAL SOCIETY SHALL COMPLY**
 23 **WITH THE TERMS OF THE OPTION AGREEMENT ENTERED INTO BY THE STATE OF MONTANA AND THE**
 24 **OWNERS OF THE PROPERTY. THE MONTANA HISTORICAL SOCIETY SHALL COOPERATE FULLY WITH**
 25 **THE SELLER IN EXECUTING ANY DOCUMENTS REASONABLY NECESSARY TO EFFECTUATE AN**
 26 **EXCHANGE OF THE PROPERTY AND TAKE OTHER STEPS NECESSARY TO CARRY OUT THE SELLER'S**
 27 **INTENT TO COMPLETE A TAX-DEFERRED EXCHANGE UNDER SECTION 1031 OF THE INTERNAL**
 28 **REVENUE CODE, 26 U.S.C. 1031.**

29 **(2) IMMEDIATELY UPON ACQUISITION, THE MONTANA STATE CAPITOL ARTIFACTS LOCATED**
 30 **IN VIRGINIA CITY AND NEVADA CITY MUST BE TRANSFERRED TO THE DEPARTMENT OF**

1 ADMINISTRATION FOR USE IN HISTORIC RESTORATION OF THE STATE CAPITOL.

2

3 SECTION 10. SECTION 5-11-115, MCA, IS AMENDED TO READ:

4 "5-11-115. Function of department of administration -- capitol area master plan -- advice of
5 legislative council. (1) The department of administration shall establish and maintain a master plan for the
6 orderly development of state buildings in the immediate area of the capital city. The master plan must be
7 developed and maintained, with consideration given to the following factors:

8 (a) the needs of the state relative to the location and design of buildings to be constructed,
9 purchase of land, parking facilities, traffic management, and landscaping;

10 (b) the ordinances, plans, requirements, and proposed improvements of the city of Helena and
11 Lewis and Clark County, based without limitation upon zoning regulations, population trends, and plans for
12 rapid transit development;

13 (c) any other factors that bear upon the orderly, integrated, and cooperative development of the
14 state, the city of Helena, Lewis and Clark County, and state property in the immediate area of the capital
15 city.

16 (2) The legislative council shall consult with and advise the department of administration
17 concerning the assignment of space in the capitol.

18 (3) The legislative council shall consult with and advise the Montana historical society on the
19 placement of busts, statues, memorials, or art displays of a permanent nature within public areas of the
20 capitol building. An item may not be permanently displayed unless approved by the legislature.

21 (4) The Montana historical society shall protect and preserve the permanent artwork in the capitol
22 building and request funding for periodic inspection, maintenance, and repair of the artwork from the trust
23 fund established account provided in 15-35-108 for protection of works of art in the state capitol and
24 other cultural and aesthetic projects.

25 (5) The legislative council shall serve as a long-range building committee to recommend to the
26 legislature and the department of administration construction and remodeling priorities for the capitol."

27

28 SECTION 11. SECTION 15-35-108, MCA, IS AMENDED TO READ:

29 "15-35-108. Disposal of severance taxes. Severance taxes collected under this chapter must, in
30 accordance with the provisions of 15-1-501, be allocated as follows:

1 (1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by
 2 Article IX, section 5, of the Montana constitution. The trust fund money must be deposited in the fund
 3 established under 17-6-203(6) and invested by the board of investments as provided by law.

4 (2) Twelve percent of coal severance tax collections is allocated to the long-range building program
 5 account established in 17-7-205.

6 (3) The amount of 8.36% must be credited to an account in the state special revenue fund to be
 7 allocated by the legislature for local impacts, county land planning, provision of basic library services for
 8 the residents of all counties through library federations and for payment of the costs of participating in
 9 regional and national networking, conservation districts, and the Montana Growth Through Agriculture Act.
 10 Any cash balance that is unspent at the end of each fiscal year must be deposited in the general fund.

11 (4) The amount of 1.27% must be allocated to a nonexpendable trust fund for the purpose of parks
 12 acquisition or management. Income from this trust fund must be appropriated for the acquisition,
 13 development, operation, and maintenance of any sites and areas described in 23-1-102.

14 (5) The amount of 0.95% must be allocated to the debt service fund type to the credit of the
 15 renewable resource loan debt service fund.

16 (6) The amount of ~~0.63%~~ 1.79% must be allocated to ~~a nonexpendable trust~~ an account in the
 17 state special revenue fund for the purpose of protection of works of art in the state capitol and for other
 18 cultural and aesthetic projects. ~~Income from this trust fund must be appropriated for protection of works~~
 19 ~~of art in the state capitol and other cultural and aesthetic projects.~~

20 (7) All other revenue from severance taxes collected under the provisions of this chapter must be
 21 credited to the general fund of the state."

22
 23 **SECTION 12. SECTION 15-65-121, MCA, IS AMENDED TO READ:**

24 "15-65-121. **Distribution of tax proceeds -- general fund loan authority.** (1) The proceeds of the
 25 tax imposed by 15-65-111 must, in accordance with the provisions of 15-1-501, be deposited in an
 26 account in the state special revenue fund to the credit of the department of revenue. The department may
 27 spend from that account in accordance with an expenditure appropriation by the legislature based on an
 28 estimate of the costs of collecting and disbursing the proceeds of the tax. Before allocating the balance of
 29 the tax proceeds in accordance with the provisions of 15-1-501 and as provided in subsections (1)(a)
 30 through (1)(e) of this section, the department shall determine the expenditures by state agencies for in-state

1 lodging for each reporting period and deduct 4% of that amount from the tax proceeds received each
2 reporting period. The amount deducted must be deposited in the general fund. The amount of \$400,000
3 each year must be deposited in the Montana heritage preservation and development account provided for
4 in [section 20]. On July 1, 1997, the amount of \$45,000 is transferred to the department of commerce
5 for purposes of a grant to the Fort Peck interpretive center. The balance of the tax proceeds received each
6 reporting period and not deducted pursuant to the expenditure appropriation or deposited in the Montana
7 heritage preservation and development account or the general fund is statutorily appropriated, as provided
8 in 17-7-502, and must be transferred to an account in the state special revenue fund to the credit of the
9 department of commerce for tourism promotion and promotion of the state as a location for the production
10 of motion pictures and television commercials, to the Montana historical society, to the university system,
11 and to the department of fish, wildlife, and parks, as follows:

12 (a) 1% to the Montana historical society to be used for the installation or maintenance of roadside
13 historical signs and historic sites;

14 (b) 2.5% to the university system for the establishment and maintenance of a Montana travel
15 research program;

16 (c) 6.5% to the department of fish, wildlife, and parks for the maintenance of facilities in state
17 parks that have both resident and nonresident use;

18 (d) 67.5% to be used directly by the department of commerce; and

19 (e) (i) except as provided in subsection (1)(e)(ii), 22.5% to be distributed by the department to
20 regional nonprofit tourism corporations in the ratio of the proceeds collected in each tourism region to the
21 total proceeds collected statewide; and

22 (ii) if 22.5% of the proceeds collected annually within the limits of a city or consolidated city-county
23 exceeds \$35,000, 50% of the amount available for distribution to the regional nonprofit tourism corporation
24 in the region where the city or consolidated city-county is located, to be distributed to the nonprofit
25 convention and visitors bureau in that city or consolidated city-county.

26 (2) If a city or consolidated city-county qualifies under this section for funds but fails to either
27 recognize a nonprofit convention and visitors bureau or submit and gain approval for an annual marketing
28 plan as required in 15-65-122, then those funds must be allocated to the regional nonprofit tourism
29 corporation in the region in which the city or consolidated city-county is located.

30 (3) If a regional nonprofit tourism corporation fails to submit and gain approval for an annual

1 marketing plan as required in 15-65-122, then those funds otherwise allocated to the regional nonprofit
 2 tourism corporation may be used by the department of commerce for tourism promotion and promotion of
 3 the state as a location for the production of motion pictures and television commercials."
 4

5 **SECTION 13. SECTION 17-7-502, MCA, IS AMENDED TO READ:**

6 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory
 7 appropriation is an appropriation made by permanent law that authorizes spending by a state agency
 8 without the need for a biennial legislative appropriation or budget amendment.

9 (2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply
 10 with both of the following provisions:

11 (a) The law containing the statutory authority must be listed in subsection (3).

12 (b) The law or portion of the law making a statutory appropriation must specifically state that a
 13 statutory appropriation is made as provided in this section.

14 (3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105;
 15 2-18-812; 3-5-901; 5-13-403; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-23-706;
 16 15-30-195; 15-31-702; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411;
 17 16-11-308; 17-3-106; 17-3-212; 17-5-404; 17-5-424; 17-5-804; 17-6-101; 17-6-201; 17-7-304;
 18 18-11-112; 19-2-502; 19-6-709; 19-9-1007; 19-17-301; 19-18-512; 19-18-513; 19-18-606; 19-19-205;
 19 19-19-305; 19-19-506; 20-8-107; 20-8-111; 20-9-361; 20-26-1503; [section 20]; 23-5-136; 23-5-306;
 20 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 32-1-537; 37-43-204; 37-51-501;
 21 39-71-503; 39-71-907; 39-71-2321; 39-71-2504; 44-12-206; 44-13-102; 50-4-623; 50-5-232;
 22 50-40-206; 53-6-150; 53-6-703; 53-24-206; 60-2-220; 67-3-205; 75-1-1101; 75-5-1108; 75-6-214;
 23 75-11-313; 76-12-123; 80-2-103; 80-2-222; 80-4-416; 81-5-111; 82-11-136; 82-11-161; 85-1-220;
 24 85-20-402; 90-3-301; 90-4-215; 90-6-331; 90-7-220; 90-7-221; and 90-9-306.

25 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,
 26 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued
 27 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of
 28 Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as
 29 determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the
 30 bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec.

1 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for
 2 supplemental benefit; and pursuant to sec. 7(2), Ch. 29, L. 1995, the inclusion of 15-30-195 terminates
 3 July 1, 2001.)"

4
 5 **SECTION 14. SECTION 22-2-301, MCA, IS AMENDED TO READ:**

6 "22-2-301. **Cultural and aesthetic projects grants.** (1) Any person, association, or representative
 7 of a governing unit seeking a grant for a cultural or aesthetic project from the ~~income of the trust fund~~
 8 ~~created~~ account provided for in 15-35-108 must submit a grant proposal to the cultural and aesthetic
 9 projects advisory committee, in care of the Montana arts council, by August 1 of the year preceding the
 10 convening of a regular legislative session.

11 (2) Grant proposals must be for the purpose of protecting works of art in the state capitol or other
 12 cultural and aesthetic projects."

13
 14 **SECTION 15. SECTION 22-2-304, MCA, IS AMENDED TO READ:**

15 "22-2-304. **Cultural and aesthetic project appropriations -- administration.** (1) The legislature must
 16 appropriate funds from the ~~income of the trust fund~~ created account provided for in 15-35-108 for cultural
 17 and aesthetic projects before any grant for a cultural or aesthetic project is awarded.

18 (2) Costs incurred by the Montana arts council for accounting, correspondence, project visits, and
 19 solicitation of proposals related to cultural and aesthetic project grants and the costs of the advisory
 20 committee established in 2-15-1521 shall be paid from appropriations from the ~~income of the trust fund~~

21 **ACCOUNT.**

22 (3) Grant proposals are heard by a legislative appropriations subcommittee.

23 (4) Grant proposals approved by the legislature are administered by the Montana arts council."

24
 25 **SECTION 14. SECTION 23-1-108, MCA, IS AMENDED TO READ:**

26 ~~"23-1-108. **Acquisition of certain state parks, monuments, or historical sites.** (1) Any person,~~
 27 ~~association, or representative of a governing unit may submit a proposal for the acquisition of a site or area~~
 28 ~~described in 23-1-102 from the income of the trust fund~~ created account provided for in 15-35-108 to the
 29 ~~department of fish, wildlife, and parks by July 1 of the year preceding the convening of a legislative~~
 30 ~~session.~~

1 ~~(2) The fish, wildlife, and parks commission shall present to the legislature by the 15th day of any~~
 2 ~~legislative session a list of areas, sites, or objects that were proposed for purchase for use as state parks,~~
 3 ~~state recreational areas, state monuments, or state historical sites with the money contained in the parks~~
 4 ~~account.~~

5 ~~(3) The legislature must appropriate funds from this account before any park, area, monument, or~~
 6 ~~site may be purchased."~~

7
 8 NEW SECTION. SECTION 16. MONTANA HERITAGE PRESERVATION AND DEVELOPMENT
 9 COMMISSION. (1) THERE IS A MONTANA HERITAGE PRESERVATION AND DEVELOPMENT
 10 COMMISSION. THE COMMISSION IS ATTACHED TO THE MONTANA HISTORICAL SOCIETY FOR
 11 ADMINISTRATIVE PURPOSES. THE COMMISSION CONSISTS OF ~~NINE~~ 11 MEMBERS. THE MEMBERS
 12 SHALL BROADLY REPRESENT THE STATE. ~~FIVE SEVEN~~ MEMBERS MUST BE APPOINTED BY THE
 13 GOVERNOR, ONE MEMBER MUST BE APPOINTED BY THE PRESIDENT OF THE SENATE, AND ONE
 14 MEMBER MUST BE APPOINTED BY THE SPEAKER OF THE HOUSE. THE DIRECTOR OF THE MONTANA
 15 HISTORICAL SOCIETY AND THE DIRECTOR OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS
 16 SHALL SERVE AS MEMBERS.

17 (2) OF THE MEMBERS APPOINTED BY THE GOVERNOR:

18 (A) ONE MEMBER MUST HAVE EXTENSIVE EXPERIENCE IN MANAGING FACILITIES THAT CATER
 19 TO THE NEEDS OF TOURISTS;

20 (B) ONE MEMBER MUST HAVE EXPERIENCE IN COMMUNITY PLANNING;

21 (C) ONE MEMBER MUST HAVE EXPERIENCE IN HISTORIC PRESERVATION;

22 (D) ~~ONE MEMBER~~ TWO MEMBERS MUST HAVE BROAD EXPERIENCE IN BUSINESS; AND

23 (E) ONE MEMBER MUST BE A MEMBER OF THE TOURISM ADVISORY COUNCIL ESTABLISHED
 24 IN 2-15-1816; AND

25 ~~(E)~~ (F) ONE MEMBER MUST BE A MONTANA HISTORIAN.

26 (3) EXCEPT FOR THE INITIAL APPOINTMENTS, MEMBERS APPOINTED BY THE GOVERNOR
 27 SHALL SERVE 3-YEAR TERMS. LEGISLATIVE APPOINTEES SHALL SERVE 2-YEAR TERMS. IF A
 28 VACANCY OCCURS, THE APPOINTING AUTHORITY SHALL MAKE AN APPOINTMENT FOR THE
 29 UNEXPIRED PORTION OF THE TERM.

30 (4) THE COMMISSION MAY EMPLOY AN EXECUTIVE DIRECTOR WHO HAS GENERAL

1 RESPONSIBILITY FOR THE SELECTION AND MANAGEMENT OF COMMISSION STAFF, DEVELOPING
 2 RECOMMENDATIONS FOR THE PURCHASE OF PROPERTY, AND OVERSEEING THE MANAGEMENT OF
 3 ACQUIRED PROPERTY AND A CURATOR WHO IS RESPONSIBLE FOR THE DISPLAY AND PRESERVATION
 4 OF THE ACQUIRED PROPERTY. THE COMMISSION SHALL PRESCRIBE THE DUTIES AND ANNUAL
 5 SALARY OF THE EXECUTIVE DIRECTOR AND THE CURATOR.

6
 7 NEW SECTION. SECTION 17. MONTANA HERITAGE PRESERVATION AND DEVELOPMENT
 8 COMMISSION -- INITIAL APPOINTMENTS. THE INITIAL APPOINTMENTS TO THE COMMISSION MUST
 9 BE FOR THE FOLLOWING TERMS:

10 (1) THE MEMBER WITH EXPERIENCE MANAGING FACILITIES THAT CATER TO THE NEEDS OF
 11 TOURISTS, 3 YEARS;

12 (2) THE MEMBER WITH EXPERIENCE IN COMMUNITY PLANNING, 4 YEARS;

13 (3) THE MEMBER WITH EXPERIENCE IN HISTORIC PRESERVATION, 5 YEARS;

14 (4) ~~THE~~ ONE MEMBER WITH BROAD EXPERIENCE IN BUSINESS, 3 YEARS, AND ONE MEMBER,
 15 4 YEARS;

16 (5) THE TOURISM ADVISORY COUNCIL MEMBER, 5 YEARS;

17 ~~(5)~~(6) THE MONTANA HISTORIAN, 5 YEARS; AND

18 ~~(6)~~(7) THE LEGISLATIVE APPOINTMENTS, 2 YEARS.

19
 20 NEW SECTION. SECTION 18. PURPOSE. THE PURPOSE OF ~~[SECTIONS 16 AND 18 AND THIS~~
 21 ~~SECTION 16 AND 18 THROUGH 20]~~ IS TO ACQUIRE, ON BEHALF OF THE STATE, PROPERTIES THAT
 22 POSSESS OUTSTANDING HISTORICAL VALUE, DISPLAY EXCEPTIONAL QUALITIES WORTH PRESERVING,
 23 ARE GENUINELY REPRESENTATIVE OF THE STATE'S CULTURE AND HISTORY, AND DEMONSTRATE THE
 24 ABILITY TO BECOME ECONOMICALLY SELF-SUPPORTING. THE MONTANA HERITAGE PRESERVATION
 25 AND DEVELOPMENT COMMISSION SHALL ACHIEVE THIS PURPOSE BY PURCHASING FEE TITLE
 26 INTERESTS IN REAL AND PERSONAL PROPERTY.

27
 28 NEW SECTION. SECTION 19. POWERS OF COMMISSION -- CONTRACTS -- RULES. (1) (A) THE
 29 MONTANA HERITAGE PRESERVATION AND DEVELOPMENT COMMISSION MAY CONTRACT WITH
 30 PRIVATE ORGANIZATIONS TO ASSIST IN CARRYING OUT THE PURPOSE OF ~~[SECTION 17 18]~~. THE

1 TERM OF A CONTRACT MAY NOT EXCEED 20 YEARS.

2 (B) NOTWITHSTANDING THE PROVISIONS OF TITLE 18, THE CONTRACTS MAY BE LET BY
3 DIRECT NEGOTIATION. THE CONTRACTS MAY BE ENTERED INTO DIRECTLY WITH A VENDOR AND ARE
4 NOT SUBJECT TO STATE PROCUREMENT LAWS.

5 (C) ARCHITECTURAL AND ENGINEERING REVIEW AND APPROVAL DO NOT APPLY TO THE
6 HISTORIC RENOVATION PROJECTS.

7 (D) THE CONTRACTS MUST PROVIDE FOR THE PAYMENT OF PREVAILING WAGES.

8 (E) A CONTRACT FOR SUPPLIES OR SERVICES, OR BOTH, MAY BE NEGOTIATED IN
9 ACCORDANCE WITH COMMISSION RULES.

10 (F) MANAGEMENT ACTIVITIES MUST BE UNDERTAKEN TO ENCOURAGE THE PROFITABLE
11 OPERATION OF PROPERTIES.

12 (G) CONTRACTS MAY INCLUDE THE LEASE OF PROPERTY MANAGED BY THE COMMISSION.
13 PROVISIONS FOR THE RENEWAL OF A CONTRACT MUST BE CONTAINED IN THE CONTRACT.

14 (2) THE COMMISSION MAY NOT CONTRACT FOR THE CONSTRUCTION OF A BUILDING, AS
15 DEFINED IN 18-2-101, IN EXCESS OF \$200,000 WITHOUT THE CONSENT OF THE LEGISLATURE.
16 BUILDING CONSTRUCTION MUST BE IN CONFORMITY WITH APPLICABLE GUIDELINES DEVELOPED BY
17 THE NATIONAL PARK SERVICE OF THE U.S. DEPARTMENT OF THE INTERIOR, THE MONTANA
18 HISTORICAL SOCIETY, AND THE MONTANA DEPARTMENT OF FISH, WILDLIFE, AND PARKS.

19 (3) THE COMMISSION, AS PART OF A CONTRACT, SHALL REQUIRE THAT A PORTION OF ANY
20 PROFIT BE REINVESTED IN THE PROPERTY AND THAT A PORTION BE USED TO PAY THE
21 ADMINISTRATIVE COSTS OF THE COMMISSION.

22 (4) THE COMMISSION MAY SOLICIT FUNDS FROM OTHER SOURCES FOR THE PURCHASE,
23 MANAGEMENT, AND OPERATION OF PROPERTIES.

24 (5) THE COMMISSION SHALL ADOPT RULES ESTABLISHING A POLICY FOR MAKING
25 ACQUISITIONS. WITH RESPECT TO EACH ACQUISITION, THE POLICY MUST GIVE CONSIDERATION TO:

26 (A) WHETHER THE PROPERTY REPRESENTS THE STATE'S CULTURE AND HISTORY;

27 (B) WHETHER THE PROPERTY CAN BECOME SELF-SUPPORTING;

28 (C) WHETHER THE PROPERTY CAN CONTRIBUTE TO THE ECONOMIC AND SOCIAL ENRICHMENT
29 OF THE STATE;

30 (D) WHETHER THE PROPERTY LENDS ITSELF TO PROGRAMS TO INTERPRET MONTANA

1 HISTORY:

2 (E) WHETHER THE ACQUISITION WILL CREATE SIGNIFICANT SOCIAL AND ECONOMIC IMPACTS
 3 TO AFFECTED LOCAL GOVERNMENTS AND THE STATE; AND

4 (F) OTHER MATTERS THAT THE COMMISSION CONSIDERS NECESSARY OR APPROPRIATE.

5 (6) PUBLIC NOTICE AND THE OPPORTUNITY FOR A HEARING MUST BE GIVEN IN THE
 6 GEOGRAPHICAL AREA OF A PROPOSED ACQUISITION BEFORE A FINAL DECISION TO ACQUIRE A
 7 PROPERTY IS MADE. THE COMMISSION SHALL APPROVE PROPOSALS FOR ACQUISITION AND
 8 RECOMMEND THE APPROVED PROPOSAL TO THE BOARD OF LAND COMMISSIONERS.

9 (7) PRIOR TO THE CONVENING OF EACH REGULAR SESSION, THE COMMISSION SHALL REPORT
 10 TO THE GOVERNOR AND THE LEGISLATURE CONCERNING FINANCIAL ACTIVITIES DURING THE PRIOR
 11 BIENNIUM.

12

13 NEW SECTION. SECTION 20. MONTANA HERITAGE PRESERVATION AND DEVELOPMENT
 14 ACCOUNT. (1) THERE IS A MONTANA HERITAGE PRESERVATION AND DEVELOPMENT ACCOUNT IN
 15 THE STATE SPECIAL REVENUE FUND.

16 (2) MONEY DEPOSITED IN THE ACCOUNT MUST BE USED FOR:

17 (A) THE PURCHASE OF PROPERTIES IN VIRGINIA CITY AND NEVADA CITY;

18 (B) RESTORATION, MAINTENANCE, AND OPERATION OF HISTORIC PROPERTIES IN VIRGINIA
 19 CITY AND NEVADA CITY; AND

20 (C) PURCHASING, RESTORING, AND MAINTAINING HISTORICALLY SIGNIFICANT PROPERTIES
 21 IN MONTANA THAT ARE IN NEED OF PRESERVATION.

22 (3) THE ACCOUNT IS STATUTORILY APPROPRIATED, AS PROVIDED IN 17-7-502, TO THE
 23 MONTANA HERITAGE PRESERVATION AND DEVELOPMENT COMMISSION TO BE USED AS PROVIDED
 24 IN THIS SECTION.

25

26 NEW SECTION. SECTION 21. CODIFICATION INSTRUCTION. [SECTIONS ~~16, 17, AND 18~~ 16
 27 AND 18 THROUGH 20] ARE INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF TITLE 22, CHAPTER
 28 3, AND THE PROVISIONS OF TITLE 22, CHAPTER 3, APPLY TO [SECTIONS ~~16, 17, AND 18~~ 16 AND 18
 29 THROUGH 20].

30

1 **SECTION 22. SECTION 6, CHAPTER 547, LAWS OF 1995, IS AMENDED TO READ:**

2 The appropriations to the department of natural resources and conservation on page 3194, Laws
3 of 1995, are amended to read:

4 "Tongue River Dam Rehabilitation ~~\$3,500,000~~
5 \$2,868,473"

6

7 **NEW SECTION. SECTION 23. TRANSFER OF FUNDS. ANY GENERAL FUND REVERSIONS FOR**
8 **FISCAL YEAR 1997 IN EXCESS OF \$15.9 MILLION AND ANY GENERAL FUND REVERSIONS FOR FISCAL**
9 **YEAR 1998 IN EXCESS OF \$5 MILLION MUST BE TRANSFERRED TO THE LONG-RANGE BUILDING**
10 **PROGRAM ACCOUNT TO BE USED TO FUND CAPITAL PROJECTS.**

11

12 **NEW SECTION. Section 24. Severability.** If a part of [this act] is invalid, all valid parts that are
13 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its
14 applications, the part remains in effect in all valid applications that are severable from the invalid
15 applications.

