

## HOUSE BILL NO. 439

INTRODUCED BY HOLLENBAUGH, PHILLIPS, HOLLANDSWORTH, MENAHAN, GALLUS, LARSEN,  
 HUNTER, HINER, C. WILLIAMS, FUREY, OLSON, MEHLHOFF, SESSO, GILLAN, ANKNEY, NOONAN,  
 SCHMIDT, TROPILA, ARNTZEN, DRISCOLL, BOLAND, MACDONALD, MCCHESENEY, BELCOURT,  
 SANDS, GIBSON, HILL, PRICE, KEANE, F. SMITH, HOWARD, SWANSON, WAGNER, MCNALLY, LEWIS,  
 CAFERRO, WILMER, BRANAE, K. WILLIAMS, HAMLETT, PEASE-LOPEZ, MALEK, B. BENNETT,  
 BLASDEL, REINHART, WELBORN, SALOMON, CUFFE, VAN DYK, FITZPATRICK, STEWART-PEREGOY,  
 AUGARE, MILLER, SQUIRES, DICK BARRETT, A. BLEWETT, R. BRODEHL, V. COURT, R. ERICKSON,  
 T. FACEY, B. HANDS, K. HANSEN, B. HOVEN, L. JENT, C. KAUFMANN, E. MCCLAFFERTY, W. MCNUTT,  
 L. MOSS, J. O'HARA, W. STAHL, G. VUCKOVICH, D. WANZENRIED, J. WINDY BOY

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE CREATION OF STATE DEBT THROUGH THE  
 ISSUANCE OF GENERAL OBLIGATION BONDS SUBJECT TO A STATE GENERAL FUND REVENUE  
 CERTIFICATION BY THE DEPARTMENT OF ADMINISTRATION; APPROPRIATING THE PROCEEDS OF THE  
 BONDS FOR UNIVERSITY SYSTEM BUILDING PROJECTS AND OTHER CAPITAL PROJECTS; PROVIDING  
 FOR MATTERS RELATING TO APPROPRIATIONS; AND PROVIDING EFFECTIVE DATES."

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

NEW SECTION. **Section 1. Certification of general fund revenue.** (1) The department of  
 administration shall certify to the secretary of state by August 1, 2011, the amount of unaudited general fund  
 revenue and transfers into the general fund received in fiscal year 2011 as recorded when the fiscal year 2011  
 statewide accounting, budgeting, and human resource system records are closed in July 2011. General fund  
 revenue and transfers into the general fund are those recorded in the statewide accounting, budgeting, and  
 human resources system using generally accepted accounting principles in accordance with 17-1-102(2).

(2) If the certified unaudited general fund revenue and transfers into the general fund received in fiscal  
 year 2011 exceed the revenue and transportation interim committee's estimate, as introduced in the 2011  
 legislature, of \$1,672,133,000, plus prior fiscal year revenue of \$750,000, by at least ~~\$2,000,000~~ \$20,000,000  
\$35,000,000, then the department of administration shall certify to the board of examiners, the board of regents,  
 the budget director, the legislative fiscal analyst, and the secretary of state the difference between

1 \$1,672,133,000, plus prior year revenue of \$750,000, and the certified unaudited general fund revenue and  
 2 transfers into the general fund received in fiscal year 2011. The certification must be provided no later than  
 3 August 1, 2011.

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 5 **NEW SECTION. Section 2. Definitions.** For the purposes of [sections 3 through 6 Z], "capital project"  
 6 means the acquisition of land or improvements or the planning, capital construction, renovation, equipping,  
 7 furnishing, or major repair projects authorized in [sections 3 through 6 Z].

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 9 **NEW SECTION. Section 3. Appropriation of bond proceeds.** The following money is appropriated  
 10 to the department of administration from the capital projects fund from the proceeds of the bonds authorized by  
 11 [section 4 5] for the indicated capital projects:

- 12 (1) combined state laboratories (veterinary diagnostic lab, analytical lab, and wildlife lab), \$6.7 million;  
 13 (2) Montana heritage center, Helena, \$23 million;  
 14 (3) Montana state university-Billings, science and instructional tech building, \$14.25 million;  
 15 (4) Montana state university-Bozeman, classroom renovation, \$2.5 million;  
 16 (5) Montana state university-Bozeman, Montana agricultural experiment stations, \$1 million;  
 17 (6) Montana state university-Great Falls college of technology, agricultural and trades building, \$4 million;  
 18 (7) MONTANA STATE UNIVERSITY-NORTHERN, AUTO TECH CENTER, \$7.9 MILLION;  
 19 ~~(7)(8)~~ Southwestern Montana veterans' home, Silver Bow County, \$5 million.  
 20 ~~(8)(9)~~ University of Montana-Missoula college of technology, new facility, \$29 million; and  
 21 ~~(9)(10)~~ University of Montana-western, main hall, \$4.45 million.