16

17 **NEW SECTION. SECTION 25. COORDINATION. IF HOUSE BILL NO. 166 AND [THIS ACT] ARE**
18 **BOTH PASSED AND APPROVED AND IF BOTH BILLS AMEND 15-65-121, THEN THE AMENDMENTS TO**
19 **15-65-121 IN HOUSE BILL NO. 166 ARE VOID.**

20

21 **NEW SECTION. Section 26. Effective date DATES -- TERMINATION. (1) EXCEPT AS PROVIDED**
22 **IN SUBSECTION (2), [The THIS act] is effective on passage and approval.**

23 **(2) [SECTIONS 10 AND 11 THROUGH 12] ARE EFFECTIVE JULY 1, 1997.**

24 **(3) [SECTION 12] TERMINATES JULY 1, 2001.**

25

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0005, third reading as amended

DESCRIPTION OF PROPOSED LEGISLATION:

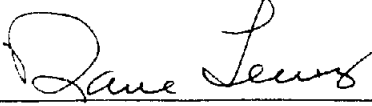
An act appropriating money for capital projects for the biennium ending June 30, 1999; appropriating the balance in the cultural trust fund for the acquisition, renovation, and preservation of historic properties; eliminating the allocation of coal severance taxes to the cultural trust fund; allocating coal severance tax revenue for cultural and aesthetic projects; establishing the Montana Heritage Preservation and Development Commission; authorizing the Montana Heritage Preservation and Development Commission to administer properties at Virginia City and Nevada City and other culturally and historically significant properties; creating a Montana heritage preservation and development Account; allocating a portion of the lodging facility use tax to the account and statutorily appropriating the account.

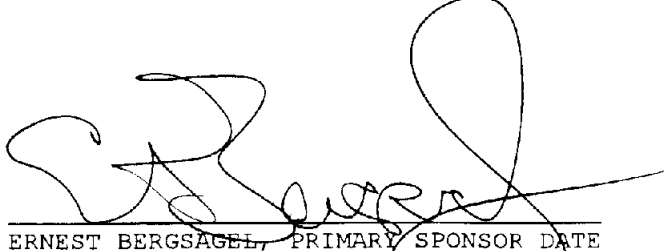
ASSUMPTIONS:

Montana Historical Society: (MHS)

1. The \$7,750,000 balance in the cultural trust fund will be appropriated to the MHS for the acquisition, renovation and preservation of real and personal property owned by Bovey Restorations Incorporated, and the historic landmark known as Virginia City and Nevada City. The MHS will comply with the option agreement entered into by the state. The MHS will cooperate with the seller in executing any documents reasonably necessary to effectuate an exchange of the property and take other steps necessary to carry out the seller's intent to complete a tax-deferred exchange under Section 1031 of the Internal Revenue Code, 26, U.S.C.1031.
2. The MHS will purchase Virginia City and Nevada City for \$6.5 million. The remaining balance of 1,250,000 will be used to help fund renovation and restoration, and provide an artifact storage and a curator building.
3. The MHS will continue to protect and preserve the permanent artwork in the capitol building and request funding for periodic inspection, maintenance, and repair of the artwork from the account provided for in 15-35-108, MCA, for the protection of works of art in the state capitol and other cultural and aesthetic projects. No fiscal impact is indicated because there will be no change.
4. There will be \$400,000 of the in-state lodging tax deposited each year in the Montana heritage preservation and development account. In addition, the bill provides that \$45,000 of this amount is to be transferred on July 1, 1997, to the Department of Commerce for the purposes of a grant to the Fort Peck Interpretive Center [see Technical Note 1]. After the transfer, there will be a balance of \$355,000 for the first year in the Montana heritage and preservation account.
5. The MHS will continue to receive 1% of the in-state lodging tax to be used for the installation or maintenance of roadside historical signs and historic sites. There will be a reduction off \$4,000 per year in the amount of revenue available.
6. The Montana Heritage Preservation and Development Commission will be established and attached to the MHS for administrative purposes. The MHS will absorb minor fiscal responsibilities at least in the first several years. The 11 commission members will broadly represent the state and include the director of the MHS.
7. The commission may employ an executive director who has general responsibility for the selection and management of staff and developing recommendations for the purchase of property and overseeing the management of acquired property and a curator who is responsible for the display and preservation of the acquired property. The commission shall prescribe the duties and annual salary of the director and curator.

(Continued)

 4.5.97
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning


ERNEST BERGSAGEL, PRIMARY SPONSOR DATE
Fiscal Note for HB0005, third reading
as amended

(continued)

8. The commission will acquire properties that have outstanding historical value, display exceptional qualities worth preserving, and demonstrate the ability to be self-supporting.
9. The commission will contract with private organizations to acquire and administer the acquired properties. The contracts can be let through direct negotiation; Architecture and Engineering Division review and approval do not apply to historic renovation projects; contracts will be for prevailing wages; contracts for supplies and services can be negotiated with commission rules; management of properties will be taken to encourage profitable operation of the properties; and contracts may include the lease of properties managed by the commission.
10. The commission will not construct a building in excess of \$200,000 without the consent of the legislature.
11. A portion of the profit will be reinvested in the property and a portion of the profit will pay the costs of the commission.
12. Funds in the new heritage preservation and development account in the state special revenue fund are statutorily appropriated for the purchase of properties in Virginia City and Nevada City and for the restoration, maintenance and operation of these properties, as well as purchasing, restoring and maintaining other historically-significant properties that are in need of preservation.

Long-Range Building Program:

13. The traditional Long-Range Building "Cash" Program capital projects contained in HB5 total \$9,159,658 capital projects revenue for 18 projects statewide affecting most state agencies, \$25,421,107 state special revenue from 5 agencies, \$5,281,010 federal special revenue from 3 agencies, and \$3,975,000 other funds from 5 agencies.
14. New Section 23 authorizes transferring general fund reversions in excess of \$15.9 million in FY97 and \$5 million in FY98 to the account of the Long-Range Building Program to be used to fund capital projects. The funds would be available for consideration at the beginning of the next legislative session for future capital projects.

Department of Commerce/Travel Promotion & Development Division:

15. The \$400,000 of accommodations tax revenues that would be deposited in the Montana heritage preservation and development account each year will reduce funding for the Travel Promotion and Development Division by \$270,000 each fiscal year of the 1999 biennium. Additionally, funding for the Regional Nonprofit Tourism Corporations will be reduced by \$90,000 each fiscal year.
16. The balance of the accommodations tax proceeds is statutorily appropriated, as provided in 17-7-502, MCA. The remaining \$40,000 of reductions will be apportioned as follows: Department of Fish, Wildlife and Parks will decrease by \$26,000 per year; Commissioner of Higher Education for UoM tourism research will decrease by \$10,000 per year; and the MHS historical signs will decrease by \$4,000 per year.

Department of Fish, Wildlife and Parks: (FWP)

17. Section 4(E) will affect the reporting of all state parks and fishing access sites projects approved by the 1997 Legislature and the submission of all such projects requested for consideration by the 1999 Legislature.
18. Approximately 50-60 separate projects with funds appropriated in HB 5 for the 1999 biennium will be affected and FWP will need to prepare at least 50% more EAs and public involvement reports for these projects.
19. Subsequently FWP will have to prepare between 80 and 100 public involvement reports prior to the next session, about 30-40 of which will not be used.
20. Each report prepared in accordance with 23-1-110, MCA, requires an average of 40 hours to complete, including on-site research, writing and editing, public meetings, preparing meeting and document advertisements, compiling public comment, preparing for public meetings, and distributing the report.
21. The FTE and operating costs shown in the fiscal impact are only for the reports required by 23-1-110, MCA, which will not be used and which would not have been produced if the amendment to Section 4(E) of HB 5 were not passed. There is required a 0.77 FTE parks operations specialist, grade 14, and operating expenses of \$30,000. Each report will contain approximately 25 pages and there will be 50 reports required to be submitted to the legislature totaling 1,250 pages. Printing costs are \$.10 per page. Two hundred copies of each report will be printed.

(Continued)

(continued)

22. At least 20% of the FWP capital construction program totaling approximately \$1 million dollars includes projects done on relatively short notice in response to cooperatively funded projects with counties or private organizations such as Ducks Unlimited. Many of these projects would be delayed two years waiting for secondary legislative approval.

23. Funding for state parks from the lodging tax will decrease by \$26,000 per year.

Office of Budget and Program Planning: (OBPP)

24. Under current law, the general fund receives 26.79% of the coal severance tax allocation or \$10,403,000 in FY98 and \$10,240,000 in FY99.
25. Under HB 5 as proposed, the general fund would receive 25% of the coal severance tax allocation or \$9,708,000 in FY98 and \$9,556,000 in FY99. The decrease in general fund revenue is \$695,000 in FY98 and \$684,000 in FY99.
26. Under current law, the nonexpendable cultural and aesthetic projects trust receives 0.63% of the coal severance tax allocation or \$245,000 in FY98 and \$241,000 in FY99.
27. Under HB 5 as proposed, the state special revenue account for the protection of art in the state capitol and for other cultural and aesthetic (C&A) projects would receive 1.79% of the coal severance tax allocation or \$695,000 in FY98 and \$684,000 in FY99.

Montana Arts Council: (MAC)

28. There is no change in the expenditures of the MAC or the C&A projects for the 1999 biennium.
29. Under current law, the interest earnings available from the nonexpendable cultural and aesthetic projects trust will be \$636,000 in FY98 and \$651,000 in FY99.
30. Under HB 5 as proposed, the trust is deleted and replaced with the 1.79% allocation. The revenue increase would be about \$59,000 in FY98 and \$33,000 in FY99.
31. There may be more psychological comfort in a trust account than in a special revenue account, but either may be revised by a majority vote of the legislature [Section 11(6)].

Commissioner of Higher Education:

32. The travel research of the University of Montana Institute for Tourism and Recreation Research will receive \$10,000 less of the state lodging tax per year

FISCAL IMPACT:

Montana Historical Society:

Expenditures:

	<u>FY98</u>	<u>FY99</u>
	<u>Difference</u>	<u>Difference</u>
Operating Expenses	355,000	400,000
Historic Signs	(4,000)	(4,000)
Capital Outlay-Purchase of Virginia City and Nevada City	6,500,000	0
Capital Outlay - Renovation/storage	1,250,000	0
Transfer to Commerce/Fort Peck	<u>45,000</u>	<u>0</u>
Total	8,146,000	396,000

Funding:

State Special Revenue (02)	8,146,000	396,000
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Revenues:

Balance of Cultural Trust Fund	7,750,000	0
Lodging 1% Allocation	(4,000)	(4,000)
Deposit from Lodging Tax	<u>400,000</u>	<u>400,000</u>
Total	8,146,000	396,000

Department of Commerce:

Revenue:

Travel Promotion	(270,000)	(270,000)
Regional Nonprofit Corporations	(90,000)	(90,000)

Fish, Wildlife and Parks:

Expenditures:

FTE	0.00	0.77
Personal Services	0	24,513
Operating Costs	<u>0</u>	<u>30,000</u>
Total	0	54,513

(Continued)

(continued)

FISCAL IMPACT: (Continued)

Fish, Wildlife and Parks: (Continued)

	<u>FY98</u>	<u>FY99</u>
	<u>Difference</u>	<u>Difference</u>
Funding:		
State Special Revenue (02)	0	54,513
Revenue:		
Lodging Tax SSR (02)	(26,000)	(26,000)
Net FWP Impact:		
State Special Revenue (02)	(26,000)	(80,513)
Montana Arts Council:		
Revenue:		
C&A Account (02)	59,000	33,000
Commissioner of Higher Education:		
Revenue:		
UoM Tourism Research	(10,000)	(10,000)
Net Statewide General Fund Impact:		
General Fund (01)	(450,000)	(443,000)

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Joint FWP partnership state parks projects with counties, which are generally for road maintenance and which usually occur with very little advance notice due to county budgeting schedules, will be delayed a minimum of two years waiting for legislative approval.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

FWP would not be able to be responsive to user demands, changes in user needs or partners willing to cooperate on joint parks and fishing access site projects. Final construction costs for repairs and maintenance of state parks will be higher due to inflation.

TECHNICAL NOTES:

1. Section 12 in HB 5 as amended requires that \$45,000 be transferred to the Department of Commerce for purposes of a grant to the Fort Peck Interpretive Center, but does not clearly specify what organization is to receive these funds. Moreover, Section 12 specifies that the funds are to be transferred on July 1, 1997, but it appears unlikely that there will not be any funds in the new Montana heritage preservation and development account since the distribution is made quarterly.
3. The transfer of \$7,750,000 from the cultural trust and \$800,000 of the lodging tax is \$950,000 short of the recommendation of the Virginia City/Nevada City Task Force, but \$800,000 of this will be made up in the 2001 biennium lodging tax transfer. Their recommendation was for \$9,500,000 consisting of a purchase price of 6,500,000; renovation and restoration of \$2,000,000; artifact storage and curator building of \$500,000; and reserve for operating of \$500,000.

DEDICATION OF REVENUE:

[Reported for the statutorily-appropriated heritage preservation and development account.]

a) Are there persons or entities that benefit from this dedicated revenue that do not pay? (Please explain)

Individuals who visit Virginia City and Nevada City or other properties are likely to pay.

b) What special information or other advantages exist as a result of using a state special revenue fund that could not be obtained if the revenue were allocated to the general fund? This revenue will be appropriately accounted for in the state special revenue account.

c) Is the source of revenue relevant to current use of the funds and adequate to fund the program/activity that is intended? X Yes No (if no, explain)

As proposed in HB 5.

(Continued)

(continued)

d) Does the need for this state special revenue provision still exist? X Yes No

(Explain)

New in HB 5.

e) Does the dedicated revenue affect the legislature's ability to scrutinize budgets, control expenditures, or establish priorities for state spending? (Please explain)

No, the legislature will maintain the ability to scrutinize budgets and control expenditures.

f) Does the dedicated revenue fulfill a continuing, legislatively recognized need? (Please explain)

Yes, as long as the legislature recognizes this activity as a need.

g) How does the dedicated revenue provision result in accounting/auditing efficiencies or inefficiencies in your agency? (Please explain. Also, if the program/activity were general funded, could you adequately account for the program/activity?)

The revenue could be accounted for adequately in any fund; however, the state special revenue fund is the appropriate fund according to state accounting policy.

HOUSE BILL NO. 5

INTRODUCED BY BERGSAGEL

BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING

A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING MONEY FOR CAPITAL PROJECTS FOR THE BIENNIUM ENDING JUNE 30, 1999; CONTINGENTLY APPROPRIATING THE BALANCE IN THE CULTURAL TRUST FUND FOR THE ACQUISITION, RENOVATION, AND PRESERVATION OF HISTORIC PROPERTIES; ELIMINATING THE ALLOCATION OF COAL SEVERANCE TAXES TO THE CULTURAL TRUST FUND; ALLOCATING COAL SEVERANCE TAX REVENUE FOR CULTURAL AND AESTHETIC PROJECTS OR TO PROVIDE DEBT SERVICE ON BONDS USED TO FINANCE THE PROJECTS; ESTABLISHING THE MONTANA HERITAGE PRESERVATION AND DEVELOPMENT COMMISSION; AUTHORIZING THE MONTANA HERITAGE PRESERVATION AND DEVELOPMENT COMMISSION TO ADMINISTER PROPERTIES AT VIRGINIA CITY AND NEVADA CITY AND OTHER CULTURALLY AND HISTORICALLY SIGNIFICANT PROPERTIES; CREATING A MONTANA HERITAGE PRESERVATION AND DEVELOPMENT ACCOUNT; ALLOCATING A PORTION OF THE LODGING FACILITY USE TAX TO THE ACCOUNT; STATUTORILY APPROPRIATING THE ACCOUNT; PROVIDING FOR OTHER MATTERS RELATING TO THE APPROPRIATIONS; AMENDING SECTIONS 5-11-115, 15-35-108, 15-65-121, 17-7-502, 22-2-301, AND 22-2-304, AND ~~23-1-108~~, MCA; AMENDING SECTION 6, CHAPTER 547, LAWS OF 1995; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE DATES AND A TERMINATION DATE."

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

NEW SECTION. **Section 1. Definitions.** For the purposes of [sections 1 through 8], unless otherwise stated, the following definitions apply:

(1) "Capital project" means the acquisition of land or improvements or the planning, capital construction, renovation, furnishing, or major repair projects authorized in [sections 1 through 8].

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

(3) "Other funding sources" means money other than LRBP money, including special revenue fund money, that accrues to an agency under the provisions of law.

1 NEW SECTION. **Section 2. 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 types for
 4 these projects:

<u>Agency/Project</u>	<u>LRBP</u>	<u>Other Funding Sources</u>
DEPARTMENT OF ADMINISTRATION		
Repair Limestone on Museum and Repair		
Masonry on Other Capitol Complex Buildings	\$300,000	
 Plan Lease Reduction Program, Helena	350,000	
Roof Repair and Replacement, Capitol Complex	279,000	
Hazardous Materials Mitigation, Statewide	720,000	
State Building Energy Retrofit, Statewide	\$1,000,000	Nonstate State Special Revenue
<u>HISTORIC RESTORATION,</u>		
<u>MONTANA STATE CAPITOL</u>	<u>100,000</u>	
<u>HEALTH SAFETY/CODE</u>		
<u>COMPLIANCE, STATEWIDE</u>	<u>408,000</u>	
DEPARTMENT OF AGRICULTURE		
Modify State Grain Laboratory to Comply With		
ADA Standards	40,000	
DEPARTMENT OF CORRECTIONS		
Secure Female Facility and Renovations,		
MYAP, Boulder	1,450,000	
	<u>1,846,580</u>	
Xanthopoulos Building Renovations, MSP,		
Warm Springs	600,000	
MCE Improvements/Expansion, MSP,		
Warm Springs	400,000	Proprietary
 Regional Correctional Facilities	2,400,000	Federal Special Revenue
<u>ONE REGIONAL CORRECTIONAL FACILITY</u>	<u>3,251,547</u>	<u>FEDERAL SPECIAL REVENUE</u>

1	<u>192-BED EXPANSION,</u>			
2	<u> MSP, DEER LODGE</u>		<u>6,560,000</u>	<u>FEDERAL SPECIAL REVENUE</u>
3	<u> SPIRITUAL ACTIVITY CENTER, WCC</u>			
4	<u> AUTHORITY ONLY</u>		<u>350,000</u>	<u>DONATIONS</u>
5	DEPARTMENT OF FISH, WILDLIFE, AND PARKS			
6	Secure Water Supply, Giant Springs			
7	Trout Hatchery		753,847	State Special Revenue
8			<u>553,847</u>	
9			<u>200,000</u>	<u>FEDERAL SPECIAL REVENUE</u>
10	Bluewater Hatchery Renovation, Phase III		3,316,319	State Special Revenue
11	Construct Parks Interpretive Center		1,250,000	State Special Revenue
12			<u>950,000</u>	
13	Secure Water Supply, Big Springs			
14	Trout Hatchery		1,620,451	State Special Revenue
15	DEPARTMENT OF LABOR			
16	Install Elevator, Missoula Job Service		87,000	State Special Revenue
17			<u>23,490</u>	
18			<u>63,510</u>	<u>FEDERAL SPECIAL REVENUE</u>
19	DEPARTMENT OF MILITARY AFFAIRS			
20	Demolition of Poplar Armory	300,000		
21		<u>150,000</u>		
22	Furnace Replacement, Womack Armory	300,000		
23		<u>275,000</u>		
24	Replace Roof, OMS #3, Helena	30,000	90,000	Federal Special Revenue
25	<u> ARMY AVIATION SUPPORT FACILITY</u>			
26	<u> MAINTENANCE</u>	<u>39,578</u>		
27	<u> BOZEMAN ARMORY ADA MODIFICATIONS</u>	<u>50,000</u>		
28	<u> ARMED FORCES RESERVE CENTER,</u>			
29	<u> BILLINGS</u>		<u>3,000,000</u>	<u>FEDERAL SPECIAL REVENUE</u>
30	MONTANA UNIVERSITY SYSTEM			

1	Code Compliance/Disability Access,		
2	University System	2,900,000	
3	Roof Replacements, University System	971,500	
4	Replace Primary Electrical Distribution,		
5	MSU-Billings	300,000	Auxiliary
6		<u>356,400</u>	
7	Utility Tunnel Extension, MSU-Bozeman	3,944,000	Auxiliary
8		<u>2,510,219</u>	
9	<u>REPAIR/REPLACE PRIMARY</u>		
10	<u>ELECTRICAL DISTRIBUTION,</u>		
11	<u>MSU-NORTHERN</u>	<u>122,000</u>	<u>AUXILIARY</u>
12	<u>RURAL TECHNOLOGICAL CENTER PLANNING,</u>		
13	<u>UM-DILLON</u>	<u>75,000</u>	
14	<u>CHEMISTRY BUILDING RENOVATION,</u>		
15	<u>UM-MONTANA TECH</u>	<u>750,000</u>	<u>DONATIONS</u>
16	DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION		
17	Maintenance and Improvement Projects,		
18	Statewide	200,000	
19	Fire Cache/Garage, Plains Unit	175,000	
20	DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES		
21	Miscellaneous Maintenance and		
22	Improvements, Montana Veterans' Home	406,000	State Special Revenue
23	DEPARTMENT OF TRANSPORTATION		
24	Equipment Buildings, Statewide	2,535,000	Highways State Special Revenue
25		<u>1,910,000</u>	
26	<u>DEPARTMENT OF COMMERCE</u>		
27	<u>FORT PECK INTERPRETIVE CENTER GRANT</u>		
28		<u>45,000</u>	<u>STATE SPECIAL REVENUE</u>
29	<u>(2) IF ANY BONDED FUNDING AUTHORIZED IN HOUSE BILL NO. 14 FOR THE CRITICAL PROJECT</u>		
30	<u>REQUIREMENTS PORTION OF THE CAPITOL RESTORATION PROJECT IS NOT NEEDED BECAUSE OF A</u>		

1 REDUCTION IN COSTS FOR THE APPROVED PROJECT, FUNDING MAY BE USED FOR HISTORIC
2 RESTORATION OF THE MONTANA STATE CAPITOL.

3 (3) (A) THE \$600,000 APPROPRIATION AND AUTHORITY FOR THE XANTHOPOULOS BUILDING
4 RENOVATION PROJECT AT MSP, WARM SPRINGS, IS CONTINGENT ON THE CONSTRUCTION OF A NEW
5 STATE HOSPITAL AT WARM SPRINGS.

6 (B) (I) THE DEPARTMENT OF CORRECTIONS MAY USE PRISON STAFF FOR THE PURPOSE OF
7 MAKING SECURITY ENHANCEMENTS AND UPGRADES TO THE XANTHOPOULOS BUILDING ON THE
8 MONTANA STATE HOSPITAL CAMPUS AS AUTHORIZED BY THE LEGISLATURE.

9 (II) THE DEPARTMENT OF ADMINISTRATION MAY EXEMPT THE XANTHOPOULOS BUILDING
10 PROJECT FROM THE PROVISIONS OF ANY APPLICABLE MONTANA LAW RELATING TO PUBLIC BIDDING
11 AND CONSTRUCTION CONTRACTS.

12 (III) PRISON STAFF ENGAGED IN THE XANTHOPOULOS BUILDING PROJECT ARE GOVERNED BY
13 THE STAFF'S EXISTING EMPLOYMENT AGREEMENTS AND ARE NOT ELIGIBLE FOR ADDITIONAL
14 COMPENSATION OR BENEFITS NOT CURRENTLY PROVIDED BY THE EXISTING EMPLOYMENT
15 AGREEMENTS.

16 (4) IN REGARD TO THE CONSTRUCT PARKS INTERPRETIVE CENTER PROJECT AT ULM PISHKUN,
17 IT IS THE INTENT OF THE 55TH LEGISLATURE THAT THE SOVEREIGN NATIONS BE OFFERED THE
18 OPPORTUNITY FOR ECONOMIC BENEFITS, FOR EXAMPLE THE OPTION TO SELL SOUVENIRS.

19 (5) THE SPIRITUAL ACTIVITY CENTER PROJECT FOR THE WOMEN'S CORRECTIONAL SYSTEM
20 IS EXEMPT FROM THE BIDDING REQUIREMENTS AND THE ARCHITECTURAL AND ENGINEERING REVIEW
21 AND APPROVAL REQUIREMENTS IN TITLE 18.

22
23 NEW SECTION. Section 3. Land acquisition appropriation. The following money is appropriated
24 to the department of fish, wildlife, and parks in the indicated amounts for purposes of land acquisition, land
25 leasing, easement purchase, or development agreement:

Agency/Project	<u>LRBP</u>	<u>Other Funding Sources</u>
27 Habitat Montana	\$6,200,000	State Special Revenue
28 Fishing Access Site Acquisition, Statewide	466,000	State Special Revenue
29 Bighorn Sheep Program	330,000	State Special Revenue

30

1 NEW SECTION. Section 4. Capital improvements. (1) (A) The following money is appropriated
 2 to the department of fish, wildlife, and parks in the indicated amounts for the purpose of making capital
 3 improvements to statewide facilities:

<u>Agency/Project</u>	<u>LRBP</u>	<u>Other Funding Sources</u>
4 Cultural and Historic Parks Improvements	\$ 690,000	State Special Revenue
	<u>\$ 535,000</u>	
6 Future Fisheries Improvement Program	1,000,000	State Special Revenue
	<u>1,200,000</u>	
	<u>1,470,000</u>	
8 Miles City Hatchery Repairs	306,500	State Special Revenue
	<u>815,000</u>	
10 Capitol Complex Irrigation Improvements	225,000	Capitol Land Grant Revenue
12 Road Improvements, State Parks	1,768,000	State Special Revenue
	<u>2,068,000</u>	
	<u>1,000,000</u>	
14 Water-Based Recreation Parks Program	642,500	State Special Revenue
	<u>392,500</u>	
	450,000	Federal Special Revenue
	<u>350,000</u>	
18 Administrative Facilities Repairs and Improvements	687,000	State Special Revenue
20 Wildlife Habitat Maintenance	825,000	State Special Revenue
	100,000	Federal Special Revenue
22 Fishing Access Site Protection, Statewide	650,000	State Special Revenue
	50,000	Federal Special Revenue
24 Waterfowl Stamp Protection	165,000	State special Revenue
26 Fishing Access Site Maintenance, Statewide	275,000	State Special Revenue

27 (B) THE TOTAL AMOUNT AUTHORIZED FOR CULTURAL AND HISTORIC PARKS IMPROVEMENTS
 28 IS \$690,000. THE REDUCED APPROPRIATION REFLECTS \$155,000 IN LODGING FACILITIES TAX
 29 REVENUE THAT IS ALLOCATED TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS AND THAT IS
 30 STATUTORILY APPROPRIATED UNDER 15-65-121 FOR MAINTENANCE OF FACILITIES IN STATE PARKS.

1 (C) OF THE \$1,200,000 \$1,470,000 APPROPRIATED TO THE DEPARTMENT OF FISH, WILDLIFE,
 2 AND PARKS FOR THE FUTURE FISHERIES IMPROVEMENT PROGRAM, \$75,000 IS TO BE USED FOR THE
 3 PN BRIDGE AND CAMPGROUND - STREAMBANK EROSION CONTROL PROJECT SPONSORED BY
 4 CHOUTEAU AND FERGUS COUNTIES, AND \$15,000 IS GRANTED TO THE CITY OF DEER LODGE FOR ITS
 5 WASTEWATER EFFLUENT LAND APPLICATION PROJECT.

6 (D) THE APPROPRIATION OF \$225,000 IN CAPITOL LAND GRANT REVENUE TO THE
 7 DEPARTMENT OF FISH, WILDLIFE, AND PARKS IS THE LAST PRIORITY FOR USE OF THESE FUNDS
 8 DURING THE 1999 BIENNIUM. IF NECESSARY, THE PROJECT MAY BE PHASED IN AS CAPITOL LAND
 9 GRANT REVENUE BECOMES AVAILABLE.

10 (E) THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS SHALL SUBMIT TO THE LEGISLATURE
 11 THE REPORT REQUIRED BY 23-1-110 REGARDING ANY MONEY APPROPRIATED IN [SECTIONS 1
 12 THROUGH 21] AND SPENT TO IMPROVE OR DEVELOP STATE PARKS OR FISHING ACCESS SITES. IN
 13 SUBMITTING THE PROPOSED 2001 BIENNIUM BUDGET OF THE DEPARTMENT OF FISH, WILDLIFE, AND
 14 PARKS TO THE LEGISLATIVE FISCAL ANALYST, AS PROVIDED IN 17-7-122, THE GOVERNOR SHALL
 15 INCLUDE THE REPORT REQUIRED BY 23-1-110 FOR LEGISLATIVE CONSIDERATION AND FUNDING
 16 APPROVAL OF THE SPECIFIC PROJECTS. THE LEGISLATURE RECOMMENDS THAT THE 1999
 17 LEGISLATURE NOT APPROPRIATE ANY FUNDS FOR THE IMPROVEMENT OR DEVELOPMENT OF A STATE
 18 PARK OR FISHING ACCESS SITE WITHOUT REVIEWING AND CONSIDERING EACH PROPOSED PROJECT
 19 CONTAINED IN THE REPORT. IT IS THE INTENT OF THE LEGISLATURE THAT PRIORITIES IN THE 2001
 20 BIENNIUM FUNDING REQUEST FOR STATE PARKS AND FISHING ACCESS SITES BE ON MAINTENANCE
 21 OF EXISTING FACILITIES RATHER THAN ON IMPROVEMENT OR DEVELOPMENT. AS USED IN THIS
 22 INTENT STATEMENT, "MAINTENANCE" MEANS PLACING, CLEANING, AND STOCKING OF LATRINES;
 23 GARBAGE AND LITTER CLEANUP; FENCE INSTALLATION AND REPAIR; WEED CONTROL;
 24 IMPLEMENTATION OF SAFETY AND HEALTH MEASURES REQUIRED BY LAW TO PROTECT THE PUBLIC;
 25 URKEEP OF ESTABLISHED TRAILS, ROADS, BOAT DOCKS, AND OTHER EXISTING FACILITIES; IN KIND
 26 REPLACEMENT OF EXISTING FACILITIES; EROSION CONTROL; STREAMBANK STABILIZATION; ERECTION
 27 OF BARRIERS NECESSARY TO PRESERVE RIPARIAN VEGETATION AND HABITAT; MINIMAL SIGNAGE
 28 NECESSARY TO INFORM USERS OF APPROPRIATE PARK OR SITE USE AND APPLICABLE REGULATIONS;
 29 MEASURES NECESSARY TO ENSURE COMPLIANCE WITH THE FEDERAL AMERICANS WITH DISABILITIES
 30 ACT OF 1990, WHEN APPLICABLE; PLANTING OF NATIVE TREES, GRASSES, AND SHRUBS; AND

1 INSTALLATION OF FIRE RINGS, PICNIC TABLES, AND TRASH COLLECTION FACILITIES.

2 (F) UNEXPENDED FUNDS APPROPRIATED IN [THIS ACT] TO THE DEPARTMENT OF FISH,
3 WILDLIFE, AND PARKS FOR MAINTENANCE MAY BE USED ONLY FOR THAT PURPOSE. UNEXPENDED
4 FUNDS APPROPRIATED IN [THIS ACT] TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS FOR
5 CAPITAL IMPROVEMENTS MAY BE SPENT ONLY FOR MAINTENANCE. PRIOR TO THE SUBMISSION OF
6 THE PROPOSED 2001 BIENNIUM CAPITAL IMPROVEMENT BUDGET FOR THE DEPARTMENT OF FISH,
7 WILDLIFE, AND PARKS TO THE LEGISLATIVE FISCAL ANALYST, AS PROVIDED IN 17-7-122, THE
8 AGENCY SHALL CONDUCT A PUBLIC MEETING OR OPEN HOUSE IN THE APPROPRIATE DEPARTMENT
9 OF FISH, WILDLIFE, AND PARKS' ADMINISTRATIVE REGION FOR ANY ANTICIPATED CAPITAL
10 DEVELOPMENT PROJECT IN THAT REGION OR SHALL SEEK COMMENT ON THE SITE OF THE PROJECT.
11 THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS SHALL REPORT TO THE LONG-RANGE BUILDING
12 APPROPRIATIONS SUBCOMMITTEE ON THE OUTCOME OF THE PUBLIC INVOLVEMENT.

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

<u>Agency/Project</u>	<u>LRBP</u>	<u>Other Funding Sources</u>
Federal Spending Authority	\$ 800,000	Federal Special Revenue
Eastern Montana State Veterans' Cemetery, Phase I	52,500	State Special Revenue
Track Parking, Fort Harrison	52,500	Federal Special Revenue
BOQ/BEQ, Fort Harrison	500,000	Federal Special Revenue
CSMS, Fort Harrison	1,700,000	Federal Special Revenue
	75,000	Federal Special Revenue

22 (3) (A) THE FOLLOWING MONEY IS APPROPRIATED TO MONTANA STATE UNIVERSITY IN THE
23 INDICATED AMOUNT FOR THE PURPOSE OF MAKING CAPITAL IMPROVEMENTS TO CAMPUS
24 FACILITIES:

<u>AGENCY/PROJECT</u>	<u>LRBP</u>	<u>OTHER FUNDING SOURCES</u>
<u>AUTHORITY ONLY PROJECTS,</u>		<u>ACADEMIC BUILDING FEES,</u>
<u>MONTANA STATE UNIVERSITY</u>	<u>\$19,000,000</u>	<u>INDIRECT COST RECOVERY,</u>
		<u>FEDERAL, PRIVATE, PLANT FUNDS</u>

29 (B) IT IS THE INTENT OF THE 55TH LEGISLATURE THAT AT LEAST 50% OF ALL FUTURE
30 OPERATIONS AND MAINTENANCE COSTS FOR THE CLASSROOM-LABORATORY BUILDING AUTHORIZED

1 IN THE AMOUNT OF \$19,000,000 AT MSU-BOZEMAN BE FUNDED BY MONTANA STATE UNIVERSITY
 2 AND THAT NO MORE THAN 50% BE FUNDED WITH GENERAL FUND MONEY.

3 ~~(3) (A)~~ The following money is appropriated to Montana state university in the indicated amount
 4 for the purpose of making capital improvements to campus facilities:

5 <u>Agency/Project</u>	<u>LRBP</u>	<u>Other Funding Sources</u>
6 Authority Only Projects, Montana State University	\$5,000,000	Auxiliary
	\$19,000,000	ACADEMIC BUILDING FEE,
		INDIRECT COST RECOVERY,
		FEDERAL, PRIVATE,
		PLANT FUNDS

11 ~~(B) IT IS THE INTENT OF THE 55TH LEGISLATURE THAT AT LEAST 50% OF ALL FUTURE~~
 12 ~~OPERATIONS AND MAINTENANCE COSTS FOR THE CLASSROOM LABORATORY BUILDING AUTHORIZED~~
 13 ~~IN THE AMOUNT OF \$19,000,000 AT MSU-BOZEMAN BE FUNDED BY MONTANA STATE UNIVERSITY~~
 14 ~~AND THAT NO MORE THAN 50% BE FUNDED WITH GENERAL FUND MONEY.~~

15 (4)(3) The following money is appropriated to the university of Montana in the indicated amount
 16 for the purpose of making capital improvements to campus facilities:

17 <u>Agency/Project</u>	<u>LRBP</u>	<u>Other Funding Sources</u>
18 Authority Only Projects, University of Montana	\$16,050,000	Federal, Trust, Higher
		Education Funds, and
		Donations

21 AUTHORITY ONLY PROJECTS,
 22 UNIVERSITY OF MONTANA \$16,050,000 FEDERAL, TRUST, AUXILIARY,
 23 PLANT FUNDS, AND
 24 DONATIONS

25 RENOVATE MAIN HALL AUDITORIUM,
 26 UM-DILLON 1,250,000 DONATIONS

27 ~~(5)(4)~~ The following money is appropriated to the department of transportation in the indicated
 28 amount for the purpose of making capital improvements to statewide facilities:

29 <u>Agency/Project</u>	<u>LRBP</u>	<u>Other Funding Sources</u>
30 Repair, Maintenance, and Minor		

1 Construction Projects, Statewide \$1,415,000 Highways State Special Revenue

2

3 NEW SECTION. Section 5. Transfer of funds. The department of fish, wildlife, and parks is
4 authorized to transfer money appropriated in [sections 1 through 4] among fund types.

5

6 NEW SECTION. Section 6. Planning and design. The department of administration may proceed
7 with the planning and design of capital projects prior to the receipt of other funding sources. The
8 department may use interaccount loans in accordance with 17-2-107 to pay planning and design costs
9 incurred before the receipt of other funding sources.

10

11 NEW SECTION. Section 7. Capital projects -- contingent funds. If a capital project is financed,
12 in whole or in part, with appropriations contingent upon the receipt of other funding sources, the
13 department of administration may not let the projects for bid until the agency has submitted a financial plan
14 for approval by the director of the department of administration. A financial plan may not be approved by
15 the director if:

16 (1) the level of funding provided under the financial plan deviates substantially from the funding
17 level provided in [sections 1 through 4] for that project; or

18 (2) the scope of the project is substantially altered or revised from the preliminary plans presented
19 for that project in the 1998-99 long-range building program presented to the 55th legislature.

20

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

24

25 NEW SECTION. SECTION 9. APPROPRIATION CONTINGENT APPROPRIATION FOR PURCHASE
26 AND MAINTENANCE OF VIRGINIA CITY AND NEVADA CITY ASSETS. (1) THE IF GENERAL OBLIGATION
27 BONDS ARE NOT AUTHORIZED IN HOUSE BILL NO. 14 FOR THE PURCHASE OF VIRGINIA CITY AND
28 NEVADA CITY PROPERTY, THEN THE BALANCE IN THE CULTURAL TRUST FUND, UP TO \$7,750,000,
29 IS APPROPRIATED TO THE MONTANA HISTORICAL SOCIETY FOR THE ACQUISITION, RENOVATION,
30 AND PRESERVATION OF REAL AND PERSONAL PROPERTY OWNED BY BOVEY RESTORATIONS.

1 INCORPORATED, AND THE HISTORIC LANDMARK SOCIETY OF MONTANA IN THE COMMUNITIES
 2 KNOWN AS VIRGINIA CITY AND NEVADA CITY. IF GENERAL OBLIGATION BONDS ARE AUTHORIZED IN
 3 HOUSE BILL NO. 14, THEN THE PURCHASE MUST BE MADE WITH BOND PROCEEDS. THE MONTANA
 4 HISTORICAL SOCIETY MAY DELIVER THE PURCHASE PRICE TO AN INTERMEDIARY DESIGNATED BY THE
 5 SELLER, IN THE SELLER'S SOLE DISCRETION. IN ADDITION, THE MONTANA HISTORICAL SOCIETY
 6 SHALL COMPLY WITH THE TERMS OF THE OPTION AGREEMENT ENTERED INTO BY THE STATE OF
 7 MONTANA AND THE OWNERS OF THE PROPERTY. THE MONTANA HISTORICAL SOCIETY SHALL
 8 COOPERATE FULLY WITH THE SELLER IN EXECUTING ANY DOCUMENTS REASONABLY NECESSARY TO
 9 EFFECTUATE AN EXCHANGE OF THE PROPERTY AND TAKE OTHER STEPS NECESSARY TO CARRY OUT
 10 THE SELLER'S INTENT TO COMPLETE A TAX-DEFERRED EXCHANGE UNDER SECTION 1031 OF THE
 11 INTERNAL REVENUE CODE, 26 U.S.C. 1031.

12 (2) IMMEDIATELY UPON ACQUISITION, THE MONTANA STATE CAPITOL ARTIFACTS LOCATED
 13 IN VIRGINIA CITY AND NEVADA CITY MUST BE TRANSFERRED TO THE DEPARTMENT OF
 14 ADMINISTRATION FOR USE IN HISTORIC RESTORATION OF THE STATE CAPITOL.

15

16 **SECTION 10. SECTION 5-11-115, MCA, IS AMENDED TO READ:**

17 **"5-11-115. Function of department of administration -- capitol area master plan -- advice of**
 18 **legislative council.** (1) The department of administration shall establish and maintain a master plan for the
 19 orderly development of state buildings in the immediate area of the capital city. The master plan must be
 20 developed and maintained, with consideration given to the following factors:

21 (a) the needs of the state relative to the location and design of buildings to be constructed,
 22 purchase of land, parking facilities, traffic management, and landscaping;

23 (b) the ordinances, plans, requirements, and proposed improvements of the city of Helena and
 24 Lewis and Clark County, based without limitation upon zoning regulations, population trends, and plans for
 25 rapid transit development;

26 (c) any other factors that bear upon the orderly, integrated, and cooperative development of the
 27 state, the city of Helena, Lewis and Clark County, and state property in the immediate area of the capital
 28 city.

29 (2) The legislative council shall consult with and advise the department of administration
 30 concerning the assignment of space in the capitol.

1 (3) The legislative council shall consult with and advise the Montana historical society on the
 2 placement of busts, statues, memorials, or art displays of a permanent nature within public areas of the
 3 capitol building. An item may not be permanently displayed unless approved by the legislature.

4 (4) The Montana historical society shall protect and preserve the permanent artwork in the capitol
 5 building and request funding for periodic inspection, maintenance, and repair of the artwork from the ~~trust~~
 6 ~~fund established~~ account provided for in 15-35-108 for protection of works of art in the state capitol and
 7 other cultural and aesthetic projects.

8 (5) The legislative council shall serve as a long-range building committee to recommend to the
 9 legislature and the department of administration construction and remodeling priorities for the capitol."
 10

11 **SECTION 11. SECTION 15-35-108, MCA, IS AMENDED TO READ:**

12 "15-35-108. **Disposal of severance taxes.** Severance taxes collected under this chapter must, in
 13 accordance with the provisions of 15-1-501, be allocated as follows:

14 (1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by
 15 Article IX, section 5, of the Montana constitution. The trust fund money must be deposited in the fund
 16 established under 17-6-203(6) and invested by the board of investments as provided by law.

17 (2) Twelve percent of coal severance tax collections is allocated to the long-range building program
 18 account established in 17-7-205.

19 (3) The amount of 8.36% must be credited to an account in the state special revenue fund to be
 20 allocated by the legislature for local impacts, county land planning, provision of basic library services for
 21 the residents of all counties through library federations and for payment of the costs of participating in
 22 regional and national networking, conservation districts, and the Montana Growth Through Agriculture Act.
 23 Any cash balance that is unspent at the end of each fiscal year must be deposited in the general fund.

24 (4) The amount of 1.27% must be allocated to a nonexpendable trust fund for the purpose of parks
 25 acquisition or management. Income from this trust fund must be appropriated for the acquisition,
 26 development, operation, and maintenance of any sites and areas described in 23-1-102.

27 (5) The amount of 0.95% must be allocated to the debt service fund type to the credit of the
 28 renewable resource loan debt service fund.

29 (6) The amount of ~~0.63%~~ 1.79% must be allocated to ~~a nonexpendable trust~~ an account in the
 30 state special revenue fund for the purpose of protection of works of art in the state capitol and for other

1 cultural and aesthetic projects. ~~Income from this trust fund must be appropriated for protection of works~~
 2 ~~of art in the state capitol and other cultural and aesthetic projects.~~

3 (7) All other revenue from severance taxes collected under the provisions of this chapter must be
 4 credited to the general fund of the state."
 5

6 **SECTION 12. SECTION 15-65-121, MCA, IS AMENDED TO READ:**

7 **"15-65-121. Distribution of tax proceeds -- general fund loan authority.** (1) The proceeds of the
 8 tax imposed by 15-65-111 must, in accordance with the provisions of 15-1-501, be deposited in an
 9 account in the state special revenue fund to the credit of the department of revenue. The department may
 10 spend from that account in accordance with an expenditure appropriation by the legislature based on an
 11 estimate of the costs of collecting and disbursing the proceeds of the tax. Before allocating the balance of
 12 the tax proceeds in accordance with the provisions of 15-1-501 and as provided in subsections (1)(a)
 13 through (1)(e) of this section, the department shall determine the expenditures by state agencies for in-state
 14 lodging for each reporting period and deduct 4% of that amount from the tax proceeds received each
 15 reporting period. The amount deducted must be deposited in the general fund. The amount of \$400,000
 16 each year must be deposited in the Montana heritage preservation and development account provided for
 17 in [section 20]. On July 1, 1997, the amount of \$45,000 is transferred to the department of commerce
 18 for purposes of a grant to the Fort Peck interpretive center. The balance of the tax proceeds received each
 19 reporting period and not deducted pursuant to the expenditure appropriation or deposited in the Montana
 20 heritage preservation and development account or the general fund is statutorily appropriated, as provided
 21 in 17-7-502, and must be transferred to an account in the state special revenue fund to the credit of the
 22 department of commerce for tourism promotion and promotion of the state as a location for the production
 23 of motion pictures and television commercials, to the Montana historical society, to the university system,
 24 and to the department of fish, wildlife, and parks, as follows:

25 (a) 1% to the Montana historical society to be used for the installation or maintenance of roadside
 26 historical signs and historic sites;

27 (b) 2.5% to the university system for the establishment and maintenance of a Montana travel
 28 research program;

29 (c) 6.5% to the department of fish, wildlife, and parks for the maintenance of facilities in state
 30 parks that have both resident and nonresident use;

1 (d) 67.5% to be used directly by the department of commerce; and

2 (e) (i) except as provided in subsection (1)(e)(ii), 22.5% to be distributed by the department to
3 regional nonprofit tourism corporations in the ratio of the proceeds collected in each tourism region to the
4 total proceeds collected statewide; and

5 (ii) if 22.5% of the proceeds collected annually within the limits of a city or consolidated city-county
6 exceeds \$35,000, 50% of the amount available for distribution to the regional nonprofit tourism corporation
7 in the region where the city or consolidated city-county is located, to be distributed to the nonprofit
8 convention and visitors bureau in that city or consolidated city-county.

9 (2) If a city or consolidated city-county qualifies under this section for funds but fails to either
10 recognize a nonprofit convention and visitors bureau or submit and gain approval for an annual marketing
11 plan as required in 15-65-122, then those funds must be allocated to the regional nonprofit tourism
12 corporation in the region in which the city or consolidated city-county is located.

13 (3) If a regional nonprofit tourism corporation fails to submit and gain approval for an annual
14 marketing plan as required in 15-65-122, then those funds otherwise allocated to the regional nonprofit
15 tourism corporation may be used by the department of commerce for tourism promotion and promotion of
16 the state as a location for the production of motion pictures and television commercials."

17

18 **SECTION 13. SECTION 17-7-502, MCA, IS AMENDED TO READ:**

19 "**17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory
20 appropriation is an appropriation made by permanent law that authorizes spending by a state agency
21 without the need for a biennial legislative appropriation or budget amendment.

22 (2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply
23 with both of the following provisions:

24 (a) The law containing the statutory authority must be listed in subsection (3).

25 (b) The law or portion of the law making a statutory appropriation must specifically state that a
26 statutory appropriation is made as provided in this section.

27 (3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105;
28 2-18-812; 3-5-901; 5-13-403; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-23-706;
29 15-30-195; 15-31-702; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411;
30 16-11-308; 17-3-106; 17-3-212; 17-5-404; 17-5-424; 17-5-804; 17-6-101; 17-6-201; 17-7-304;

1 18-11-112; 19-2-502; 19-6-709; 19-9-1007; 19-17-301; 19-18-512; 19-18-513; 19-18-606; 19-19-205;
 2 19-19-305; 19-19-506; 20-8-107; 20-8-111; 20-9-361; 20-26-1503; [section 20]; 23-5-136; 23-5-306;
 3 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 32-1-537; 37-43-204; 37-51-501;
 4 39-71-503; 39-71-907; 39-71-2321; 39-71-2504; 44-12-206; 44-13-102; 50-4-623; 50-5-232;
 5 50-40-206; 53-6-150; 53-6-703; 53-24-206; 60-2-220; 67-3-205; 75-1-1101; 75-5-1108; 75-6-214;
 6 75-11-313; 76-12-123; 80-2-103; 80-2-222; 80-4-416; 81-5-111; 82-11-136; 82-11-161; 85-1-220;
 7 85-20-402; 90-3-301; 90-4-215; 90-6-331; 90-7-220; 90-7-221; and 90-9-306.

8 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,
 9 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued
 10 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of
 11 Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as
 12 determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the
 13 bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec.
 14 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for
 15 supplemental benefit; and pursuant to sec. 7(2), Ch. 29, L. 1995, the inclusion of 15-30-195 terminates
 16 July 1, 2001.)"

17

18 **SECTION 14. SECTION 22-2-301, MCA, IS AMENDED TO READ:**

19 **"22-2-301. Cultural and aesthetic projects grants.** (1) Any person, association, or representative
 20 of a governing unit seeking a grant for a cultural or aesthetic project from the ~~income of the trust fund~~
 21 ~~created~~ account provided for in 15-35-108 must submit a grant proposal to the cultural and aesthetic
 22 projects advisory committee, in care of the Montana arts council, by August 1 of the year preceding the
 23 convening of a regular legislative session.

24 (2) Grant proposals must be for the purpose of protecting works of art in the state capitol or other
 25 cultural and aesthetic projects."

26

27 **SECTION 15. SECTION 22-2-304, MCA, IS AMENDED TO READ:**

28 **"22-2-304. Cultural and aesthetic project appropriations -- administration.** (1) The legislature must
 29 appropriate funds from the ~~income of the trust fund~~ ~~created~~ account provided for in 15-35-108 for cultural
 30 and aesthetic projects before any grant for a cultural or aesthetic project is awarded.

1 (2) Costs incurred by the Montana arts council for accounting, correspondence, project visits, and
 2 solicitation of proposals related to cultural and aesthetic project grants and the costs of the advisory
 3 committee established in 2-15-1521 shall be paid from appropriations from the ~~income of the trust fund~~
 4 ACCOUNT.

5 (3) Grant proposals are heard by a legislative appropriations subcommittee.

6 (4) Grant proposals approved by the legislature are administered by the Montana arts council."
 7

8 **SECTION 14. SECTION 23-1-108, MCA, IS AMENDED TO READ:**

9 **"23-1-108. Acquisition of certain state parks, monuments, or historical sites.** (1) Any person,
 10 association, or representative of a governing unit may submit a proposal for the acquisition of a site or area
 11 described in 23-1-102 from the income of the trust fund created account provided for in 15-35-108 to the
 12 department of fish, wildlife, and parks by July 1 of the year preceding the convening of a legislative
 13 session.

14 (2) ~~The fish, wildlife, and parks commission shall present to the legislature by the 15th day of any~~
 15 ~~legislative session a list of areas, sites, or objects that were proposed for purchase for use as state parks,~~
 16 ~~state recreational areas, state monuments, or state historical sites with the money contained in the parks~~
 17 ~~account.~~

18 (3) ~~The legislature must appropriate funds from this account before any park, area, monument, or~~
 19 ~~site may be purchased."~~

20

21 **NEW SECTION. SECTION 16. MONTANA HERITAGE PRESERVATION AND DEVELOPMENT**
 22 **COMMISSION.** (1) THERE IS A MONTANA HERITAGE PRESERVATION AND DEVELOPMENT
 23 COMMISSION. THE COMMISSION IS ATTACHED TO THE MONTANA HISTORICAL SOCIETY FOR
 24 ADMINISTRATIVE PURPOSES. THE COMMISSION CONSISTS OF ~~NINE~~ 11 MEMBERS. THE MEMBERS
 25 SHALL BROADLY REPRESENT THE STATE. ~~FIVE~~ SEVEN MEMBERS MUST BE APPOINTED BY THE
 26 GOVERNOR, ONE MEMBER MUST BE APPOINTED BY THE PRESIDENT OF THE SENATE, AND ONE
 27 MEMBER MUST BE APPOINTED BY THE SPEAKER OF THE HOUSE. THE DIRECTOR OF THE MONTANA
 28 HISTORICAL SOCIETY AND THE DIRECTOR OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS
 29 SHALL SERVE AS MEMBERS.