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 23 **NEW SECTION. SECTION 4. APPROPRIATIONS AND AUTHORIZATIONS. THE FOLLOWING MONEY IS**  
 24 **APPROPRIATED TO THE DEPARTMENT OF ADMINISTRATION FOR THE INDICATED CAPITAL PROJECTS FROM THE INDICATED**  
 25 **SOURCES. FUNDS NOT REQUIRING LEGISLATIVE APPROPRIATION ARE INCLUDED FOR THE PURPOSE OF AUTHORIZATION:**

- 26 **(1) SOUTHWESTERN MONTANA VETERANS' HOME, SILVER BOW COUNTY, \$9 MILLION OF FEDERAL SPECIAL**  
 27 **REVENUE FUNDS;**  
 28 **(2) MONTANA STATE UNIVERSITY-BILLINGS, SCIENCE AND INSTRUCTIONAL TECH BUILDING, \$0.5 MILLION OF**  
 29 **UNANTICIPATED FEDERAL SPECIAL REVENUE FUNDS, AUXILIARY FUNDS, DONATIONS, GRANTS, AND HIGHER EDUCATION**  
 30 **FUNDS; AND**

1           (3) UNIVERSITY OF MONTANA-MISSOULA COLLEGE OF TECHNOLOGY, NEW FACILITY, \$3.5 MILLION OF  
2 UNANTICIPATED FEDERAL SPECIAL REVENUE FUNDS, AUXILIARY FUNDS, DONATIONS, GRANTS, AND HIGHER EDUCATION  
3 FUNDS.

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5           NEW SECTION. Section 5. Authorization of bonds -- condition. (1) The board of examiners is  
6 authorized to issue and sell general obligation bonds in an amount not exceeding ~~\$89.9~~ \$97.8 million for the  
7 capital projects described in [section 3] in addition to the amount of general obligation bonds outstanding on  
8 January 1, 2011.

9           (2) The bonds in this section must be issued in accordance with the terms and in the manner required  
10 by Title 17, chapter 5, part 8. The authority granted to the board of examiners by this section is in addition to any  
11 other authorization to the board of examiners to issue and sell general obligation bonds.

12           (3) The proceeds from the bonds sold under this section must be deposited in the capital projects  
13 account provided for in 17-5-804.

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15           NEW SECTION. Section 6. Planning and design. The department of administration may proceed with  
16 the planning and design of capital projects prior to the receipt of other funding sources. The entities receiving  
17 funds pursuant to [sections 2 through 6 7] may use interentity loans in accordance with 17-2-107 to pay planning  
18 and design costs incurred before the receipt of other funding sources.

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20           NEW SECTION. Section 7. Legislative consent. The appropriations authorized in [~~section 3~~]  
21 [SECTIONS 3 AND 4] constitute legislative consent for the capital projects contained in [~~section 3~~] [SECTIONS 3 AND  
22 4] within the meaning of 18-2-102.

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

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28           NEW SECTION. Section 9. Requirement for approval of state debt. Because [section 4 5] authorizes  
29 the creation of state debt, Article VIII, section 8, of the Montana constitution requires a vote of two-thirds of the  
30 members of each house of the legislature for passage.

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**NEW SECTION. Section 10. Effective dates -- contingency.** (1) Except as provided in subsection (2), [this act] is effective on passage and approval.

(2) [Sections 2 through ~~6~~ 7] are effective only if the department of administration certifies that unaudited general fund revenue and transfers into the general fund received in fiscal year 2011 exceed the revenue and transportation interim committee's estimate, as introduced in the 2011 legislature, of \$1,672,133,000, plus prior fiscal year revenue of \$750,000, by at least ~~\$2,000,000~~ \$20,000,000 ~~\$35,000,000~~, as provided in [section 1].

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