30 (2) OF THE MEMBERS APPOINTED BY THE GOVERNOR:

1 (A) ONE MEMBER MUST HAVE EXTENSIVE EXPERIENCE IN MANAGING FACILITIES THAT CATER
 2 TO THE NEEDS OF TOURISTS;

3 (B) ONE MEMBER MUST HAVE EXPERIENCE IN COMMUNITY PLANNING;

4 (C) ONE MEMBER MUST HAVE EXPERIENCE IN HISTORIC PRESERVATION;

5 (D) ~~ONE MEMBER~~ TWO MEMBERS MUST HAVE BROAD EXPERIENCE IN BUSINESS; AND

6 (E) ONE MEMBER MUST BE A MEMBER OF THE TOURISM ADVISORY COUNCIL ESTABLISHED
 7 IN 2-15-1816; AND

8 ~~(E)(F)~~ ONE MEMBER MUST BE A MONTANA HISTORIAN.

9 (3) EXCEPT FOR THE INITIAL APPOINTMENTS, MEMBERS APPOINTED BY THE GOVERNOR
 10 SHALL SERVE 3-YEAR TERMS. LEGISLATIVE APPOINTEES SHALL SERVE 2-YEAR TERMS. IF A
 11 VACANCY OCCURS, THE APPOINTING AUTHORITY SHALL MAKE AN APPOINTMENT FOR THE
 12 UNEXPIRED PORTION OF THE TERM.

13 (4) THE COMMISSION MAY EMPLOY AN EXECUTIVE DIRECTOR WHO HAS GENERAL
 14 RESPONSIBILITY FOR THE SELECTION AND MANAGEMENT OF COMMISSION STAFF, DEVELOPING
 15 RECOMMENDATIONS FOR THE PURCHASE OF PROPERTY, AND OVERSEEING THE MANAGEMENT OF
 16 ACQUIRED PROPERTY AND A CURATOR WHO IS RESPONSIBLE FOR THE DISPLAY AND PRESERVATION
 17 OF THE ACQUIRED PROPERTY. THE COMMISSION SHALL PRESCRIBE THE DUTIES AND ANNUAL
 18 SALARY OF THE EXECUTIVE DIRECTOR AND THE CURATOR.

19
 20 NEW SECTION. SECTION 17. MONTANA HERITAGE PRESERVATION AND DEVELOPMENT
 21 COMMISSION -- INITIAL APPOINTMENTS. THE INITIAL APPOINTMENTS TO THE COMMISSION MUST
 22 BE FOR THE FOLLOWING TERMS:

23 (1) THE MEMBER WITH EXPERIENCE MANAGING FACILITIES THAT CATER TO THE NEEDS OF
 24 TOURISTS, 3 YEARS;

25 (2) THE MEMBER WITH EXPERIENCE IN COMMUNITY PLANNING, 4 YEARS;

26 (3) THE MEMBER WITH EXPERIENCE IN HISTORIC PRESERVATION, 5 YEARS;

27 (4) ~~THE~~ ONE MEMBER WITH BROAD EXPERIENCE IN BUSINESS, 3 YEARS, AND ONE MEMBER,
 28 4 YEARS;

29 (5) THE TOURISM ADVISORY COUNCIL MEMBER, 5 YEARS;

30 ~~(5)(6)~~ THE MONTANA HISTORIAN, 5 YEARS; AND

1 ~~(6)(7) THE LEGISLATIVE APPOINTMENTS, 2 YEARS.~~

2

3 NEW SECTION. SECTION 18. PURPOSE. THE PURPOSE OF [SECTIONS 15 AND 18 AND THIS
4 SECTION 16 AND 18 THROUGH 20] IS TO ACQUIRE, ON BEHALF OF THE STATE, PROPERTIES THAT
5 POSSESS OUTSTANDING HISTORICAL VALUE, DISPLAY EXCEPTIONAL QUALITIES WORTH PRESERVING,
6 ARE GENUINELY REPRESENTATIVE OF THE STATE'S CULTURE AND HISTORY, AND DEMONSTRATE THE
7 ABILITY TO BECOME ECONOMICALLY SELF-SUPPORTING. THE MONTANA HERITAGE PRESERVATION
8 AND DEVELOPMENT COMMISSION SHALL ACHIEVE THIS PURPOSE BY PURCHASING FEE TITLE
9 INTERESTS IN REAL AND PERSONAL PROPERTY.

10

11 NEW SECTION. SECTION 19. POWERS OF COMMISSION -- CONTRACTS -- RULES. (1) (A) THE
12 MONTANA HERITAGE PRESERVATION AND DEVELOPMENT COMMISSION MAY CONTRACT WITH
13 PRIVATE ORGANIZATIONS TO ASSIST IN CARRYING OUT THE PURPOSE OF [SECTION 47 18]. THE
14 TERM OF A CONTRACT MAY NOT EXCEED 20 YEARS.

15 (B) NOTWITHSTANDING THE PROVISIONS OF TITLE 18, THE CONTRACTS MAY BE LET BY
16 DIRECT NEGOTIATION. THE CONTRACTS MAY BE ENTERED INTO DIRECTLY WITH A VENDOR AND ARE
17 NOT SUBJECT TO STATE PROCUREMENT LAWS.

18 (C) ARCHITECTURAL AND ENGINEERING REVIEW AND APPROVAL DO NOT APPLY TO THE
19 HISTORIC RENOVATION PROJECTS.

20 (D) THE CONTRACTS MUST PROVIDE FOR THE PAYMENT OF PREVAILING WAGES.

21 (E) A CONTRACT FOR SUPPLIES OR SERVICES, OR BOTH, MAY BE NEGOTIATED IN
22 ACCORDANCE WITH COMMISSION RULES.

23 (F) MANAGEMENT ACTIVITIES MUST BE UNDERTAKEN TO ENCOURAGE THE PROFITABLE
24 OPERATION OF PROPERTIES.

25 (G) CONTRACTS MAY INCLUDE THE LEASE OF PROPERTY MANAGED BY THE COMMISSION.
26 PROVISIONS FOR THE RENEWAL OF A CONTRACT MUST BE CONTAINED IN THE CONTRACT.

27 (2) THE COMMISSION MAY NOT CONTRACT FOR THE CONSTRUCTION OF A BUILDING, AS
28 DEFINED IN 18-2-101, IN EXCESS OF \$200,000 WITHOUT THE CONSENT OF THE LEGISLATURE.
29 BUILDING CONSTRUCTION MUST BE IN CONFORMITY WITH APPLICABLE GUIDELINES DEVELOPED BY
30 THE NATIONAL PARK SERVICE OF THE U.S. DEPARTMENT OF THE INTERIOR, THE MONTANA

1 HISTORICAL SOCIETY, AND THE MONTANA DEPARTMENT OF FISH, WILDLIFE, AND PARKS.

2 (3) THE COMMISSION, AS PART OF A CONTRACT, SHALL REQUIRE THAT A PORTION OF ANY
3 PROFIT BE REINVESTED IN THE PROPERTY AND THAT A PORTION BE USED TO PAY THE
4 ADMINISTRATIVE COSTS OF THE COMMISSION.

5 (4) THE COMMISSION MAY SOLICIT FUNDS FROM OTHER SOURCES FOR THE PURCHASE,
6 MANAGEMENT, AND OPERATION OF PROPERTIES.

7 (5) THE COMMISSION SHALL ADOPT RULES ESTABLISHING A POLICY FOR MAKING
8 ACQUISITIONS. WITH RESPECT TO EACH ACQUISITION, THE POLICY MUST GIVE CONSIDERATION TO:

9 (A) WHETHER THE PROPERTY REPRESENTS THE STATE'S CULTURE AND HISTORY;

10 (B) WHETHER THE PROPERTY CAN BECOME SELF-SUPPORTING;

11 (C) WHETHER THE PROPERTY CAN CONTRIBUTE TO THE ECONOMIC AND SOCIAL ENRICHMENT
12 OF THE STATE;

13 (D) WHETHER THE PROPERTY LENDS ITSELF TO PROGRAMS TO INTERPRET MONTANA
14 HISTORY;

15 (E) WHETHER THE ACQUISITION WILL CREATE SIGNIFICANT SOCIAL AND ECONOMIC IMPACTS
16 TO AFFECTED LOCAL GOVERNMENTS AND THE STATE; AND

17 (F) OTHER MATTERS THAT THE COMMISSION CONSIDERS NECESSARY OR APPROPRIATE.

18 (6) PUBLIC NOTICE AND THE OPPORTUNITY FOR A HEARING MUST BE GIVEN IN THE
19 GEOGRAPHICAL AREA OF A PROPOSED ACQUISITION BEFORE A FINAL DECISION TO ACQUIRE A
20 PROPERTY IS MADE. THE COMMISSION SHALL APPROVE PROPOSALS FOR ACQUISITION AND
21 RECOMMEND THE APPROVED PROPOSAL TO THE BOARD OF LAND COMMISSIONERS.

22 (7) PRIOR TO THE CONVENING OF EACH REGULAR SESSION, THE COMMISSION SHALL REPORT
23 TO THE GOVERNOR AND THE LEGISLATURE CONCERNING FINANCIAL ACTIVITIES DURING THE PRIOR
24 BIENNIUM.

25

26 NEW SECTION. SECTION 20. MONTANA HERITAGE PRESERVATION AND DEVELOPMENT
27 ACCOUNT. (1) THERE IS A MONTANA HERITAGE PRESERVATION AND DEVELOPMENT ACCOUNT IN
28 THE STATE SPECIAL REVENUE FUND.

29 (2) MONEY DEPOSITED IN THE ACCOUNT MUST BE USED FOR:

30 (A) THE PURCHASE OF PROPERTIES IN VIRGINIA CITY AND NEVADA CITY;

1 (2) Twelve percent of coal severance tax collections is allocated to the long-range building program
2 account established in 17-7-205.

3 (3) The amount of 8.36% must be credited to an account in the state special revenue fund to be
4 allocated by the legislature for local impacts, county land planning, provision of basic library services for
5 the residents of all counties through library federations and for payment of the costs of participating in
6 regional and national networking, conservation districts, and the Montana Growth Through Agriculture Act.
7 Any cash balance that is unspent at the end of each fiscal year must be deposited in the general fund.

8 (4) The amount of 1.27% must be allocated to a nonexpendable trust fund for the purpose of parks
9 acquisition or management. Income from this trust fund must be appropriated for the acquisition,
10 development, operation, and maintenance of any sites and areas described in 23-1-102.

11 (5) The amount of 0.95% must be allocated to the debt service fund type to the credit of the
12 renewable resource loan debt service fund.

13 (6) The amount of ~~0.63%~~ 2.6% must be allocated to ~~a nonexpendable trust~~ the long-range building
14 program* fund in the debt service fund type fund for the purpose of protection of works of art in the state
15 capitol and for other cultural and aesthetic projects. Income from ~~this~~ the cultural and aesthetic trust fund
16 must be appropriated for protection of works of art in the state capitol and other cultural and aesthetic
17 projects.

18 (7) All other revenue from severance taxes collected under the provisions of this chapter must be
19 credited to the general fund of the state."
20

21 NEW SECTION. Section 25. Severability. If a part of [this act] is invalid, all valid parts that are
22 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its
23 applications, the part remains in effect in all valid applications that are severable from the invalid
24 applications.
25

26 NEW SECTION. SECTION 26. COORDINATION. (1) IF HOUSE BILL NO. 166 AND [THIS ACT] ARE
27 BOTH PASSED AND APPROVED AND IF BOTH BILLS AMEND 15-65-121, THEN THE AMENDMENTS TO
28 15-65-121 IN HOUSE BILL NO. 166 ARE VOID.

29 (2) IF HOUSE BILL NO. 14 IS PASSED AND APPROVED AND IF IT AUTHORIZES THE ISSUANCE
30 OF GENERAL OBLIGATION BONDS FOR THE PURCHASE OF VIRGINIA CITY AND NEVADA CITY

1 PROPERTY, THEN:

2 (A) [SECTIONS 10, 11, 14, AND 15 OF THIS ACT] ARE VOID; AND

3 (B) [SECTION 24] IS EFFECTIVE.

4 (3) IF HOUSE BILL NO. 14 DOES NOT AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION
5 BONDS FOR THE PURCHASE OF VIRGINIA CITY AND NEVADA CITY PROPERTY, THEN [SECTION 24] IS
6 VOID.

7

8 NEW SECTION. Section 27. Effective date DATES -- TERMINATION. (1) EXCEPT AS PROVIDED
9 IN SUBSECTION (2), [~~This~~ THIS act] is effective on passage and approval.

10 (2) [SECTIONS 10 AND ~~11~~ THROUGH 12] ARE EFFECTIVE JULY 1, 1997.

11 (3) [SECTION 12] TERMINATES JULY 1, 2001.

12 (4) IF [SECTION 24] IS EFFECTIVE, IT TERMINATES JULY 1, 2007.

13

-END-

1 HOUSE BILL NO. 5

2 INTRODUCED BY BERGSAGEL

3 BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING MONEY FOR CAPITAL PROJECTS FOR THE

6 BIENNIUM ENDING JUNE 30, 1999; CONTINGENTLY APPROPRIATING THE BALANCE IN THE CULTURAL

7 TRUST FUND FOR THE ACQUISITION, RENOVATION, AND PRESERVATION OF HISTORIC PROPERTIES;

8 ELIMINATING THE ALLOCATION OF COAL SEVERANCE TAXES TO THE CULTURAL TRUST FUND;

9 ALLOCATING COAL SEVERANCE TAX REVENUE FOR CULTURAL AND AESTHETIC PROJECTS OR TO

10 PROVIDE DEBT SERVICE ON BONDS USED TO FINANCE THE PROJECTS; ESTABLISHING THE MONTANA

11 HERITAGE PRESERVATION AND DEVELOPMENT COMMISSION; AUTHORIZING THE MONTANA HERITAGE

12 PRESERVATION AND DEVELOPMENT COMMISSION TO ADMINISTER PROPERTIES AT VIRGINIA CITY

13 AND NEVADA CITY AND OTHER CULTURALLY AND HISTORICALLY SIGNIFICANT PROPERTIES;

14 CREATING A MONTANA HERITAGE PRESERVATION AND DEVELOPMENT ACCOUNT; ALLOCATING A

15 PORTION OF THE LODGING FACILITY USE TAX TO THE ACCOUNT; STATUTORILY APPROPRIATING THE

16 ACCOUNT; PROVIDING FOR OTHER MATTERS RELATING TO THE APPROPRIATIONS; AMENDING

17 SECTIONS 5-11-115, 15-35-108, 15-65-121, 17-7-502, 22-2-301, AND 22-2-304, AND ~~23-1-108~~, MCA;

18 AMENDING SECTION 6, CHAPTER 547, LAWS OF 1995; AND PROVIDING AN IMMEDIATE EFFECTIVE

19 DATE DATES AND A TERMINATION DATE."

20

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

22

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

24 otherwise stated, the following definitions apply:

25 (1) "Capital project" means the acquisition of land or improvements or the planning, capital

26 construction, renovation, furnishing, or major repair projects authorized in [sections 1 through 8].

27 (2) "LRBP" means the long-range building program account in the capital projects fund type.

28 (3) "Other funding sources" means money other than LRBP money, including special revenue fund

29 money, that accrues to an agency under the provisions of law.

1 NEW SECTION. **Section 2. 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 types for
 4 these projects:

<u>Agency/Project</u>	<u>LRBP</u>	<u>Other Funding Sources</u>
DEPARTMENT OF ADMINISTRATION		
Repair Limestone on Museum and Repair		
Masonry on Other Capitol Complex Buildings	\$300,000	
Plan Lease Reduction Program, Helena	350,000	
Roof Repair and Replacement, Capitol Complex	279,000	
Hazardous Materials Mitigation, Statewide	720,000	
State Building Energy Retrofit, Statewide	\$1,000,000	Nonstate State Special Revenue
 <u>HISTORIC RESTORATION.</u>		
<u>MONTANA STATE CAPITOL</u>	<u>100,000</u>	
 <u>HEALTH SAFETY/CODE</u>		
<u>COMPLIANCE, STATEWIDE</u>	<u>408,000</u>	
 DEPARTMENT OF AGRICULTURE		
Modify State Grain Laboratory to Comply With		
ADA Standards	40,000	
 DEPARTMENT OF CORRECTIONS		
Secure Female Facility and Renovations,		
MYAP, Boulder	1,450,000	
	<u>1,846,580</u>	
Xanthopoulos Building Renovations, MSP,		
Warm Springs	600,000	
MCE Improvements/Expansion, MSP,		
Warm Springs	400,000	Proprietary
Regional Correctional Facilities	2,400,000	Federal Special Revenue
<u>ONE REGIONAL CORRECTIONAL FACILITY</u>	<u>3,251,547</u>	<u>FEDERAL SPECIAL REVENUE</u>

1	<u>192-BED EXPANSION,</u>			
2	<u> MSP, DEER LODGE</u>		<u>6,560,000</u>	<u>FEDERAL SPECIAL REVENUE</u>
3	<u>SPIRITUAL ACTIVITY CENTER, WCC</u>			
4	<u> AUTHORITY ONLY</u>		<u>350,000</u>	<u>DONATIONS</u>
5	DEPARTMENT OF FISH, WILDLIFE, AND PARKS			
6	Secure Water Supply, Giant Springs			
7	Trout Hatchery		753,847	State Special Revenue
8			<u>553,847</u>	
9			<u>200,000</u>	<u>FEDERAL SPECIAL REVENUE</u>
10	Bluewater Hatchery Renovation, Phase III		3,316,319	State Special Revenue
11	Construct Parks Interpretive Center		1,250,000	State Special Revenue
12			<u>950,000</u>	
13	Secure Water Supply, Big Springs			
14	Trout Hatchery		1,620,451	State Special Revenue
15	DEPARTMENT OF LABOR			
16	Install Elevator, Missoula Job Service		87,000	State Special Revenue
17			<u>23,490</u>	
18			<u>63,510</u>	<u>FEDERAL SPECIAL REVENUE</u>
19	DEPARTMENT OF MILITARY AFFAIRS			
20	Demolition of Poplar Armory	<u>300,000</u>		
21		<u>150,000</u>		
22	Furnace Replacement, Womack Armory	<u>300,000</u>		
23		<u>275,000</u>		
24	Replace Roof, OMS #3, Helena	30,000	90,000	Federal Special Revenue
25	<u>ARMY AVIATION SUPPORT FACILITY</u>			
26	<u> MAINTENANCE</u>	<u>39,578</u>		
27	<u>BOZEMAN ARMORY ADA MODIFICATIONS</u>	<u>50,000</u>		
28	<u>ARMED FORCES RESERVE CENTER,</u>			
29	<u> BILLINGS</u>		<u>3,000,000</u>	<u>FEDERAL SPECIAL REVENUE</u>
30	MONTANA UNIVERSITY SYSTEM			

1	Code Compliance/Disability Access,		
2	University System	2,900,000	
3	Roof Replacements, University System	971,500	
4	Replace Primary Electrical Distribution,		
5	MSU-Billings	300,000	Auxiliary
6		356,400	
7	Utility Tunnel Extension, MSU-Bozeman	3,944,000	Auxiliary
8		<u>2,510,219</u>	
9	<u>REPAIR/REPLACE PRIMARY</u>		
10	<u>ELECTRICAL DISTRIBUTION,</u>		
11	<u>MSU-NORTHERN</u>	<u>122,000</u>	<u>AUXILIARY</u>
12	<u>RURAL TECHNOLOGICAL CENTER PLANNING,</u>		
13	<u>UM-DILLON</u>	<u>75,000</u>	
14	<u>CHEMISTRY BUILDING RENOVATION,</u>		
15	<u>UM-MONTANA TECH</u>	<u>750,000</u>	<u>DONATIONS</u>
16	DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION		
17	Maintenance and Improvement Projects,		
18	Statewide	200,000	
19	Fire Cache/Garage, Plains Unit	175,000	
20	DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES		
21	Miscellaneous Maintenance and		
22	Improvements, Montana Veterans' Home	406,000	State Special Revenue
23	DEPARTMENT OF TRANSPORTATION		
24	Equipment Buildings, Statewide	2,535,000	Highways State Special Revenue
25		<u>1,910,000</u>	
26	<u>DEPARTMENT OF COMMERCE</u>		
27	<u>FORT PECK INTERPRETIVE CENTER GRANT</u>		
28		<u>45,000</u>	<u>STATE SPECIAL REVENUE</u>
29	<u>(2) IF ANY BONDED FUNDING AUTHORIZED IN HOUSE BILL NO. 14 FOR THE CRITICAL PROJECT</u>		
30	<u>REQUIREMENTS PORTION OF THE CAPITOL RESTORATION PROJECT IS NOT NEEDED BECAUSE OF A</u>		

1 REDUCTION IN COSTS FOR THE APPROVED PROJECT, FUNDING MAY BE USED FOR HISTORIC
 2 RESTORATION OF THE MONTANA STATE CAPITOL.

3 (3) (A) THE \$600,000 APPROPRIATION AND AUTHORITY FOR THE XANTHOPOULOS BUILDING
 4 RENOVATION PROJECT AT MSP, WARM SPRINGS, IS CONTINGENT ON THE CONSTRUCTION OF A NEW
 5 STATE HOSPITAL AT WARM SPRINGS.

6 (B) (I) THE DEPARTMENT OF CORRECTIONS MAY USE PRISON STAFF FOR THE PURPOSE OF
 7 MAKING SECURITY ENHANCEMENTS AND UPGRADES TO THE XANTHOPOULOS BUILDING ON THE
 8 MONTANA STATE HOSPITAL CAMPUS AS AUTHORIZED BY THE LEGISLATURE.

9 (II) THE DEPARTMENT OF ADMINISTRATION MAY EXEMPT THE XANTHOPOULOS BUILDING
 10 PROJECT FROM THE PROVISIONS OF ANY APPLICABLE MONTANA LAW RELATING TO PUBLIC BIDDING
 11 AND CONSTRUCTION CONTRACTS.

12 (III) PRISON STAFF ENGAGED IN THE XANTHOPOULOS BUILDING PROJECT ARE GOVERNED BY
 13 THE STAFF'S EXISTING EMPLOYMENT AGREEMENTS AND ARE NOT ELIGIBLE FOR ADDITIONAL
 14 COMPENSATION OR BENEFITS NOT CURRENTLY PROVIDED BY THE EXISTING EMPLOYMENT
 15 AGREEMENTS.

16 (4) IN REGARD TO THE CONSTRUCT PARKS INTERPRETIVE CENTER PROJECT AT ULM PISHKUN,
 17 IT IS THE INTENT OF THE 55TH LEGISLATURE THAT THE SOVEREIGN NATIONS BE OFFERED THE
 18 OPPORTUNITY FOR ECONOMIC BENEFITS, FOR EXAMPLE THE OPTION TO SELL SOUVENIRS.

19 (5) THE SPIRITUAL ACTIVITY CENTER PROJECT FOR THE WOMEN'S CORRECTIONAL SYSTEM
 20 IS EXEMPT FROM THE BIDDING REQUIREMENTS AND THE ARCHITECTURAL AND ENGINEERING REVIEW
 21 AND APPROVAL REQUIREMENTS IN TITLE 18.

22
 23 NEW SECTION. Section 3. Land acquisition appropriation. The following money is appropriated
 24 to the department of fish, wildlife, and parks in the indicated amounts for purposes of land acquisition, land
 25 leasing, easement purchase, or development agreement:

26 Agency/Project	<u>LRBP</u>	<u>Other Funding Sources</u>
27 Habitat Montana	\$6,200,000	State Special Revenue
28 Fishing Access Site Acquisition, Statewide	466,000	State Special Revenue
29 Bighorn Sheep Program	330,000	State Special Revenue

30

1 NEW SECTION. Section 4. Capital improvements. (1) (A) The following money is appropriated
 2 to the department of fish, wildlife, and parks in the indicated amounts for the purpose of making capital
 3 improvements to statewide facilities:

4	<u>Agency/Project</u>	<u>LRBP</u>	<u>Other Funding Sources</u>
5	Cultural and Historic Parks Improvements	\$ 690,000	State Special Revenue
6		<u>\$ 535,000</u>	
7	Future Fisheries Improvement Program	1,000,000	State Special Revenue
8		1,200,000	
9		<u>1,470,000</u>	
10	Miles City Hatchery Repairs	305,500	State Special Revenue
11		<u>815,000</u>	
12	Capitol Complex Irrigation Improvements	225,000	Capitol Land Grant Revenue
13	Road Improvements, State Parks	1,768,000	State Special Revenue
14		<u>2,068,000</u>	
15		<u>1,000,000</u>	
16	Water-Based Recreation Parks Program	642,500	State Special Revenue
17		<u>392,500</u>	
18		450,000	Federal Special Revenue
19		<u>350,000</u>	
20	Administrative Facilities Repairs and Improvements	687,000	State Special Revenue
21	Wildlife Habitat Maintenance	825,000	State Special Revenue
22		100,000	Federal Special Revenue
23	Fishing Access Site Protection, Statewide	650,000	State Special Revenue
24		50,000	Federal Special Revenue
25	Waterfowl Stamp Protection	165,000	State special Revenue
26	Fishing Access Site Maintenance, Statewide	275,000	State Special Revenue

27 (B) THE TOTAL AMOUNT AUTHORIZED FOR CULTURAL AND HISTORIC PARKS IMPROVEMENTS
 28 IS \$690,000. THE REDUCED APPROPRIATION REFLECTS \$155,000 IN LODGING FACILITIES TAX
 29 REVENUE THAT IS ALLOCATED TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS AND THAT IS
 30 STATUTORILY APPROPRIATED UNDER 15-65-121 FOR MAINTENANCE OF FACILITIES IN STATE PARKS.

1 (C) OF THE \$1,200,000 \$1,470,000 APPROPRIATED TO THE DEPARTMENT OF FISH, WILDLIFE,
2 AND PARKS FOR THE FUTURE FISHERIES IMPROVEMENT PROGRAM, \$75,000 IS TO BE USED FOR THE
3 PN BRIDGE AND CAMPGROUND - STREAMBANK EROSION CONTROL PROJECT SPONSORED BY
4 CHOUTEAU AND FERGUS COUNTIES, AND \$15,000 IS GRANTED TO THE CITY OF DEER LODGE FOR ITS
5 WASTEWATER EFFLUENT LAND APPLICATION PROJECT.

6 (D) THE APPROPRIATION OF \$225,000 IN CAPITOL LAND GRANT REVENUE TO THE
7 DEPARTMENT OF FISH, WILDLIFE, AND PARKS IS THE LAST PRIORITY FOR USE OF THESE FUNDS
8 DURING THE 1999 BIENNIUM. IF NECESSARY, THE PROJECT MAY BE PHASED IN AS CAPITOL LAND
9 GRANT REVENUE BECOMES AVAILABLE.

10 (E) THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS SHALL SUBMIT TO THE LEGISLATURE
11 THE REPORT REQUIRED BY 23-1-110 REGARDING ANY MONEY APPROPRIATED IN [SECTIONS 1
12 THROUGH 21] AND SPENT TO IMPROVE OR DEVELOP STATE PARKS OR FISHING ACCESS SITES. IN
13 SUBMITTING THE PROPOSED 2001 BIENNIUM BUDGET OF THE DEPARTMENT OF FISH, WILDLIFE, AND
14 PARKS TO THE LEGISLATIVE FISCAL ANALYST, AS PROVIDED IN 17-7-122, THE GOVERNOR SHALL
15 INCLUDE THE REPORT REQUIRED BY 23-1-110 FOR LEGISLATIVE CONSIDERATION AND FUNDING
16 APPROVAL OF THE SPECIFIC PROJECTS. THE LEGISLATURE RECOMMENDS THAT THE 1999
17 LEGISLATURE NOT APPROPRIATE ANY FUNDS FOR THE IMPROVEMENT OR DEVELOPMENT OF A STATE
18 PARK OR FISHING ACCESS SITE WITHOUT REVIEWING AND CONSIDERING EACH PROPOSED PROJECT
19 CONTAINED IN THE REPORT. IT IS THE INTENT OF THE LEGISLATURE THAT PRIORITIES IN THE 2001
20 BIENNIUM FUNDING REQUEST FOR STATE PARKS AND FISHING ACCESS SITES BE ON MAINTENANCE
21 OF EXISTING FACILITIES RATHER THAN ON IMPROVEMENT OR DEVELOPMENT. AS USED IN THIS
22 INTENT STATEMENT, "MAINTENANCE" MEANS PLACING, CLEANING, AND STOCKING OF LATRINES;
23 GARBAGE AND LITTER CLEANUP; FENCE INSTALLATION AND REPAIR; WEED CONTROL;
24 IMPLEMENTATION OF SAFETY AND HEALTH MEASURES REQUIRED BY LAW TO PROTECT THE PUBLIC;
25 UPKEEP OF ESTABLISHED TRAILS, ROADS, BOAT DOCKS, AND OTHER EXISTING FACILITIES; IN KIND
26 REPLACEMENT OF EXISTING FACILITIES; EROSION CONTROL; STREAMBANK STABILIZATION; ERECTION
27 OF BARRIERS NECESSARY TO PRESERVE RIPARIAN VEGETATION AND HABITAT; MINIMAL SIGNAGE
28 NECESSARY TO INFORM USERS OF APPROPRIATE PARK OR SITE USE AND APPLICABLE REGULATIONS;
29 MEASURES NECESSARY TO ENSURE COMPLIANCE WITH THE FEDERAL AMERICANS WITH DISABILITIES
30 ACT OF 1990, WHEN APPLICABLE; PLANTING OF NATIVE TREES, GRASSES, AND SHRUBS; AND

1 INSTALLATION OF FIRE RINGS, PICNIC TABLES, AND TRASH COLLECTION FACILITIES.
 2 (F) UNEXPENDED FUNDS APPROPRIATED IN (THIS ACT) TO THE DEPARTMENT OF FISH,
 3 WILDLIFE, AND PARKS FOR MAINTENANCE MAY BE USED ONLY FOR THAT PURPOSE. UNEXPENDED
 4 FUNDS APPROPRIATED IN (THIS ACT) TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS FOR
 5 CAPITAL IMPROVEMENTS MAY BE SPENT ONLY FOR MAINTENANCE. PRIOR TO THE SUBMISSION OF
 6 THE PROPOSED 2001 BIENNIUM CAPITAL IMPROVEMENT BUDGET FOR THE DEPARTMENT OF FISH,
 7 WILDLIFE, AND PARKS TO THE LEGISLATIVE FISCAL ANALYST, AS PROVIDED IN 17-7-122, THE
 8 AGENCY SHALL CONDUCT A PUBLIC MEETING OR OPEN HOUSE IN THE APPROPRIATE DEPARTMENT
 9 OF FISH, WILDLIFE, AND PARKS' ADMINISTRATIVE REGION FOR ANY ANTICIPATED CAPITAL
 10 DEVELOPMENT PROJECT IN THAT REGION OR SHALL SEEK COMMENT ON THE SITE OF THE PROJECT.
 11 THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS SHALL REPORT TO THE LONG-RANGE BUILDING
 12 APPROPRIATIONS SUBCOMMITTEE ON THE OUTCOME OF THE PUBLIC INVOLVEMENT.

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

15 <u>Agency/Project</u>	<u>LRBP</u>	<u>Other Funding Sources</u>
16 Federal Spending Authority	\$ 800,000	Federal Special Revenue
17 Eastern Montana State Veterans'	52,500	State Special Revenue
18 Cemetery, Phase I	52,500	Federal Special Revenue
19 Track Parking, Fort Harrison	500,000	Federal Special Revenue
20 BOO/BEQ, Fort Harrison	1,700,000	Federal Special Revenue
21 CSMS, Fort Harrison	75,000	Federal Special Revenue

22 (3) (A) THE FOLLOWING MONEY IS APPROPRIATED TO MONTANA STATE UNIVERSITY IN THE
 23 INDICATED AMOUNT FOR THE PURPOSE OF MAKING CAPITAL IMPROVEMENTS TO CAMPUS
 24 FACILITIES:

25 <u>AGENCY/PROJECT</u>	<u>LRBP</u>	<u>OTHER FUNDING SOURCES</u>
26 <u>AUTHORITY ONLY PROJECTS,</u>		<u>ACADEMIC BUILDING FEES,</u>
27 <u>MONTANA STATE UNIVERSITY</u>	<u>\$19,000,000</u>	<u>INDIRECT COST RECOVERY,</u>
		<u>FEDERAL, PRIVATE, PLANT FUNDS</u>

29 (B) IT IS THE INTENT OF THE 55TH LEGISLATURE THAT AT LEAST 50% OF ALL FUTURE
 30 OPERATIONS AND MAINTENANCE COSTS FOR THE CLASSROOM-LABORATORY BUILDING AUTHORIZED

1 IN THE AMOUNT OF \$19,000,000 AT MSU-BOZEMAN BE FUNDED BY MONTANA STATE UNIVERSITY
2 AND THAT NO MORE THAN 50% BE FUNDED WITH GENERAL FUND MONEY.

3 ~~(3) (A) The following money is appropriated to Montana state university in the indicated amount~~
4 ~~for the purpose of making capital improvements to campus facilities:~~

<u>Agency/Project</u>	<u>LRBP</u>	<u>Other Funding Sources</u>
Authority Only Projects, Montana State University	\$5,000,000	Auxiliary
	\$19,000,000	ACADEMIC BUILDING FEE,
		INDIRECT COST RECOVERY,
		FEDERAL, PRIVATE,
		PLANT FUNDS

11 ~~(B) IT IS THE INTENT OF THE 55TH LEGISLATURE THAT AT LEAST 50% OF ALL FUTURE~~
12 ~~OPERATIONS AND MAINTENANCE COSTS FOR THE CLASSROOM LABORATORY BUILDING AUTHORIZED~~
13 ~~IN THE AMOUNT OF \$19,000,000 AT MSU-BOZEMAN BE FUNDED BY MONTANA STATE UNIVERSITY~~
14 ~~AND THAT NO MORE THAN 50% BE FUNDED WITH GENERAL FUND MONEY.~~

15 ~~(4)(3) The following money is appropriated to the university of Montana in the indicated amount~~
16 ~~for the purpose of making capital improvements to campus facilities:~~

<u>Agency/Project</u>	<u>LRBP</u>	<u>Other Funding Sources</u>
Authority Only Projects, University of Montana	\$16,050,000	Federal, Trust, Higher
		Education Funds, and
		Donations

21 AUTHORITY ONLY PROJECTS,

<u>UNIVERSITY OF MONTANA</u>	<u>\$16,050,000</u>	<u>FEDERAL, TRUST, AUXILIARY,</u>
		<u>PLANT FUNDS, AND</u>
		<u>DONATIONS</u>

25 RENOVATE MAIN HALL AUDITORIUM,

<u>UM-DILLON</u>	<u>1,250,000</u>	<u>DONATIONS</u>
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27 ~~(5)(4) The following money is appropriated to the department of transportation in the indicated~~
28 ~~amount for the purpose of making capital improvements to statewide facilities:~~

<u>Agency/Project</u>	<u>LRBP</u>	<u>Other Funding Sources</u>
Repair, Maintenance, and Minor		

1 Construction Projects, Statewide \$1,415,000 Highways State Special Revenue

2

3 NEW SECTION. Section 5. Transfer of funds. The department of fish, wildlife, and parks is
4 authorized to transfer money appropriated in [sections 1 through 4] among fund types.

5

6 NEW SECTION. Section 6. Planning and design. The department of administration may proceed
7 with the planning and design of capital projects prior to the receipt of other funding sources. The
8 department may use interaccount loans in accordance with 17-2-107 to pay planning and design costs
9 incurred before the receipt of other funding sources.

10

11 NEW SECTION. Section 7. Capital projects -- contingent funds. If a capital project is financed,
12 in whole or in part, with appropriations contingent upon the receipt of other funding sources, the
13 department of administration may not let the projects for bid until the agency has submitted a financial plan
14 for approval by the director of the department of administration. A financial plan may not be approved by
15 the director if:

16 (1) the level of funding provided under the financial plan deviates substantially from the funding
17 level provided in [sections 1 through 4] for that project; or

18 (2) the scope of the project is substantially altered or revised from the preliminary plans presented
19 for that project in the 1998-99 long-range building program presented to the 55th legislature.

20

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

24

25 NEW SECTION. SECTION 9. APPROPRIATION CONTINGENT APPROPRIATION FOR PURCHASE
26 AND MAINTENANCE OF VIRGINIA CITY AND NEVADA CITY ASSETS. (1) THE IF GENERAL OBLIGATION
27 BONDS ARE NOT AUTHORIZED IN HOUSE BILL NO. 14 FOR THE PURCHASE OF VIRGINIA CITY AND
28 NEVADA CITY PROPERTY, THEN THE BALANCE IN THE CULTURAL TRUST FUND, UP TO \$7,750,000,
29 IS APPROPRIATED TO THE MONTANA HISTORICAL SOCIETY FOR THE ACQUISITION, RENOVATION,
30 AND PRESERVATION OF REAL AND PERSONAL PROPERTY OWNED BY BOVEY RESTORATIONS.

1 INCORPORATED, AND THE HISTORIC LANDMARK SOCIETY OF MONTANA IN THE COMMUNITIES
 2 KNOWN AS VIRGINIA CITY AND NEVADA CITY. IF GENERAL OBLIGATION BONDS ARE AUTHORIZED IN
 3 HOUSE BILL NO. 14, THEN THE PURCHASE MUST BE MADE WITH BOND PROCEEDS. THE MONTANA
 4 HISTORICAL SOCIETY MAY DELIVER THE PURCHASE PRICE TO AN INTERMEDIARY DESIGNATED BY THE
 5 SELLER, IN THE SELLER'S SOLE DISCRETION. IN ADDITION, THE MONTANA HISTORICAL SOCIETY
 6 SHALL COMPLY WITH THE TERMS OF THE OPTION AGREEMENT ENTERED INTO BY THE STATE OF
 7 MONTANA AND THE OWNERS OF THE PROPERTY. THE MONTANA HISTORICAL SOCIETY SHALL
 8 COOPERATE FULLY WITH THE SELLER IN EXECUTING ANY DOCUMENTS REASONABLY NECESSARY TO
 9 EFFECTUATE AN EXCHANGE OF THE PROPERTY AND TAKE OTHER STEPS NECESSARY TO CARRY OUT
 10 THE SELLER'S INTENT TO COMPLETE A TAX-DEFERRED EXCHANGE UNDER SECTION 1031 OF THE
 11 INTERNAL REVENUE CODE, 26 U.S.C. 1031.

12 (2) IMMEDIATELY UPON ACQUISITION, THE MONTANA STATE CAPITOL ARTIFACTS LOCATED
 13 IN VIRGINIA CITY AND NEVADA CITY MUST BE TRANSFERRED TO THE DEPARTMENT OF
 14 ADMINISTRATION FOR USE IN HISTORIC RESTORATION OF THE STATE CAPITOL.

15
 16 **SECTION 10. SECTION 5-11-115, MCA, IS AMENDED TO READ:**

17 **"5-11-115. Function of department of administration -- capitol area master plan -- advice of**
 18 **legislative council.** (1) The department of administration shall establish and maintain a master plan for the
 19 orderly development of state buildings in the immediate area of the capital city. The master plan must be
 20 developed and maintained, with consideration given to the following factors:

21 (a) the needs of the state relative to the location and design of buildings to be constructed,
 22 purchase of land, parking facilities, traffic management, and landscaping;

23 (b) the ordinances, plans, requirements, and proposed improvements of the city of Helena and
 24 Lewis and Clark County, based without limitation upon zoning regulations, population trends, and plans for
 25 rapid transit development;

26 (c) any other factors that bear upon the orderly, integrated, and cooperative development of the
 27 state, the city of Helena, Lewis and Clark County, and state property in the immediate area of the capital
 28 city.

29 (2) The legislative council shall consult with and advise the department of administration
 30 concerning the assignment of space in the capitol.

1 (3) The legislative council shall consult with and advise the Montana historical society on the
2 placement of busts, statues, memorials, or art displays of a permanent nature within public areas of the
3 capitol building. An item may not be permanently displayed unless approved by the legislature.

4 (4) The Montana historical society shall protect and preserve the permanent artwork in the capitol
5 building and request funding for periodic inspection, maintenance, and repair of the artwork from the ~~trust~~
6 ~~fund established~~ account provided for in 15-35-108 for protection of works of art in the state capitol and
7 other cultural and aesthetic projects.

8 (5) The legislative council shall serve as a long-range building committee to recommend to the
9 legislature and the department of administration construction and remodeling priorities for the capitol."
10

11 **SECTION 11. SECTION 15-35-108, MCA, IS AMENDED TO READ:**

12 "15-35-108. **Disposal of severance taxes.** Severance taxes collected under this chapter must, in
13 accordance with the provisions of 15-1-501, be allocated as follows:

14 (1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by
15 Article IX, section 5, of the Montana constitution. The trust fund money must be deposited in the fund
16 established under 17-6-203(6) and invested by the board of investments as provided by law.

17 (2) Twelve percent of coal severance tax collections is allocated to the long-range building program
18 account established in 17-7-205.

19 (3) The amount of 8.36% must be credited to an account in the state special revenue fund to be
20 allocated by the legislature for local impacts, county land planning, provision of basic library services for
21 the residents of all counties through library federations and for payment of the costs of participating in
22 regional and national networking, conservation districts, and the Montana Growth Through Agriculture Act.
23 Any cash balance that is unspent at the end of each fiscal year must be deposited in the general fund.

24 (4) The amount of 1.27% must be allocated to a nonexpendable trust fund for the purpose of parks
25 acquisition or management. Income from this trust fund must be appropriated for the acquisition,
26 development, operation, and maintenance of any sites and areas described in 23-1-102.

27 (5) The amount of 0.95% must be allocated to the debt service fund type to the credit of the
28 renewable resource loan debt service fund.

29 (6) The amount of ~~0.63%~~ 1.79% must be allocated to ~~a nonexpendable trust~~ an account in the
30 state special revenue fund for the purpose of protection of works of art in the state capitol and for other

1 cultural and aesthetic projects. ~~Income from this trust fund must be appropriated for protection of works~~
 2 ~~of art in the state capitol and other cultural and aesthetic projects.~~

3 (7) All other revenue from severance taxes collected under the provisions of this chapter must be
 4 credited to the general fund of the state."

5
 6 **SECTION 12. SECTION 15-65-121, MCA, IS AMENDED TO READ:**

7 **"15-65-121. Distribution of tax proceeds -- general fund loan authority.** (1) The proceeds of the
 8 tax imposed by 15-65-111 must, in accordance with the provisions of 15-1-501, be deposited in an
 9 account in the state special revenue fund to the credit of the department of revenue. The department may
 10 spend from that account in accordance with an expenditure appropriation by the legislature based on an
 11 estimate of the costs of collecting and disbursing the proceeds of the tax. Before allocating the balance of
 12 the tax proceeds in accordance with the provisions of 15-1-501 and as provided in subsections (1)(a)
 13 through (1)(e) of this section, the department shall determine the expenditures by state agencies for in-state
 14 lodging for each reporting period and deduct 4% of that amount from the tax proceeds received each
 15 reporting period. The amount deducted must be deposited in the general fund. The amount of \$400,000
 16 each year must be deposited in the Montana heritage preservation and development account provided for
 17 in [section 20]. On July 1, 1997, the amount of \$45,000 is transferred to the department of commerce
 18 for purposes of a grant to the Fort Peck interpretive center. The balance of the tax proceeds received each
 19 reporting period and not deducted pursuant to the expenditure appropriation or deposited in the Montana
 20 heritage preservation and development account or the general fund is statutorily appropriated, as provided
 21 in 17-7-502, and must be transferred to an account in the state special revenue fund to the credit of the
 22 department of commerce for tourism promotion and promotion of the state as a location for the production
 23 of motion pictures and television commercials, to the Montana historical society, to the university system,
 24 and to the department of fish, wildlife, and parks, as follows:

25 (a) 1% to the Montana historical society to be used for the installation or maintenance of roadside
 26 historical signs and historic sites;

27 (b) 2.5% to the university system for the establishment and maintenance of a Montana travel
 28 research program;

29 (c) 6.5% to the department of fish, wildlife, and parks for the maintenance of facilities in state
 30 parks that have both resident and nonresident use;

1 (d) 67.5% to be used directly by the department of commerce; and

2 (e) (i) except as provided in subsection (1)(e)(ii), 22.5% to be distributed by the department to
3 regional nonprofit tourism corporations in the ratio of the proceeds collected in each tourism region to the
4 total proceeds collected statewide; and

5 (ii) if 22.5% of the proceeds collected annually within the limits of a city or consolidated city-county
6 exceeds \$35,000, 50% of the amount available for distribution to the regional nonprofit tourism corporation
7 in the region where the city or consolidated city-county is located, to be distributed to the nonprofit
8 convention and visitors bureau in that city or consolidated city-county.

9 (2) If a city or consolidated city-county qualifies under this section for funds but fails to either
10 recognize a nonprofit convention and visitors bureau or submit and gain approval for an annual marketing
11 plan as required in 15-65-122, then those funds must be allocated to the regional nonprofit tourism
12 corporation in the region in which the city or consolidated city-county is located.

13 (3) If a regional nonprofit tourism corporation fails to submit and gain approval for an annual
14 marketing plan as required in 15-65-122, then those funds otherwise allocated to the regional nonprofit
15 tourism corporation may be used by the department of commerce for tourism promotion and promotion of
16 the state as a location for the production of motion pictures and television commercials."
17

18 **SECTION 13. SECTION 17-7-502, MCA, IS AMENDED TO READ:**

19 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory
20 appropriation is an appropriation made by permanent law that authorizes spending by a state agency
21 without the need for a biennial legislative appropriation or budget amendment.

22 (2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply
23 with both of the following provisions:

24 (a) The law containing the statutory authority must be listed in subsection (3).

25 (b) The law or portion of the law making a statutory appropriation must specifically state that a
26 statutory appropriation is made as provided in this section.

27 (3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105;
28 2-18-812; 3-5-901; 5-13-403; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-23-706;
29 15-30-195; 15-31-702; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411;
30 16-11-308; 17-3-106; 17-3-212; 17-5-404; 17-5-424; 17-5-804; 17-6-101; 17-6-201; 17-7-304;

1 18-11-112; 19-2-502; 19-6-709; 19-9-1007; 19-17-301; 19-18-512; 19-18-513; 19-18-606; 19-19-205;
 2 19-19-305; 19-19-506; 20-8-107; 20-8-111; 20-9-361; 20-26-1503; [section 20]; 23-5-136; 23-5-306;
 3 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 32-1-537; 37-43-204; 37-51-501;
 4 39-71-503; 39-71-907; 39-71-2321; 39-71-2504; 44-12-206; 44-13-102; 50-4-623; 50-5-232;
 5 50-40-206; 53-6-150; 53-6-703; 53-24-206; 60-2-220; 67-3-205; 75-1-1101; 75-5-1108; 75-6-214;
 6 75-11-313; 76-12-123; 80-2-103; 80-2-222; 80-4-416; 81-5-111; 82-11-136; 82-11-161; 85-1-220;
 7 85-20-402; 90-3-301; 90-4-215; 90-6-331; 90-7-220; 90-7-221; and 90-9-306.

8 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,
 9 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued
 10 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of
 11 Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as
 12 determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the
 13 bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec.
 14 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for
 15 supplemental benefit; and pursuant to sec. 7(2), Ch. 29, L. 1995, the inclusion of 15-30-195 terminates
 16 July 1, 2001.)"

17

18 **SECTION 14. SECTION 22-2-301, MCA, IS AMENDED TO READ:**

19 **"22-2-301. Cultural and aesthetic projects grants.** (1) Any person, association, or representative
 20 of a governing unit seeking a grant for a cultural or aesthetic project from the ~~income of the trust fund~~
 21 ~~created~~ account provided for in 15-35-108 must submit a grant proposal to the cultural and aesthetic
 22 projects advisory committee, in care of the Montana arts council, by August 1 of the year preceding the
 23 convening of a regular legislative session.

24 (2) Grant proposals must be for the purpose of protecting works of art in the state capitol or other
 25 cultural and aesthetic projects."

26

27 **SECTION 15. SECTION 22-2-304, MCA, IS AMENDED TO READ:**

28 **"22-2-304. Cultural and aesthetic project appropriations -- administration.** (1) The legislature must
 29 appropriate funds from the ~~income of the trust fund created~~ account provided for in 15-35-108 for cultural
 30 and aesthetic projects before any grant for a cultural or aesthetic project is awarded.

1 (2) Costs incurred by the Montana arts council for accounting, correspondence, project visits, and
 2 solicitation of proposals related to cultural and aesthetic project grants and the costs of the advisory
 3 committee established in 2-15-1521 shall be paid from appropriations from the ~~income of the trust fund~~
 4 ACCOUNT.

5 (3) Grant proposals are heard by a legislative appropriations subcommittee.

6 (4) Grant proposals approved by the legislature are administered by the Montana arts council."
 7

8 ~~**SECTION 14. SECTION 23-1-108, MCA, IS AMENDED TO READ:**~~

9 ~~"23-1-108. Acquisition of certain state parks, monuments, or historical sites. (1) Any person,~~
 10 ~~association, or representative of a governing unit may submit a proposal for the acquisition of a site or area~~
 11 ~~described in 23-1-102 from the income of the trust fund created account provided for in 15-35-108 to the~~
 12 ~~department of fish, wildlife, and parks by July 1 of the year preceding the convening of a legislative~~
 13 ~~session.~~

14 ~~(2) The fish, wildlife, and parks commission shall present to the legislature by the 15th day of any~~
 15 ~~legislative session a list of areas, sites, or objects that were proposed for purchase for use as state parks,~~
 16 ~~state recreational areas, state monuments, or state historical sites with the money contained in the parks~~
 17 ~~account.~~

18 ~~(3) The legislature must appropriate funds from this account before any park, area, monument, or~~
 19 ~~site may be purchased."~~

20

21 **NEW SECTION. SECTION 16. MONTANA HERITAGE PRESERVATION AND DEVELOPMENT**
 22 **COMMISSION. (1) THERE IS A MONTANA HERITAGE PRESERVATION AND DEVELOPMENT**
 23 **COMMISSION. THE COMMISSION IS ATTACHED TO THE MONTANA HISTORICAL SOCIETY FOR**
 24 **ADMINISTRATIVE PURPOSES. THE COMMISSION CONSISTS OF ~~NINE~~ 11 MEMBERS. THE MEMBERS**
 25 **SHALL BROADLY REPRESENT THE STATE. ~~FIVE~~ SEVEN MEMBERS MUST BE APPOINTED BY THE**
 26 **GOVERNOR, ONE MEMBER MUST BE APPOINTED BY THE PRESIDENT OF THE SENATE, AND ONE**
 27 **MEMBER MUST BE APPOINTED BY THE SPEAKER OF THE HOUSE. THE DIRECTOR OF THE MONTANA**
 28 **HISTORICAL SOCIETY AND THE DIRECTOR OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS**
 29 **SHALL SERVE AS MEMBERS.**

30 **(2) OF THE MEMBERS APPOINTED BY THE GOVERNOR:**

1 (A) ONE MEMBER MUST HAVE EXTENSIVE EXPERIENCE IN MANAGING FACILITIES THAT CATER
 2 TO THE NEEDS OF TOURISTS;

3 (B) ONE MEMBER MUST HAVE EXPERIENCE IN COMMUNITY PLANNING;

4 (C) ONE MEMBER MUST HAVE EXPERIENCE IN HISTORIC PRESERVATION;

5 (D) ~~ONE MEMBER~~ TWO MEMBERS MUST HAVE BROAD EXPERIENCE IN BUSINESS; AND

6 (E) ONE MEMBER MUST BE A MEMBER OF THE TOURISM ADVISORY COUNCIL ESTABLISHED
 7 IN 2-15-1816; AND

8 ~~(E)~~(F) ONE MEMBER MUST BE A MONTANA HISTORIAN.

9 (3) EXCEPT FOR THE INITIAL APPOINTMENTS, MEMBERS APPOINTED BY THE GOVERNOR
 10 SHALL SERVE 3-YEAR TERMS. LEGISLATIVE APPOINTEES SHALL SERVE 2-YEAR TERMS. IF A
 11 VACANCY OCCURS, THE APPOINTING AUTHORITY SHALL MAKE AN APPOINTMENT FOR THE
 12 UNEXPIRED PORTION OF THE TERM.

13 (4) THE COMMISSION MAY EMPLOY AN EXECUTIVE DIRECTOR WHO HAS GENERAL
 14 RESPONSIBILITY FOR THE SELECTION AND MANAGEMENT OF COMMISSION STAFF, DEVELOPING
 15 RECOMMENDATIONS FOR THE PURCHASE OF PROPERTY, AND OVERSEEING THE MANAGEMENT OF
 16 ACQUIRED PROPERTY AND A CURATOR WHO IS RESPONSIBLE FOR THE DISPLAY AND PRESERVATION
 17 OF THE ACQUIRED PROPERTY. THE COMMISSION SHALL PRESCRIBE THE DUTIES AND ANNUAL
 18 SALARY OF THE EXECUTIVE DIRECTOR AND THE CURATOR.

19
 20 NEW SECTION. SECTION 17. MONTANA HERITAGE PRESERVATION AND DEVELOPMENT
 21 COMMISSION -- INITIAL APPOINTMENTS. THE INITIAL APPOINTMENTS TO THE COMMISSION MUST
 22 BE FOR THE FOLLOWING TERMS:

23 (1) THE MEMBER WITH EXPERIENCE MANAGING FACILITIES THAT CATER TO THE NEEDS OF
 24 TOURISTS, 3 YEARS;

25 (2) THE MEMBER WITH EXPERIENCE IN COMMUNITY PLANNING, 4 YEARS;

26 (3) THE MEMBER WITH EXPERIENCE IN HISTORIC PRESERVATION, 5 YEARS;

27 (4) ~~THE~~ ONE MEMBER WITH BROAD EXPERIENCE IN BUSINESS, 3 YEARS, AND ONE MEMBER,
 28 4 YEARS;

29 (5) THE TOURISM ADVISORY COUNCIL MEMBER, 5 YEARS;

30 ~~(5)~~(6) THE MONTANA HISTORIAN, 5 YEARS; AND

1 ~~(6)(7)~~ THE LEGISLATIVE APPOINTMENTS, 2 YEARS.

2

3 NEW SECTION. SECTION 18. PURPOSE. THE PURPOSE OF [SECTIONS 15 AND 18 AND THIS
4 SECTION 16 AND 18 THROUGH 20] IS TO ACQUIRE, ON BEHALF OF THE STATE, PROPERTIES THAT
5 POSSESS OUTSTANDING HISTORICAL VALUE, DISPLAY EXCEPTIONAL QUALITIES WORTH PRESERVING,
6 ARE GENUINELY REPRESENTATIVE OF THE STATE'S CULTURE AND HISTORY, AND DEMONSTRATE THE
7 ABILITY TO BECOME ECONOMICALLY SELF-SUPPORTING. THE MONTANA HERITAGE PRESERVATION
8 AND DEVELOPMENT COMMISSION SHALL ACHIEVE THIS PURPOSE BY PURCHASING FEE TITLE
9 INTERESTS IN REAL AND PERSONAL PROPERTY.

10

11 NEW SECTION. SECTION 19. POWERS OF COMMISSION -- CONTRACTS -- RULES. (1) (A) THE
12 MONTANA HERITAGE PRESERVATION AND DEVELOPMENT COMMISSION MAY CONTRACT WITH
13 PRIVATE ORGANIZATIONS TO ASSIST IN CARRYING OUT THE PURPOSE OF [SECTION 17 18]. THE
14 TERM OF A CONTRACT MAY NOT EXCEED 20 YEARS.

15 (B) NOTWITHSTANDING THE PROVISIONS OF TITLE 18, THE CONTRACTS MAY BE LET BY
16 DIRECT NEGOTIATION. THE CONTRACTS MAY BE ENTERED INTO DIRECTLY WITH A VENDOR AND ARE
17 NOT SUBJECT TO STATE PROCUREMENT LAWS.

18 (C) ARCHITECTURAL AND ENGINEERING REVIEW AND APPROVAL DO NOT APPLY TO THE
19 HISTORIC RENOVATION PROJECTS.

20 (D) THE CONTRACTS MUST PROVIDE FOR THE PAYMENT OF PREVAILING WAGES.

21 (E) A CONTRACT FOR SUPPLIES OR SERVICES, OR BOTH, MAY BE NEGOTIATED IN
22 ACCORDANCE WITH COMMISSION RULES.

23 (F) MANAGEMENT ACTIVITIES MUST BE UNDERTAKEN TO ENCOURAGE THE PROFITABLE
24 OPERATION OF PROPERTIES.

25 (G) CONTRACTS MAY INCLUDE THE LEASE OF PROPERTY MANAGED BY THE COMMISSION.
26 PROVISIONS FOR THE RENEWAL OF A CONTRACT MUST BE CONTAINED IN THE CONTRACT.

27 (2) THE COMMISSION MAY NOT CONTRACT FOR THE CONSTRUCTION OF A BUILDING, AS
28 DEFINED IN 18-2-101, IN EXCESS OF \$200,000 WITHOUT THE CONSENT OF THE LEGISLATURE.
29 BUILDING CONSTRUCTION MUST BE IN CONFORMITY WITH APPLICABLE GUIDELINES DEVELOPED BY
30 THE NATIONAL PARK SERVICE OF THE U.S. DEPARTMENT OF THE INTERIOR, THE MONTANA

1 HISTORICAL SOCIETY, AND THE MONTANA DEPARTMENT OF FISH, WILDLIFE, AND PARKS.

2 (3) THE COMMISSION, AS PART OF A CONTRACT, SHALL REQUIRE THAT A PORTION OF ANY
 3 PROFIT BE REINVESTED IN THE PROPERTY AND THAT A PORTION BE USED TO PAY THE
 4 ADMINISTRATIVE COSTS OF THE COMMISSION.

5 (4) THE COMMISSION MAY SOLICIT FUNDS FROM OTHER SOURCES FOR THE PURCHASE,
 6 MANAGEMENT, AND OPERATION OF PROPERTIES.

7 (5) THE COMMISSION SHALL ADOPT RULES ESTABLISHING A POLICY FOR MAKING
 8 ACQUISITIONS. WITH RESPECT TO EACH ACQUISITION, THE POLICY MUST GIVE CONSIDERATION TO:

9 (A) WHETHER THE PROPERTY REPRESENTS THE STATE'S CULTURE AND HISTORY;

10 (B) WHETHER THE PROPERTY CAN BECOME SELF-SUPPORTING;

11 (C) WHETHER THE PROPERTY CAN CONTRIBUTE TO THE ECONOMIC AND SOCIAL ENRICHMENT
 12 OF THE STATE;

13 (D) WHETHER THE PROPERTY LENDS ITSELF TO PROGRAMS TO INTERPRET MONTANA
 14 HISTORY;

15 (E) WHETHER THE ACQUISITION WILL CREATE SIGNIFICANT SOCIAL AND ECONOMIC IMPACTS
 16 TO AFFECTED LOCAL GOVERNMENTS AND THE STATE; AND

17 (F) OTHER MATTERS THAT THE COMMISSION CONSIDERS NECESSARY OR APPROPRIATE.

18 (6) PUBLIC NOTICE AND THE OPPORTUNITY FOR A HEARING MUST BE GIVEN IN THE
 19 GEOGRAPHICAL AREA OF A PROPOSED ACQUISITION BEFORE A FINAL DECISION TO ACQUIRE A
 20 PROPERTY IS MADE. THE COMMISSION SHALL APPROVE PROPOSALS FOR ACQUISITION AND
 21 RECOMMEND THE APPROVED PROPOSAL TO THE BOARD OF LAND COMMISSIONERS.

22 (7) PRIOR TO THE CONVENING OF EACH REGULAR SESSION, THE COMMISSION SHALL REPORT
 23 TO THE GOVERNOR AND THE LEGISLATURE CONCERNING FINANCIAL ACTIVITIES DURING THE PRIOR
 24 BIENNIUM.

25
 26 NEW SECTION. SECTION 20. MONTANA HERITAGE PRESERVATION AND DEVELOPMENT
 27 ACCOUNT. (1) THERE IS A MONTANA HERITAGE PRESERVATION AND DEVELOPMENT ACCOUNT IN
 28 THE STATE SPECIAL REVENUE FUND.

29 (2) MONEY DEPOSITED IN THE ACCOUNT MUST BE USED FOR:

30 (A) THE PURCHASE OF PROPERTIES IN VIRGINIA CITY AND NEVADA CITY;

1 (B) RESTORATION, MAINTENANCE, AND OPERATION OF HISTORIC PROPERTIES IN VIRGINIA
 2 CITY AND NEVADA CITY; AND

3 (C) PURCHASING, RESTORING, AND MAINTAINING HISTORICALLY SIGNIFICANT PROPERTIES
 4 IN MONTANA THAT ARE IN NEED OF PRESERVATION.

5 (3) THE ACCOUNT IS STATUTORILY APPROPRIATED, AS PROVIDED IN 17-7-502, TO THE
 6 MONTANA HERITAGE PRESERVATION AND DEVELOPMENT COMMISSION TO BE USED AS PROVIDED
 7 IN THIS SECTION.

8

9 NEW SECTION. SECTION 21. CODIFICATION INSTRUCTION. [SECTIONS ~~16, 17, AND 18~~ 16
 10 AND 18 THROUGH 20] ARE INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF TITLE 22, CHAPTER
 11 3, AND THE PROVISIONS OF TITLE 22, CHAPTER 3, APPLY TO [SECTIONS ~~16, 17, AND 18~~ 16 AND 18
 12 THROUGH 20].

13

14 **SECTION 22. SECTION 6, CHAPTER 547, LAWS OF 1995, IS AMENDED TO READ:**

15 The appropriations to the department of natural resources and conservation on page 3194, Laws
 16 of 1995, are amended to read:

17 "Tongue River Dam Rehabilitation	\$3,500,000
	<u>\$2,868,473"</u>

18

19

20 **NEW SECTION. SECTION 23. TRANSFER OF FUNDS. ANY GENERAL FUND REVERSIONS FOR**
 21 **FISCAL YEAR 1997 IN EXCESS OF \$15.9 MILLION AND ANY GENERAL FUND REVERSIONS FOR FISCAL**
 22 **YEAR 1998 IN EXCESS OF \$5 MILLION MUST BE TRANSFERRED TO THE LONG-RANGE BUILDING**
 23 **PROGRAM ACCOUNT TO BE USED TO FUND CAPITAL PROJECTS.**

24

25 **SECTION 24. SECTION 15-35-108, MCA, IS AMENDED TO READ:**

26 "**15-35-108. Disposal of severance taxes.** Severance taxes collected under this chapter must, in
 27 accordance with the provisions of 15-1-501, be allocated as follows:

28 (1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by
 29 Article IX, section 5, of the Montana constitution. The trust fund money must be deposited in the fund
 30 established under 17-6-203(6) and invested by the board of investments as provided by law.

1 (2) Twelve percent of coal severance tax collections is allocated to the long-range building program
2 account established in 17-7-205.

3 (3) The amount of 8.36% must be credited to an account in the state special revenue fund to be
4 allocated by the legislature for local impacts, county land planning, provision of basic library services for
5 the residents of all counties through library federations and for payment of the costs of participating in
6 regional and national networking, conservation districts, and the Montana Growth Through Agriculture Act.
7 Any cash balance that is unspent at the end of each fiscal year must be deposited in the general fund.

8 (4) The amount of 1.27% must be allocated to a nonexpendable trust fund for the purpose of parks
9 acquisition or management. Income from this trust fund must be appropriated for the acquisition,
10 development, operation, and maintenance of any sites and areas described in 23-1-102.

11 (5) The amount of 0.95% must be allocated to the debt service fund type to the credit of the
12 renewable resource loan debt service fund.

13 (6) The amount of ~~0.63%~~ 2.6% must be allocated to ~~a nonexpendable trust~~ the long-range building
14 program fund in the debt service fund type fund for the purpose of protection of works of art in the state
15 capitol and for other cultural and aesthetic projects. Income from ~~this~~ the cultural and aesthetic trust fund
16 must be appropriated for protection of works of art in the state capitol and other cultural and aesthetic
17 projects.

18 (7) All other revenue from severance taxes collected under the provisions of this chapter must be
19 credited to the general fund of the state."
20

21 **NEW SECTION. Section 25. Severability.** If a part of [this act] is invalid, all valid parts that are
22 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its
23 applications, the part remains in effect in all valid applications that are severable from the invalid
24 applications.
25

26 **NEW SECTION. SECTION 26. COORDINATION.** (1) IF HOUSE BILL NO. 166 AND [THIS ACT] ARE
27 BOTH PASSED AND APPROVED AND IF BOTH BILLS AMEND 15-65-121, THEN THE AMENDMENTS TO
28 15-65-121 IN HOUSE BILL NO. 166 ARE VOID.

29 (2) IF HOUSE BILL NO. 14 IS PASSED AND APPROVED AND IF IT AUTHORIZES THE ISSUANCE
30 OF GENERAL OBLIGATION BONDS FOR THE PURCHASE OF VIRGINIA CITY AND NEVADA CITY

1 PROPERTY, THEN:

2 (A) [SECTIONS 10, 11, 14, AND 15 OF THIS ACT] ARE VOID; AND

3 (B) [SECTION 24] IS EFFECTIVE.

4 (3) IF HOUSE BILL NO. 14 DOES NOT AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION
5 BONDS FOR THE PURCHASE OF VIRGINIA CITY AND NEVADA CITY PROPERTY, THEN [SECTION 24] IS
6 VOID.

7

8 NEW SECTION. Section 27. Effective date DATES -- TERMINATION. (1) EXCEPT AS PROVIDED
9 IN SUBSECTION (2), [~~this~~ THIS act] is effective on passage and approval.

10 (2) [SECTIONS 10 AND ~~11~~ THROUGH 12] ARE EFFECTIVE JULY 1, 1997.

11 (3) [SECTION 12] TERMINATES JULY 1, 2001.

12 (4) IF [SECTION 24] IS EFFECTIVE, IT TERMINATES JULY 1, 2007.

13

-END-



FREE CONFERENCE COMMITTEE

on House Bill 5
Report No. 1, April 21, 1997

Page 1 of 5

Mr. Speaker and Mr. President:

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

1. Title, line 6.

Strike: "CONTINGENTLY"

Following: "APPROPRIATING"

Insert: "A PORTION OF"

2. Title, line 8.

Strike: "ELIMINATING"

Insert: "REVISING"

3. Title, line 9.

Strike: "OR"

Insert: "AND"

4. Title, line 17.

Strike: "5-11-115,"

Following: "15-65-121,"

Insert: "AND"

Strike: "22-2-301, AND 22-2-304,"

5. Page 6, line 15.

Strike: "1,000,000"

Insert: "1,500,000"

6. Page 7, line 12.

Strike: "21"

Insert: "8"

7. Page 8, line 13.

Following: line 12

Insert: "(f) It is the intent of the 55th legislature that
\$500,000 of the appropriation to the department of fish,
wildlife, and parks for road improvements, state parks be

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FCCR#1

AC HB 5-1

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HB 5

used to fund the Hell Creek road project."

8. Page 8, line 29.

Strike: "AT LEAST 50%"

Insert: "100%"

9. Page 9, line 2.

Strike: "NO MORE THAN 50%"

Insert: "none"

10. Page 9, line 15.

Following: "(3)"

Insert: "(a)"

11. Page 9, line 22.

Strike: "\$16,050,000"

Insert: "\$4,050,000"

12. Page 9, line 27.

Following: line 26

Insert: "(b) It is the intent of the 55th legislature that no student building fees be increased to fund the \$4,050,000 in authority only projects approved for the university of Montana."

13. Page 10, line 25.

Strike: "CONTINGENT APPROPRIATION"

Insert: "Appropriation"

14. Page 10, line 26.

Strike: "IF"

Insert: "In addition to the"

15. Page 10, line 27.

Strike: "ARE NOT"

16. Page 10, line 28.

Strike: "THEN"

Insert: "\$3,912,500 from"

Strike: ", UP TO \$7,750,000,"

17. Page 11, lines 2 and 3.

Following: "_" on line 2

Strike: remainder of line 2 through "_" on line 3

18. Page 11, line 16 through page 12, line 9.

Strike: section 10 in its entirety

Renumber: subsequent sections

19. Page 12, line 29.

Strike: "The"

Insert: "Beginning July 1, 1997, and ending June 30, 1999, the"

Strike: "1.79%"

Insert: "0.87%"

20. Page 13, line 1.

Following: "."

Insert: "Beginning July 1, 1999, the amount of 0.63% must be allocated to a trust fund for the purpose of protection of works of art in the capitol and for other cultural and aesthetic projects."

21. Page 13, line 2.

Following: "~~projects~~."

Insert: "Income from this trust fund must be appropriated for protection of works of art in the state capitol and for other cultural and aesthetic projects."

22. Page 13, line 3.

Following: line 2

Insert: "(7) Beginning July 1, 1997, and ending June 30, 2007, the amount of 1.3% must be allocated to the long-range building program fund in the debt service fund type to fund the bonds issued for the purchase of the Virginia City and Nevada City property."

Renumber: subsequent subsection

23. Page 13, line 17.

Strike: "20"

Insert: "17"

24. Page 15, line 2.

Strike: "20"

Insert: "17"

25. Page 15, line 18 through page 16, line 6.

Strike: sections 14 and 15 in their entirety

Renumber: subsequent sections

26. Page 18, line 4.

Strike: "16"

Insert: "13"

Strike: "18"

Insert: "15"

Strike: "20"

Insert: "17"

27. Page 18, line 13.

Strike: "18"

Insert: "15"

28. Page 19, line 2.

Following: "(3)"

Insert: "(a)"

Strike: "THE"

Insert: "Subject to subsection (3) (b), the"

29. Page 19, line 4.

Following: "THE"

Insert: "property and the"

30. Page 19, line 5.

Following: line 4

Insert: "(b) (i) Until the balance in the cultural and aesthetic trust reaches \$7,750,000, the commission shall deposit the portion of profits not used for administrative costs and restoration of the properties in the cultural and aesthetic trust.

(ii) Once the balance in the cultural and aesthetic trust reaches \$7,750,000, the commission shall deposit the portion of profits not used for administrative costs and restoration of the properties in the general fund.

(c) It is the intent of the 55th legislature that no general fund money be provided for the operation and maintenance of Virginia City and Nevada City beyond what has been appropriated by the 55th legislature."

31. Page 20, line 9.

Strike: "16"

Insert: "13"

32. Page 20, line 10.

Strike: "18"

Insert: "15"

Strike: "20"

Insert: "17"

33. Page 20, line 11.

Strike: "16"

Insert: "13"

Strike: "18"

Insert: "15"

34. Page 20, line 12.

Strike: "20"

Insert: "17"

35. Page 20, line 25 through page 21, line 19.

Strike: section 24 in its entirety

Renumber: subsequent sections

36. Page 21, line 26.

Strike: "(1)"

37. Page 21, line 29 through page 22, line 6.

Strike: subsections (2) and (3) in their entirety

38. Page 22, line 10.

Strike: "SECTIONS"

Insert: "Section"

Insert: "THROUGH 12"

Strike: "ARE"

Insert: "is"

39. Page 22, line 11.

Strike: "12"

Insert: "11"

40. Page 22, line 12.

Strike: subsection (4) in its entirety

And this FREE Conference Committee report be adopted.

For the House:



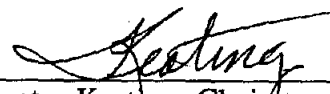
Representative Vick, Chair



Representative Holland


Representative Peck 

For the Senate:



Senator Keating, Chair

Senator Lynch



Senator Taylor



FREE CONFERENCE COMMITTEE

on House Bill 5

Report No. 2, April 21, 1997

Page 1 of 5

Mr. Speaker and Mr. President:

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

1. Title, line 6.
Strike: "CONTINGENTLY"
Following: "APPROPRIATING"
Insert: "A PORTION OF"
2. Title, line 8.
Strike: "ELIMINATING"
Insert: "REVISING"
3. Title, line 9.
Strike: "OR"
Insert: "AND"
4. Title, line 17.
Strike: "5-11-115,"
Following: "15-65-121,"
Insert: "AND"
Strike: "22-2-301, AND 22-2-304,"
5. Page 7, line 12.
Strike: "21"
Insert: "8"
6. Page 8, line 29.
Strike: "AT LEAST 50%"
Insert: "100%"
7. Page 9, line 2.
Strike: "NO MORE THAN 50%"
Insert: "none"

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FCCR#2

AC HB 5-1

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HB 5

8. Page 9, line 15.

Following: "(3)"

Insert: "(a)"

9. Page 9, line 22.

Strike: "\$16,050,000"

Insert: "\$4,050,000"

10. Page 9, line 27.

Following: line 26

Insert: "(b) It is the intent of the 55th legislature that no student building fees be increased to fund the \$4,050,000 in authority only projects approved for the university of Montana."

11. Page 10, line 25.

Strike: "CONTINGENT APPROPRIATION"

Insert: "Appropriation"

12. Page 10, line 26.

Strike: "IF"

Insert: "In addition to the"

13. Page 10, line 27.

Strike: "ARE NOT"

14. Page 10, line 28.

Strike: "THEN"

Insert: "\$3,912,500 from"

Strike: ", UP TO \$7,750,000,"

15. Page 11, lines 2 and 3.

Following: "." on line 2

Strike: remainder of line 2 through "." on line 3

16. Page 11, line 16 through page 12, line 9.

Strike: section 10 in its entirety

Renumber: subsequent sections

17. Page 12, line 29.

Strike: "The"

Insert: "Beginning July 1, 1997, and ending June 30, 1999, the"

Strike: "1.79%"

Insert: "0.87%"

18. Page 13, line 1.

Following: "."

Insert: "Beginning July 1, 1999, the amount of 0.63% must be

allocated to a trust fund for the purpose of protection of works of art in the capitol and for other cultural and aesthetic projects."

19. Page 13, line 2.

Following: "~~projects.~~"

Insert: "Income from this trust fund must be appropriated for protection of works of art in the state capitol and for other cultural and aesthetic projects."

20. Page 13, line 3.

Following: line 2

Insert: "(7) Beginning July 1, 1997, and ending June 30, 2007, the amount of 1.3% must be allocated to the long-range building program fund in the debt service fund type to fund the bonds issued for the purchase of the Virginia City and Nevada City property."

Renumber: subsequent subsection

21. Page 13, line 17.

Strike: "20"

Insert: "17"

22. Page 15, line 2.

Strike: "20"

Insert: "17"

23. Page 15, line 18 through page 16, line 6.

Strike: sections 14 and 15 in their entirety

Renumber: subsequent sections

24. Page 18, line 4.

Strike: "16"

Insert: "13"

Strike: "18"

Insert: "15"

Strike: "20"

Insert: "17"

25. Page 18, line 13.

Strike: "18"

Insert: "15"

26. Page 19, line 2.

Following: "(3)"

Insert: "(a)"

Strike: "THE"

Insert: "Subject to subsection (3)(b), the"

27. Page 19, line 4.

Following: "THE"

Insert: "property and the"

28. Page 19, line 5.

Following: line 4

Insert: "(b)(i) Until the balance in the cultural and aesthetic trust reaches \$7,750,000, the commission shall deposit the portion of profits not used for administrative costs and restoration of the properties in the cultural and aesthetic trust.

(ii) Once the balance in the cultural and aesthetic trust reaches \$7,750,000, the commission shall deposit the portion of profits not used for administrative costs and restoration of the properties in the general fund.

(c) It is the intent of the 55th legislature that no general fund money be provided for the operation and maintenance of Virginia City and Nevada City beyond what has been appropriated by the 55th legislature."

29. Page 20, line 9.

Strike: "16"

Insert: "13"

30. Page 20, line 10.

Strike: "18"

Insert: "15"

Strike: "20"

Insert: "17"

31. Page 20, line 11.

Strike: "16"

Insert: "13"

Strike: "18"

Insert: "15"

32. Page 20, line 12.

Strike: "20"

Insert: "17"

33. Page 20, line 25 through page 21, line 19.

Strike: section 24 in its entirety

Renumber: subsequent sections

34. Page 21, line 26.

Strike: "(1)"

35. Page 21, line 29 through page 22, line 6.
Strike: subsections (2) and (3) in their entirety

36. Page 22, line 10.
Strike: "SECTIONS"
Insert: "Section"
Insert: "THROUGH 12"
Strike: "ARE"
Insert: "is"

37. Page 22, line 11.
Strike: "12"
Insert: "11"

38. Page 22, line 12.
Strike: subsection (4) in its entirety

And this FREE Conference Committee report be adopted.


For the House:



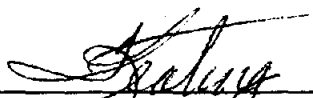
Representative Vick, Chair



Representative Holland

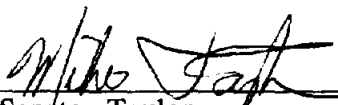
Representative Peck 

For the Senate:



Senator Keating, Chair

Senator Lynch



Senator Taylor

1 HOUSE BILL NO. 5

2 INTRODUCED BY BERGSAGEL

3 BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING MONEY FOR CAPITAL PROJECTS FOR THE

6 BIENNIUM ENDING JUNE 30, 1999; ~~CONTINGENTLY~~ APPROPRIATING A PORTION OF THE BALANCE IN

7 THE CULTURAL TRUST FUND FOR THE ACQUISITION, RENOVATION, AND PRESERVATION OF HISTORIC

8 PROPERTIES; ELIMINATING REVISING THE ALLOCATION OF COAL SEVERANCE TAXES TO THE

9 CULTURAL TRUST FUND; ALLOCATING COAL SEVERANCE TAX REVENUE FOR CULTURAL AND

10 AESTHETIC PROJECTS OR AND TO PROVIDE DEBT SERVICE ON BONDS USED TO FINANCE THE

11 PROJECTS; ESTABLISHING THE MONTANA HERITAGE PRESERVATION AND DEVELOPMENT

12 COMMISSION; AUTHORIZING THE MONTANA HERITAGE PRESERVATION AND DEVELOPMENT

13 COMMISSION TO ADMINISTER PROPERTIES AT VIRGINIA CITY AND NEVADA CITY AND OTHER

14 CULTURALLY AND HISTORICALLY SIGNIFICANT PROPERTIES; CREATING A MONTANA HERITAGE

15 PRESERVATION AND DEVELOPMENT ACCOUNT; ALLOCATING A PORTION OF THE LODGING FACILITY

16 USE TAX TO THE ACCOUNT; STATUTORILY APPROPRIATING THE ACCOUNT; PROVIDING FOR OTHER

17 MATTERS RELATING TO THE APPROPRIATIONS; AMENDING SECTIONS 5-11-115, 15-35-108,

18 15-65-121, AND 17-7-502, 22-2-301, AND 22-2-304, AND 23-1-108, MCA; AMENDING SECTION 6,

19 CHAPTER 547, LAWS OF 1995; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE DATES AND A

20 TERMINATION DATE."

21

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

23

24 NEW SECTION. **Section 1. Definitions.** For the purposes of [sections 1 through 8], unless

25 otherwise stated, the following definitions apply:

26 (1) "Capital project" means the acquisition of land or improvements or the planning, capital

27 construction, renovation, furnishing, or major repair projects authorized in [sections 1 through 8].

28 (2) "LRBP" means the long-range building program account in the capital projects fund type.

29 (3) "Other funding sources" means money other than LRBP money, including special revenue fund

30 money, that accrues to an agency under the provisions of law.

1 NEW SECTION. **Section 2. 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 types for
 4 these projects:

<u>Agency/Project</u>	<u>LRBP</u>	<u>Other Funding Sources</u>
6 DEPARTMENT OF ADMINISTRATION		
7 Repair Limestone on Museum and Repair		
8 Masonry on Other Capitol Complex Buildings	\$300,000	
9 Plan Lease Reduction Program, Helena	350,000	
10 Roof Repair and Replacement, Capitol Complex	279,000	
11 Hazardous Materials Mitigation, Statewide	720,000	
12 State Building Energy Retrofit, Statewide	\$1,000,000	Nonstate State Special 13 Revenue
14 <u>HISTORIC RESTORATION,</u>		
15 <u>MONTANA STATE CAPITOL</u>	<u>100,000</u>	
16 <u>HEALTH SAFETY/CODE</u>		
17 <u>COMPLIANCE, STATEWIDE</u>	<u>408,000</u>	
18 DEPARTMENT OF AGRICULTURE		
19 Modify State Grain Laboratory to Comply With		
20 ADA Standards	40,000	
21 DEPARTMENT OF CORRECTIONS		
22 Secure Female Facility and Renovations,		
23 MYAP, Boulder	1,450,000	
24	<u>1,846,580</u>	
25 Xanthopoulos Building Renovations, MSP,		
26 Warm Springs	600,000	
27 MCE Improvements/Expansion, MSP,		
28 Warm Springs	400,000	Proprietary
29 Regional Correctional Facilities	2,400,000	Federal Special Revenue
30 <u>ONE REGIONAL CORRECTIONAL FACILITY</u>	<u>3,251,547</u>	<u>FEDERAL SPECIAL REVENUE</u>

1	<u>192-BED EXPANSION,</u>			
2	<u> MSP, DEER LODGE</u>		<u>6,560,000</u>	<u>FEDERAL SPECIAL REVENUE</u>
3	<u> SPIRITUAL ACTIVITY CENTER, WCC</u>			
4	<u> AUTHORITY ONLY</u>		<u>350,000</u>	<u>DONATIONS</u>
5	DEPARTMENT OF FISH, WILDLIFE, AND PARKS			
6	Secure Water Supply, Giant Springs			
7	Trout Hatchery		753,847	State Special Revenue
8			<u>553,847</u>	
9			<u>200,000</u>	<u>FEDERAL SPECIAL REVENUE</u>
10	Bluewater Hatchery Renovation, Phase III		3,316,319	State Special Revenue
11	Construct Parks Interpretive Center		1,250,000	State Special Revenue
12			<u>950,000</u>	
13	Secure Water Supply, Big Springs			
14	Trout Hatchery		1,620,451	State Special Revenue
15	DEPARTMENT OF LABOR			
16	Install Elevator, Missoula Job Service		87,000	State Special Revenue
17			<u>23,490</u>	
18			<u>63,510</u>	<u>FEDERAL SPECIAL REVENUE</u>
19	DEPARTMENT OF MILITARY AFFAIRS			
20	Demolition of Poplar Armory	300,000		
21		<u>150,000</u>		
22	Furnace Replacement, Womack Armory	300,000		
23		<u>275,000</u>		
24	Replace Roof, OMS #3, Helena	30,000	90,000	Federal Special Revenue
25	<u> ARMY AVIATION SUPPORT FACILITY</u>			
26	<u> MAINTENANCE</u>	<u>39,578</u>		
27	<u> BOZEMAN ARMORY ADA MODIFICATIONS</u>	<u>50,000</u>		
28	<u> ARMED FORCES RESERVE CENTER,</u>			
29	<u> BILLINGS</u>		<u>3,000,000</u>	<u>FEDERAL SPECIAL REVENUE</u>
30	MONTANA UNIVERSITY SYSTEM			

1	Code Compliance/Disability Access,		
2	University System	2,900,000	
3	Roof Replacements, University System	971,500	
4	Replace Primary Electrical Distribution,		
5	MSU-Billings	300,000	Auxiliary
6		<u>356,400</u>	
7	Utility Tunnel Extension, MSU-Bozeman	3,944,000	Auxiliary
8		<u>2,510,219</u>	
9	<u>REPAIR/REPLACE PRIMARY</u>		
10	<u>ELECTRICAL DISTRIBUTION,</u>		
11	<u>MSU-NORTHERN</u>	<u>122,000</u>	<u>AUXILIARY</u>
12	<u>RURAL TECHNOLOGICAL CENTER PLANNING,</u>		
13	<u>UM-DILLON</u>	<u>75,000</u>	
14	<u>CHEMISTRY BUILDING RENOVATION,</u>		
15	<u>UM-MONTANA TECH</u>	<u>750,000</u>	<u>DONATIONS</u>
16	DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION		
17	Maintenance and Improvement Projects,		
18	Statewide	200,000	
19	Fire Cache/Garage, Plains Unit	175,000	
20	DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES		
21	Miscellaneous Maintenance and		
22	Improvements, Montana Veterans' Home	406,000	State Special Revenue
23	DEPARTMENT OF TRANSPORTATION		
24	Equipment Buildings, Statewide	2,535,000	Highways State Special Revenue
25		<u>1,910,000</u>	
26	<u>DEPARTMENT OF COMMERCE</u>		
27	<u>FORT PECK INTERPRETIVE CENTER GRANT</u>		
28		<u>45,000</u>	<u>STATE SPECIAL REVENUE</u>
29	<u>(2) IF ANY BONDED FUNDING AUTHORIZED IN HOUSE BILL NO. 14 FOR THE CRITICAL PROJECT</u>		
30	<u>REQUIREMENTS PORTION OF THE CAPITOL RESTORATION PROJECT IS NOT NEEDED BECAUSE OF A</u>		

1 REDUCTION IN COSTS FOR THE APPROVED PROJECT, FUNDING MAY BE USED FOR HISTORIC
 2 RESTORATION OF THE MONTANA STATE CAPITOL.

3 (3) (A) THE \$600,000 APPROPRIATION AND AUTHORITY FOR THE XANTHOPOULOS BUILDING
 4 RENOVATION PROJECT AT MSP, WARM SPRINGS, IS CONTINGENT ON THE CONSTRUCTION OF A NEW
 5 STATE HOSPITAL AT WARM SPRINGS.

6 (B) (I) THE DEPARTMENT OF CORRECTIONS MAY USE PRISON STAFF FOR THE PURPOSE OF
 7 MAKING SECURITY ENHANCEMENTS AND UPGRADES TO THE XANTHOPOULOS BUILDING ON THE
 8 MONTANA STATE HOSPITAL CAMPUS AS AUTHORIZED BY THE LEGISLATURE.

9 (II) THE DEPARTMENT OF ADMINISTRATION MAY EXEMPT THE XANTHOPOULOS BUILDING
 10 PROJECT FROM THE PROVISIONS OF ANY APPLICABLE MONTANA LAW RELATING TO PUBLIC BIDDING
 11 AND CONSTRUCTION CONTRACTS.

12 (III) PRISON STAFF ENGAGED IN THE XANTHOPOULOS BUILDING PROJECT ARE GOVERNED BY
 13 THE STAFF'S EXISTING EMPLOYMENT AGREEMENTS AND ARE NOT ELIGIBLE FOR ADDITIONAL
 14 COMPENSATION OR BENEFITS NOT CURRENTLY PROVIDED BY THE EXISTING EMPLOYMENT
 15 AGREEMENTS.

16 (4) IN REGARD TO THE CONSTRUCT PARKS INTERPRETIVE CENTER PROJECT AT ULM PISHKUN,
 17 IT IS THE INTENT OF THE 55TH LEGISLATURE THAT THE SOVEREIGN NATIONS BE OFFERED THE
 18 OPPORTUNITY FOR ECONOMIC BENEFITS, FOR EXAMPLE THE OPTION TO SELL SOUVENIRS.

19 (5) THE SPIRITUAL ACTIVITY CENTER PROJECT FOR THE WOMEN'S CORRECTIONAL SYSTEM
 20 IS EXEMPT FROM THE BIDDING REQUIREMENTS AND THE ARCHITECTURAL AND ENGINEERING REVIEW
 21 AND APPROVAL REQUIREMENTS IN TITLE 18.

22
 23 NEW SECTION. Section 3. Land acquisition appropriation. The following money is appropriated
 24 to the department of fish, wildlife, and parks in the indicated amounts for purposes of land acquisition, land
 25 leasing, easement purchase, or development agreement:

Agency/Project	<u>LRBP</u>	<u>Other Funding Sources</u>
Habitat Montana	\$6,200,000	State Special Revenue
Fishing Access Site Acquisition, Statewide	466,000	State Special Revenue
Bighorn Sheep Program	330,000	State Special Revenue

30

1 NEW SECTION. Section 4. Capital improvements. (1) (A) The following money is appropriated
 2 to the department of fish, wildlife, and parks in the indicated amounts for the purpose of making capital
 3 improvements to statewide facilities:

<u>Agency/Project</u>	<u>LRBP</u>	<u>Other Funding Sources</u>
5 Cultural and Historic Parks Improvements	\$ 690,000	State Special Revenue
6	<u>\$ 535,000</u>	
7 Future Fisheries Improvement Program	1,000,000	State Special Revenue
8	<u>1,200,000</u>	
9	<u>1,470,000</u>	
10 Miles City Hatchery Repairs	305,500	State Special Revenue
11	<u>815,000</u>	
12 Capitol Complex Irrigation Improvements	225,000	Capitol Land Grant Revenue
13 Road Improvements, State Parks	1,768,000	State Special Revenue
14	<u>2,068,000</u>	
15	<u>1,000,000</u>	
16 Water-Based Recreation Parks Program	642,500	State Special Revenue
17	<u>392,500</u>	
18	450,000	Federal Special Revenue
19	<u>350,000</u>	
20 Administrative Facilities Repairs and Improvements	687,000	State Special Revenue
21 Wildlife Habitat Maintenance	825,000	State Special Revenue
22	100,000	Federal Special Revenue
23 Fishing Access Site Protection, Statewide	650,000	State Special Revenue
24	50,000	Federal Special Revenue
25 Waterfowl Stamp Protection	165,000	State special Revenue
26 Fishing Access Site Maintenance, Statewide	275,000	State Special Revenue

27 (B) THE TOTAL AMOUNT AUTHORIZED FOR CULTURAL AND HISTORIC PARKS IMPROVEMENTS
 28 IS \$690,000. THE REDUCED APPROPRIATION REFLECTS \$155,000 IN LODGING FACILITIES TAX
 29 REVENUE THAT IS ALLOCATED TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS AND THAT IS
 30 STATUTORILY APPROPRIATED UNDER 15-65-121 FOR MAINTENANCE OF FACILITIES IN STATE PARKS.

1 ~~(C) OF THE \$1,200,000~~ \$1,470,000 APPROPRIATED TO THE DEPARTMENT OF FISH, WILDLIFE,
2 AND PARKS FOR THE FUTURE FISHERIES IMPROVEMENT PROGRAM, \$75,000 IS TO BE USED FOR THE
3 PN BRIDGE AND CAMPGROUND - STREAMBANK EROSION CONTROL PROJECT SPONSORED BY
4 CHOUTEAU AND FERGUS COUNTIES, AND \$15,000 IS GRANTED TO THE CITY OF DEER LODGE FOR ITS
5 WASTEWATER EFFLUENT LAND APPLICATION PROJECT.

6 ~~(D) THE APPROPRIATION OF \$225,000 IN CAPITOL LAND GRANT REVENUE TO THE~~
7 DEPARTMENT OF FISH, WILDLIFE, AND PARKS IS THE LAST PRIORITY FOR USE OF THESE FUNDS
8 DURING THE 1999 BIENNIUM. IF NECESSARY, THE PROJECT MAY BE PHASED IN AS CAPITOL LAND
9 GRANT REVENUE BECOMES AVAILABLE.

10 ~~(E) THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS SHALL SUBMIT TO THE LEGISLATURE~~
11 THE REPORT REQUIRED BY 23-1-110 REGARDING ANY MONEY APPROPRIATED IN [SECTIONS 1
12 THROUGH 24 8] AND SPENT TO IMPROVE OR DEVELOP STATE PARKS OR FISHING ACCESS SITES. IN
13 SUBMITTING THE PROPOSED 2001 BIENNIUM BUDGET OF THE DEPARTMENT OF FISH, WILDLIFE, AND
14 PARKS TO THE LEGISLATIVE FISCAL ANALYST, AS PROVIDED IN 17-7-122, THE GOVERNOR SHALL
15 INCLUDE THE REPORT REQUIRED BY 23-1-110 FOR LEGISLATIVE CONSIDERATION AND FUNDING
16 APPROVAL OF THE SPECIFIC PROJECTS. THE LEGISLATURE RECOMMENDS THAT THE 1999
17 LEGISLATURE NOT APPROPRIATE ANY FUNDS FOR THE IMPROVEMENT OR DEVELOPMENT OF A STATE
18 PARK OR FISHING ACCESS SITE WITHOUT REVIEWING AND CONSIDERING EACH PROPOSED PROJECT
19 CONTAINED IN THE REPORT. IT IS THE INTENT OF THE LEGISLATURE THAT PRIORITIES IN THE 2001
20 BIENNIUM FUNDING REQUEST FOR STATE PARKS AND FISHING ACCESS SITES BE ON MAINTENANCE
21 OF EXISTING FACILITIES RATHER THAN ON IMPROVEMENT OR DEVELOPMENT. AS USED IN THIS
22 INTENT STATEMENT, "MAINTENANCE" MEANS PLACING, CLEANING, AND STOCKING OF LATRINES;
23 GARBAGE AND LITTER CLEANUP; FENCE INSTALLATION AND REPAIR; WEED CONTROL;
24 IMPLEMENTATION OF SAFETY AND HEALTH MEASURES REQUIRED BY LAW TO PROTECT THE PUBLIC;
25 UPKEEP OF ESTABLISHED TRAILS, ROADS, BOAT DOCKS, AND OTHER EXISTING FACILITIES; IN KIND
26 REPLACEMENT OF EXISTING FACILITIES; EROSION CONTROL; STREAMBANK STABILIZATION; ERECTION
27 OF BARRIERS NECESSARY TO PRESERVE RIPARIAN VEGETATION AND HABITAT; MINIMAL SIGNAGE
28 NECESSARY TO INFORM USERS OF APPROPRIATE PARK OR SITE USE AND APPLICABLE REGULATIONS;
29 MEASURES NECESSARY TO ENSURE COMPLIANCE WITH THE FEDERAL AMERICANS WITH DISABILITIES
30 ACT OF 1990, WHEN APPLICABLE; PLANTING OF NATIVE TREES, GRASSES, AND SHRUBS; AND

1 ~~INSTALLATION OF FIRE RINGS, PICNIC TABLES, AND TRASH COLLECTION FACILITIES.~~
 2 ~~(F) UNEXPENDED FUNDS APPROPRIATED IN [THIS ACT] TO THE DEPARTMENT OF FISH,~~
 3 ~~WILDLIFE, AND PARKS FOR MAINTENANCE MAY BE USED ONLY FOR THAT PURPOSE. UNEXPENDED~~
 4 ~~FUNDS APPROPRIATED IN [THIS ACT] TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS FOR~~
 5 ~~CAPITAL IMPROVEMENTS MAY BE SPENT ONLY FOR MAINTENANCE. PRIOR TO THE SUBMISSION OF~~
 6 ~~THE PROPOSED 2001 BIENNIUM CAPITAL IMPROVEMENT BUDGET FOR THE DEPARTMENT OF FISH,~~
 7 ~~WILDLIFE, AND PARKS TO THE LEGISLATIVE FISCAL ANALYST, AS PROVIDED IN 17-7-122, THE~~
 8 ~~AGENCY SHALL CONDUCT A PUBLIC MEETING OR OPEN HOUSE IN THE APPROPRIATE DEPARTMENT~~
 9 ~~OF FISH, WILDLIFE, AND PARKS' ADMINISTRATIVE REGION FOR ANY ANTICIPATED CAPITAL~~
 10 ~~DEVELOPMENT PROJECT IN THAT REGION OR SHALL SEEK COMMENT ON THE SITE OF THE PROJECT.~~
 11 ~~THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS SHALL REPORT TO THE LONG-RANGE BUILDING~~
 12 ~~APPROPRIATIONS SUBCOMMITTEE ON THE OUTCOME OF THE PUBLIC INVOLVEMENT.~~

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

<u>Agency/Project</u>	<u>LRBP</u>	<u>Other Funding Sources</u>
Federal Spending Authority	\$ 800,000	Federal Special Revenue
Eastern Montana State Veterans'	52,500	State Special Revenue
Cemetery, Phase I	52,500	Federal Special Revenue
Track Parking, Fort Harrison	500,000	Federal Special Revenue
BOQ/BEQ, Fort Harrison	1,700,000	Federal Special Revenue
CSMS, Fort Harrison	75,000	Federal Special Revenue

22 (3) (A) THE FOLLOWING MONEY IS APPROPRIATED TO MONTANA STATE UNIVERSITY IN THE
 23 INDICATED AMOUNT FOR THE PURPOSE OF MAKING CAPITAL IMPROVEMENTS TO CAMPUS
 24 FACILITIES:

<u>AGENCY/PROJECT</u>	<u>LRBP</u>	<u>OTHER FUNDING SOURCES</u>
<u>AUTHORITY ONLY PROJECTS,</u>		<u>ACADEMIC BUILDING FEES,</u>
<u>MONTANA STATE UNIVERSITY</u>	<u>\$19,000,000</u>	<u>INDIRECT COST RECOVERY,</u>
		<u>FEDERAL, PRIVATE, PLANT FUNDS</u>

29 (B) IT IS THE INTENT OF THE 55TH LEGISLATURE THAT AT LEAST 50% 100% OF ALL FUTURE
 30 OPERATIONS AND MAINTENANCE COSTS FOR THE CLASSROOM-LABORATORY BUILDING AUTHORIZED

1 amount for the purpose of making capital improvements to statewide facilities:

2 <u>Agency/Project</u>	<u>LRBP</u>	<u>Other Funding Sources</u>
3 Repair, Maintenance, and Minor		
4 Construction Projects, Statewide	\$1,415,000	Highways State Special Revenue

5

6 NEW SECTION. Section 5. Transfer of funds. The department of fish, wildlife, and parks is
 7 authorized to transfer money appropriated in [sections 1 through 4] among fund types.

8

9 NEW SECTION. Section 6. Planning and design. The department of administration may proceed
 10 with the planning and design of capital projects prior to the receipt of other funding sources. The
 11 department may use interaccount loans in accordance with 17-2-107 to pay planning and design costs
 12 incurred before the receipt of other funding sources.

13

14 NEW SECTION. Section 7. Capital projects -- contingent funds. If a capital project is financed,
 15 in whole or in part, with appropriations contingent upon the receipt of other funding sources, the
 16 department of administration may not let the projects for bid until the agency has submitted a financial plan
 17 for approval by the director of the department of administration. A financial plan may not be approved by
 18 the director if:

19 (1) the level of funding provided under the financial plan deviates substantially from the funding
 20 level provided in [sections 1 through 4] for that project; or

21 (2) the scope of the project is substantially altered or revised from the preliminary plans presented
 22 for that project in the 1998-99 long-range building program presented to the 55th legislature.

23

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

27

28 NEW SECTION. SECTION 9. ~~APPROPRIATION CONTINGENT APPROPRIATION APPROPRIATION~~
 29 FOR PURCHASE AND MAINTENANCE OF VIRGINIA CITY AND NEVADA CITY ASSETS. (1) ~~THE IF IN~~
 30 ADDITION TO THE GENERAL OBLIGATION BONDS ARE NOT AUTHORIZED IN HOUSE BILL NO. 14 FOR

1 THE PURCHASE OF VIRGINIA CITY AND NEVADA CITY PROPERTY, THEN \$3,912,500 FROM THE
 2 BALANCE IN THE CULTURAL TRUST FUND, UP TO \$7,750,000, IS APPROPRIATED TO THE MONTANA
 3 HISTORICAL SOCIETY FOR THE ACQUISITION, RENOVATION, AND PRESERVATION OF REAL AND
 4 PERSONAL PROPERTY OWNED BY BOVEY RESTORATIONS, INCORPORATED, AND THE HISTORIC
 5 LANDMARK SOCIETY OF MONTANA IN THE COMMUNITIES KNOWN AS VIRGINIA CITY AND NEVADA
 6 CITY. IF GENERAL OBLIGATION BONDS ARE AUTHORIZED IN HOUSE BILL NO. 14, THEN THE PURCHASE
 7 MUST BE MADE WITH BOND PROCEEDS. THE MONTANA HISTORICAL SOCIETY MAY DELIVER THE
 8 PURCHASE PRICE TO AN INTERMEDIARY DESIGNATED BY THE SELLER, IN THE SELLER'S SOLE
 9 DISCRETION. IN ADDITION, THE MONTANA HISTORICAL SOCIETY SHALL COMPLY WITH THE TERMS
 10 OF THE OPTION AGREEMENT ENTERED INTO BY THE STATE OF MONTANA AND THE OWNERS OF THE
 11 PROPERTY. THE MONTANA HISTORICAL SOCIETY SHALL COOPERATE FULLY WITH THE SELLER IN
 12 EXECUTING ANY DOCUMENTS REASONABLY NECESSARY TO EFFECTUATE AN EXCHANGE OF THE
 13 PROPERTY AND TAKE OTHER STEPS NECESSARY TO CARRY OUT THE SELLER'S INTENT TO COMPLETE
 14 A TAX-DEFERRED EXCHANGE UNDER SECTION 1031 OF THE INTERNAL REVENUE CODE, 26 U.S.C.
 15 1031.

16 (2) IMMEDIATELY UPON ACQUISITION, THE MONTANA STATE CAPITOL ARTIFACTS LOCATED
 17 IN VIRGINIA CITY AND NEVADA CITY MUST BE TRANSFERRED TO THE DEPARTMENT OF
 18 ADMINISTRATION FOR USE IN HISTORIC RESTORATION OF THE STATE CAPITOL.

19
 20 SECTION 10. SECTION 5-11-115, MCA, IS AMENDED TO READ:

21 "5-11-115. Function of department of administration -- capitol area master plan -- advice of
 22 legislative council. (1) The department of administration shall establish and maintain a master plan for the
 23 orderly development of state buildings in the immediate area of the capital city. The master plan must be
 24 developed and maintained, with consideration given to the following factors:

25 (a) the needs of the state relative to the location and design of buildings to be constructed,
 26 purchase of land, parking facilities, traffic management, and landscaping;

27 (b) the ordinances, plans, requirements, and proposed improvements of the city of Helena and
 28 Lewis and Clark County, based without limitation upon zoning regulations, population trends, and plans for
 29 rapid transit development;

30 (c) any other factors that bear upon the orderly, integrated, and cooperative development of the

1 ~~state, the city of Helena, Lewis and Clark County, and state property in the immediate area of the capital~~
 2 ~~city.~~

3 ~~(2) The legislative council shall consult with and advise the department of administration~~
 4 ~~concerning the assignment of space in the capitol.~~

5 ~~(3) The legislative council shall consult with and advise the Montana historical society on the~~
 6 ~~placement of busts, statues, memorials, or art displays of a permanent nature within public areas of the~~
 7 ~~capitol building. An item may not be permanently displayed unless approved by the legislature.~~

8 ~~(4) The Montana historical society shall protect and preserve the permanent artwork in the capitol~~
 9 ~~building and request funding for periodic inspection, maintenance, and repair of the artwork from the trust~~
 10 ~~fund established account provided for in 15-35-108 for protection of works of art in the state capitol and~~
 11 ~~other cultural and aesthetic projects.~~

12 ~~(5) The legislative council shall serve as a long-range building committee to recommend to the~~
 13 ~~legislature and the department of administration construction and remodeling priorities for the capitol."~~

14

15 **SECTION 10. SECTION 15-35-108, MCA, IS AMENDED TO READ:**

16 **"15-35-108. Disposal of severance taxes.** Severance taxes collected under this chapter must, in
 17 accordance with the provisions of 15-1-501, be allocated as follows:

18 (1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by
 19 Article IX, section 5, of the Montana constitution. The trust fund money must be deposited in the fund
 20 established under 17-6-203(6) and invested by the board of investments as provided by law.

21 (2) Twelve percent of coal severance tax collections is allocated to the long-range building program
 22 account established in 17-7-205.

23 (3) The amount of 8.36% must be credited to an account in the state special revenue fund to be
 24 allocated by the legislature for local impacts, county land planning, provision of basic library services for
 25 the residents of all counties through library federations and for payment of the costs of participating in
 26 regional and national networking, conservation districts, and the Montana Growth Through Agriculture Act.
 27 Any cash balance that is unspent at the end of each fiscal year must be deposited in the general fund.

28 (4) The amount of 1.27% must be allocated to a nonexpendable trust fund for the purpose of parks
 29 acquisition or management. Income from this trust fund must be appropriated for the acquisition,
 30 development, operation, and maintenance of any sites and areas described in 23-1-102.

1 (5) The amount of 0.95% must be allocated to the debt service fund type to the credit of the
2 renewable resource loan debt service fund.

3 (6) ~~The BEGINNING JULY 1, 1997, AND ENDING JUNE 30, 1999, THE amount of 0.63% 1.79%~~
4 0.87% must be allocated to ~~a nonexpendable trust~~ an account in the state special revenue fund for the
5 purpose of protection of works of art in the state capitol and for other cultural and aesthetic projects.
6 BEGINNING JULY 1, 1999, THE AMOUNT OF 0.63% MUST BE ALLOCATED TO A TRUST FUND FOR THE
7 PURPOSE OF PROTECTION OF WORKS OF ART IN THE CAPITOL AND FOR OTHER CULTURAL AND
8 AESTHETIC PROJECTS. ~~Income from this trust fund must be appropriated for protection of works of art~~
9 ~~in the state capitol and other cultural and aesthetic projects.~~ INCOME FROM THIS TRUST FUND MUST BE
10 APPROPRIATED FOR PROTECTION OF WORKS OF ART IN THE STATE CAPITOL AND FOR OTHER
11 CULTURAL AND AESTHETIC PROJECTS.

12 (7) BEGINNING JULY 1, 1997, AND ENDING JUNE 30, 2007, THE AMOUNT OF 1.3% MUST BE
13 ALLOCATED TO THE LONG-RANGE BUILDING PROGRAM FUND IN THE DEBT SERVICE FUND TYPE TO
14 FUND THE BONDS ISSUED FOR THE PURCHASE OF THE VIRGINIA CITY AND NEVADA CITY PROPERTY.

15 ~~(7)(8)~~ All other revenue from severance taxes collected under the provisions of this chapter must
16 be credited to the general fund of the state."
17

18 **SECTION 11. SECTION 15-65-121, MCA, IS AMENDED TO READ:**

19 "15-65-121. Distribution of tax proceeds -- general fund loan authority. (1) The proceeds of the
20 tax imposed by 15-65-111 must, in accordance with the provisions of 15-1-501, be deposited in an
21 account in the state special revenue fund to the credit of the department of revenue. The department may
22 spend from that account in accordance with an expenditure appropriation by the legislature based on an
23 estimate of the costs of collecting and disbursing the proceeds of the tax. Before allocating the balance of
24 the tax proceeds in accordance with the provisions of 15-1-501 and as provided in subsections (1)(a)
25 through (1)(e) of this section, the department shall determine the expenditures by state agencies for in-state
26 lodging for each reporting period and deduct 4% of that amount from the tax proceeds received each
27 reporting period. The amount deducted must be deposited in the general fund. The amount of \$400,000
28 each year must be deposited in the Montana heritage preservation and development account provided for
29 in [section 20 17]. On July 1, 1997, the amount of \$45,000 is transferred to the department of commerce
30 for purposes of a grant to the Fort Peck interpretive center. The balance of the tax proceeds received each

1 reporting period and not deducted pursuant to the expenditure appropriation or deposited in the Montana
2 heritage preservation and development account or the general fund is statutorily appropriated, as provided
3 in 17-7-502, and must be transferred to an account in the state special revenue fund to the credit of the
4 department of commerce for tourism promotion and promotion of the state as a location for the production
5 of motion pictures and television commercials, to the Montana historical society, to the university system,
6 and to the department of fish, wildlife, and parks, as follows:

7 (a) 1% to the Montana historical society to be used for the installation or maintenance of roadside
8 historical signs and historic sites;

9 (b) 2.5% to the university system for the establishment and maintenance of a Montana travel
10 research program;

11 (c) 6.5% to the department of fish, wildlife, and parks for the maintenance of facilities in state
12 parks that have both resident and nonresident use;

13 (d) 67.5% to be used directly by the department of commerce; and

14 (e) (i) except as provided in subsection (1)(e)(ii), 22.5% to be distributed by the department to
15 regional nonprofit tourism corporations in the ratio of the proceeds collected in each tourism region to the
16 total proceeds collected statewide; and

17 (ii) if 22.5% of the proceeds collected annually within the limits of a city or consolidated city-county
18 exceeds \$35,000, 50% of the amount available for distribution to the regional nonprofit tourism corporation
19 in the region where the city or consolidated city-county is located, to be distributed to the nonprofit
20 convention and visitors bureau in that city or consolidated city-county.

21 (2) If a city or consolidated city-county qualifies under this section for funds but fails to either
22 recognize a nonprofit convention and visitors bureau or submit and gain approval for an annual marketing
23 plan as required in 15-65-122, then those funds must be allocated to the regional nonprofit tourism
24 corporation in the region in which the city or consolidated city-county is located.

25 (3) If a regional nonprofit tourism corporation fails to submit and gain approval for an annual
26 marketing plan as required in 15-65-122, then those funds otherwise allocated to the regional nonprofit
27 tourism corporation may be used by the department of commerce for tourism promotion and promotion of
28 the state as a location for the production of motion pictures and television commercials."

29
30 **SECTION 12. SECTION 17-7-502, MCA, IS AMENDED TO READ:**

1 "17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory
2 appropriation is an appropriation made by permanent law that authorizes spending by a state agency
3 without the need for a biennial legislative appropriation or budget amendment.

4 (2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply
5 with both of the following provisions:

6 (a) The law containing the statutory authority must be listed in subsection (3).

7 (b) The law or portion of the law making a statutory appropriation must specifically state that a
8 statutory appropriation is made as provided in this section.

9 (3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105;
10 2-18-812; 3-5-901; 5-13-403; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-23-706;
11 15-30-195; 15-31-702; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411;
12 16-11-308; 17-3-106; 17-3-212; 17-5-404; 17-5-424; 17-5-804; 17-6-101; 17-6-201; 17-7-304;
13 18-11-112; 19-2-502; 19-6-709; 19-9-1007; 19-17-301; 19-18-512; 19-18-513; 19-18-606; 19-19-205;
14 19-19-305; 19-19-506; 20-8-107; 20-8-111; 20-9-361; 20-26-1503; ~~section 20-17~~; 23-5-136; 23-5-306;
15 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 32-1-537; 37-43-204; 37-51-501;
16 39-71-503; 39-71-907; 39-71-2321; 39-71-2504; 44-12-206; 44-13-102; 50-4-623; 50-5-232;
17 50-40-206; 53-6-150; 53-6-703; 53-24-206; 60-2-220; 67-3-205; 75-1-1101; 75-5-1108; 75-6-214;
18 75-11-313; 76-12-123; 80-2-103; 80-2-222; 80-4-416; 81-5-111; 82-11-136; 82-11-161; 85-1-220;
19 85-20-402; 90-3-301; 90-4-215; 90-6-331; 90-7-220; 90-7-221; and 90-9-306.

20 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,
21 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued
22 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of
23 Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as
24 determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the
25 bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec.
26 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for
27 supplemental benefit; and pursuant to sec. 7(2), Ch. 29, L. 1995, the inclusion of 15-30-195 terminates
28 July 1, 2001.)"

29
30 ~~SECTION 14. SECTION 22-2-301, MCA, IS AMENDED TO READ:~~

1 ~~"22-2-301. Cultural and aesthetic projects grants. (1) Any person, association, or representative~~
 2 ~~of a governing unit seeking a grant for a cultural or aesthetic project from the income of the trust fund~~
 3 ~~created account provided for in 15-35-108 must submit a grant proposal to the cultural and aesthetic~~
 4 ~~projects advisory committee, in care of the Montana arts council, by August 1 of the year preceding the~~
 5 ~~convening of a regular legislative session.~~

6 ~~(2) Grant proposals must be for the purpose of protecting works of art in the state capitol or other~~
 7 ~~cultural and aesthetic projects."~~

8
 9 ~~**SECTION 15. SECTION 22-2-304, MCA, IS AMENDED TO READ:**~~

10 ~~"22-2-304. Cultural and aesthetic project appropriations — administration. (1) The legislature must~~
 11 ~~appropriate funds from the income of the trust fund created account provided for in 15-35-108 for cultural~~
 12 ~~and aesthetic projects before any grant for a cultural or aesthetic project is awarded.~~

13 ~~(2) Costs incurred by the Montana arts council for accounting, correspondence, project visits, and~~
 14 ~~solicitation of proposals related to cultural and aesthetic project grants and the costs of the advisory~~
 15 ~~committee established in 2-15-1521 shall be paid from appropriations from the income of the trust fund~~
 16 ~~ACCOUNT.~~

17 ~~(3) Grant proposals are heard by a legislative appropriations subcommittee.~~

18 ~~(4) Grant proposals approved by the legislature are administered by the Montana arts council."~~

19
 20 ~~**SECTION 14. SECTION 23-1-108, MCA, IS AMENDED TO READ:**~~

21 ~~"23-1-108. Acquisition of certain state parks, monuments, or historical sites. (1) Any person,~~
 22 ~~association, or representative of a governing unit may submit a proposal for the acquisition of a site or area~~
 23 ~~described in 23-1-102 from the income of the trust fund created account provided for in 15-35-108 to the~~
 24 ~~department of fish, wildlife, and parks by July 1 of the year preceding the convening of a legislative~~
 25 ~~session.~~

26 ~~(2) The fish, wildlife, and parks commission shall present to the legislature by the 15th day of any~~
 27 ~~legislative session a list of areas, sites, or objects that were proposed for purchase for use as state parks,~~
 28 ~~state recreational areas, state monuments, or state historical sites with the money contained in the parks~~
 29 ~~account.~~

30 ~~(3) The legislature must appropriate funds from this account before any park, area, monument, or~~

1 ~~site may be purchased."~~

2

3 NEW SECTION. SECTION 13. MONTANA HERITAGE PRESERVATION AND DEVELOPMENT
 4 COMMISSION. (1) THERE IS A MONTANA HERITAGE PRESERVATION AND DEVELOPMENT
 5 COMMISSION. THE COMMISSION IS ATTACHED TO THE MONTANA HISTORICAL SOCIETY FOR
 6 ADMINISTRATIVE PURPOSES. THE COMMISSION CONSISTS OF ~~NINE~~ 11 MEMBERS. THE MEMBERS
 7 SHALL BROADLY REPRESENT THE STATE. ~~FIVE~~ SEVEN MEMBERS MUST BE APPOINTED BY THE
 8 GOVERNOR, ONE MEMBER MUST BE APPOINTED BY THE PRESIDENT OF THE SENATE, AND ONE
 9 MEMBER MUST BE APPOINTED BY THE SPEAKER OF THE HOUSE. THE DIRECTOR OF THE MONTANA
 10 HISTORICAL SOCIETY AND THE DIRECTOR OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS
 11 SHALL SERVE AS MEMBERS.

12 (2) OF THE MEMBERS APPOINTED BY THE GOVERNOR:

13 (A) ONE MEMBER MUST HAVE EXTENSIVE EXPERIENCE IN MANAGING FACILITIES THAT CATER
 14 TO THE NEEDS OF TOURISTS;

15 (B) ONE MEMBER MUST HAVE EXPERIENCE IN COMMUNITY PLANNING;

16 (C) ONE MEMBER MUST HAVE EXPERIENCE IN HISTORIC PRESERVATION;

17 (D) ~~ONE MEMBER~~ TWO MEMBERS MUST HAVE BROAD EXPERIENCE IN BUSINESS; AND

18 (E) ONE MEMBER MUST BE A MEMBER OF THE TOURISM ADVISORY COUNCIL ESTABLISHED
 19 IN 2-15-1816; AND

20 ~~(E)~~(F) ONE MEMBER MUST BE A MONTANA HISTORIAN.

21 (3) EXCEPT FOR THE INITIAL APPOINTMENTS, MEMBERS APPOINTED BY THE GOVERNOR
 22 SHALL SERVE 3-YEAR TERMS. LEGISLATIVE APPOINTEES SHALL SERVE 2-YEAR TERMS. IF A
 23 VACANCY OCCURS, THE APPOINTING AUTHORITY SHALL MAKE AN APPOINTMENT FOR THE
 24 UNEXPIRED PORTION OF THE TERM.

25 (4) THE COMMISSION MAY EMPLOY AN EXECUTIVE DIRECTOR WHO HAS GENERAL
 26 RESPONSIBILITY FOR THE SELECTION AND MANAGEMENT OF COMMISSION STAFF, DEVELOPING
 27 RECOMMENDATIONS FOR THE PURCHASE OF PROPERTY, AND OVERSEEING THE MANAGEMENT OF
 28 ACQUIRED PROPERTY AND A CURATOR WHO IS RESPONSIBLE FOR THE DISPLAY AND PRESERVATION
 29 OF THE ACQUIRED PROPERTY. THE COMMISSION SHALL PRESCRIBE THE DUTIES AND ANNUAL
 30 SALARY OF THE EXECUTIVE DIRECTOR AND THE CURATOR.

1 NEW SECTION. SECTION 14. MONTANA HERITAGE PRESERVATION AND DEVELOPMENT
 2 COMMISSION -- INITIAL APPOINTMENTS. THE INITIAL APPOINTMENTS TO THE COMMISSION MUST
 3 BE FOR THE FOLLOWING TERMS:

4 (1) THE MEMBER WITH EXPERIENCE MANAGING FACILITIES THAT CATER TO THE NEEDS OF
 5 TOURISTS, 3 YEARS;

6 (2) THE MEMBER WITH EXPERIENCE IN COMMUNITY PLANNING, 4 YEARS;

7 (3) THE MEMBER WITH EXPERIENCE IN HISTORIC PRESERVATION, 5 YEARS;

8 (4) THE ONE MEMBER WITH BROAD EXPERIENCE IN BUSINESS, 3 YEARS, AND ONE MEMBER,
 9 4 YEARS;

10 (5) THE TOURISM ADVISORY COUNCIL MEMBER, 5 YEARS;

11 ~~(5)~~(6) THE MONTANA HISTORIAN, 5 YEARS; AND

12 ~~(6)~~(7) THE LEGISLATIVE APPOINTMENTS, 2 YEARS.

13
 14 NEW SECTION. SECTION 15. PURPOSE. THE PURPOSE OF [SECTIONS 15 AND 18 AND THIS
 15 SECTION 16 13 AND 18 15 THROUGH 20 17] IS TO ACQUIRE, ON BEHALF OF THE STATE, PROPERTIES
 16 THAT POSSESS OUTSTANDING HISTORICAL VALUE, DISPLAY EXCEPTIONAL QUALITIES WORTH
 17 PRESERVING, ARE GENUINELY REPRESENTATIVE OF THE STATE'S CULTURE AND HISTORY, AND
 18 DEMONSTRATE THE ABILITY TO BECOME ECONOMICALLY SELF-SUPPORTING. THE MONTANA
 19 HERITAGE PRESERVATION AND DEVELOPMENT COMMISSION SHALL ACHIEVE THIS PURPOSE BY
 20 PURCHASING FEE TITLE INTERESTS IN REAL AND PERSONAL PROPERTY.

21
 22 NEW SECTION. SECTION 16. POWERS OF COMMISSION -- CONTRACTS -- RULES. (1) (A) THE
 23 MONTANA HERITAGE PRESERVATION AND DEVELOPMENT COMMISSION MAY CONTRACT WITH
 24 PRIVATE ORGANIZATIONS TO ASSIST IN CARRYING OUT THE PURPOSE OF [SECTION 17-18 15]. THE
 25 TERM OF A CONTRACT MAY NOT EXCEED 20 YEARS.

26 (B) NOTWITHSTANDING THE PROVISIONS OF TITLE 18, THE CONTRACTS MAY BE LET BY
 27 DIRECT NEGOTIATION. THE CONTRACTS MAY BE ENTERED INTO DIRECTLY WITH A VENDOR AND ARE
 28 NOT SUBJECT TO STATE PROCUREMENT LAWS.

29 (C) ARCHITECTURAL AND ENGINEERING REVIEW AND APPROVAL DO NOT APPLY TO THE
 30 HISTORIC RENOVATION PROJECTS.

1 (D) THE CONTRACTS MUST PROVIDE FOR THE PAYMENT OF PREVAILING WAGES.

2 (E) A CONTRACT FOR SUPPLIES OR SERVICES, OR BOTH, MAY BE NEGOTIATED IN
3 ACCORDANCE WITH COMMISSION RULES.

4 (F) MANAGEMENT ACTIVITIES MUST BE UNDERTAKEN TO ENCOURAGE THE PROFITABLE
5 OPERATION OF PROPERTIES.

6 (G) CONTRACTS MAY INCLUDE THE LEASE OF PROPERTY MANAGED BY THE COMMISSION.
7 PROVISIONS FOR THE RENEWAL OF A CONTRACT MUST BE CONTAINED IN THE CONTRACT.

8 (2) THE COMMISSION MAY NOT CONTRACT FOR THE CONSTRUCTION OF A BUILDING, AS
9 DEFINED IN 18-2-101, IN EXCESS OF \$200,000 WITHOUT THE CONSENT OF THE LEGISLATURE.
10 BUILDING CONSTRUCTION MUST BE IN CONFORMITY WITH APPLICABLE GUIDELINES DEVELOPED BY
11 THE NATIONAL PARK SERVICE OF THE U.S. DEPARTMENT OF THE INTERIOR, THE MONTANA
12 HISTORICAL SOCIETY, AND THE MONTANA DEPARTMENT OF FISH, WILDLIFE, AND PARKS.

13 (3) (A) THE SUBJECT TO SUBSECTION (3)(B), THE COMMISSION, AS PART OF A CONTRACT,
14 SHALL REQUIRE THAT A PORTION OF ANY PROFIT BE REINVESTED IN THE PROPERTY AND THAT A
15 PORTION BE USED TO PAY THE ADMINISTRATIVE COSTS OF THE PROPERTY AND THE COMMISSION.

16 (B) (I) UNTIL THE BALANCE IN THE CULTURAL AND AESTHETIC TRUST REACHES \$7,750,000,
17 THE COMMISSION SHALL DEPOSIT THE PORTION OF PROFITS NOT USED FOR ADMINISTRATIVE COSTS
18 AND RESTORATION OF THE PROPERTIES IN THE CULTURAL AND AESTHETIC TRUST.

19 (II) ONCE THE BALANCE IN THE CULTURAL AND AESTHETIC TRUST REACHES \$7,750,000, THE
20 COMMISSION SHALL DEPOSIT THE PORTION OF PROFITS NOT USED FOR ADMINISTRATIVE COSTS AND
21 RESTORATION OF THE PROPERTIES IN THE GENERAL FUND.

22 (C) IT IS THE INTENT OF THE 55TH LEGISLATURE THAT NO GENERAL FUND MONEY BE
23 PROVIDED FOR THE OPERATION AND MAINTENANCE OF VIRGINIA CITY AND NEVADA CITY BEYOND
24 WHAT HAS BEEN APPROPRIATED BY THE 55TH LEGISLATURE.

25 (4) THE COMMISSION MAY SOLICIT FUNDS FROM OTHER SOURCES FOR THE PURCHASE,
26 MANAGEMENT, AND OPERATION OF PROPERTIES.

27 (5) THE COMMISSION SHALL ADOPT RULES ESTABLISHING A POLICY FOR MAKING
28 ACQUISITIONS. WITH RESPECT TO EACH ACQUISITION, THE POLICY MUST GIVE CONSIDERATION TO:

29 (A) WHETHER THE PROPERTY REPRESENTS THE STATE'S CULTURE AND HISTORY;

30 (B) WHETHER THE PROPERTY CAN BECOME SELF-SUPPORTING;

1 (C) WHETHER THE PROPERTY CAN CONTRIBUTE TO THE ECONOMIC AND SOCIAL ENRICHMENT
 2 OF THE STATE;

3 (D) WHETHER THE PROPERTY LENDS ITSELF TO PROGRAMS TO INTERPRET MONTANA
 4 HISTORY;

5 (E) WHETHER THE ACQUISITION WILL CREATE SIGNIFICANT SOCIAL AND ECONOMIC IMPACTS
 6 TO AFFECTED LOCAL GOVERNMENTS AND THE STATE; AND

7 (F) OTHER MATTERS THAT THE COMMISSION CONSIDERS NECESSARY OR APPROPRIATE.

8 (6) PUBLIC NOTICE AND THE OPPORTUNITY FOR A HEARING MUST BE GIVEN IN THE
 9 GEOGRAPHICAL AREA OF A PROPOSED ACQUISITION BEFORE A FINAL DECISION TO ACQUIRE A
 10 PROPERTY IS MADE. THE COMMISSION SHALL APPROVE PROPOSALS FOR ACQUISITION AND
 11 RECOMMEND THE APPROVED PROPOSAL TO THE BOARD OF LAND COMMISSIONERS.

12 (7) PRIOR TO THE CONVENING OF EACH REGULAR SESSION, THE COMMISSION SHALL REPORT
 13 TO THE GOVERNOR AND THE LEGISLATURE CONCERNING FINANCIAL ACTIVITIES DURING THE PRIOR
 14 BIENNIUM.

15
 16 NEW SECTION. SECTION 17. MONTANA HERITAGE PRESERVATION AND DEVELOPMENT
 17 ACCOUNT. (1) THERE IS A MONTANA HERITAGE PRESERVATION AND DEVELOPMENT ACCOUNT IN
 18 THE STATE SPECIAL REVENUE FUND.

19 (2) MONEY DEPOSITED IN THE ACCOUNT MUST BE USED FOR:

20 (A) THE PURCHASE OF PROPERTIES IN VIRGINIA CITY AND NEVADA CITY;

21 (B) RESTORATION, MAINTENANCE, AND OPERATION OF HISTORIC PROPERTIES IN VIRGINIA
 22 CITY AND NEVADA CITY; AND

23 (C) PURCHASING, RESTORING, AND MAINTAINING HISTORICALLY SIGNIFICANT PROPERTIES
 24 IN MONTANA THAT ARE IN NEED OF PRESERVATION.

25 (3) THE ACCOUNT IS STATUTORILY APPROPRIATED, AS PROVIDED IN 17-7-502, TO THE
 26 MONTANA HERITAGE PRESERVATION AND DEVELOPMENT COMMISSION TO BE USED AS PROVIDED
 27 IN THIS SECTION.

28
 29 NEW SECTION. SECTION 18. CODIFICATION INSTRUCTION. [SECTIONS ~~16, 17, AND 18~~ 16
 30 13 AND ~~18~~ 15 THROUGH ~~20~~ 17] ARE INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF TITLE 22.

1 ~~(5) The amount of 0.95% must be allocated to the debt service fund type to the credit of the~~
2 ~~renewable resource loan debt service fund.~~

3 ~~(6) The amount of 0.63% 2.6% must be allocated to a nonexpendable trust the long range building~~
4 ~~program fund in the debt service fund type fund for the purpose of protection of works of art in the state~~
5 ~~capitol and for other cultural and aesthetic projects. Income from this the cultural and aesthetic trust fund~~
6 ~~must be appropriated for protection of works of art in the state capitol and other cultural and aesthetic~~
7 ~~projects.~~

8 ~~(7) All other revenue from severance taxes collected under the provisions of this chapter must be~~
9 ~~credited to the general fund of the state."~~

10
11 NEW SECTION. Section 21. Severability. If a part of [this act] is invalid, all valid parts that are
12 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its
13 applications, the part remains in effect in all valid applications that are severable from the invalid
14 applications.

15
16 NEW SECTION. SECTION 22. COORDINATION. (1) IF HOUSE BILL NO. 166 AND [THIS ACT] ARE
17 BOTH PASSED AND APPROVED AND IF BOTH BILLS AMEND 15-65-121, THEN THE AMENDMENTS TO
18 15-65-121 IN HOUSE BILL NO. 166 ARE VOID.

19 ~~(2) IF HOUSE BILL NO. 14 IS PASSED AND APPROVED AND IF IT AUTHORIZES THE ISSUANCE~~
20 ~~OF GENERAL OBLIGATION BONDS FOR THE PURCHASE OF VIRGINIA CITY AND NEVADA CITY~~
21 ~~PROPERTY, THEN:~~

22 ~~(A) [SECTIONS 10, 11, 14, AND 15 OF THIS ACT] ARE VOID; AND~~

23 ~~(B) [SECTION 24] IS EFFECTIVE.~~

24 ~~(3) IF HOUSE BILL NO. 14 DOES NOT AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION~~
25 ~~BONDS FOR THE PURCHASE OF VIRGINIA CITY AND NEVADA CITY PROPERTY, THEN [SECTION 24] IS~~
26 ~~VOID.~~

27
28 NEW SECTION. Section 23. Effective date DATES -- TERMINATION. (1) EXCEPT AS PROVIDED
29 IN SUBSECTION (2), [This THIS act] is effective on passage and approval.

30 ~~(2) [SECTIONS SECTION 10 AND 11 THROUGH 12] ARE IS EFFECTIVE JULY 1, 1997.~~

