

## 1 HOUSE BILL NO. 5

2 INTRODUCED BY L. JONES, K. HOLMLUND, M. HOPKINS

3 BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO CAPITAL  
6 DEVELOPMENT PROJECTS; APPROPRIATING MONEY FOR MAJOR REPAIR AND CAPITAL  
7 DEVELOPMENT PROJECTS FOR THE BIENNIUM ENDING JUNE 30, ~~2022~~ 2023; ~~EXTENDING~~  
8 ~~ALLOCATION OF SALES TAX ON ACCOMMODATIONS AND CAMPGROUNDS TO CAPITAL PROJECTS~~  
9 ~~ACCOUNT; PROVIDING FOR OTHER MATTERS RELATING TO THE APPROPRIATIONS; PROVIDING FOR~~  
10 ~~A TRANSFER OF FUNDS FROM THE STATE GENERAL FUND TO THE LONG-RANGE BUILDING~~  
11 ~~PROGRAM MAJOR REPAIR AND CAPITAL DEVELOPMENT ACCOUNTS; PROVIDING APPROPRIATIONS~~  
12 ~~FOR OPERATIONS AND MAINTENANCE; PROVIDING DEFINITIONS; PROVIDING FOR AN~~  
13 ~~APPROPRIATION FROM THE MONTANA HERITAGE CENTER ACCOUNT; PROVIDING AN~~  
14 ~~APPROPRIATION; AMENDING SECTIONS 15-68-820 AND 22-3-1303, MCA; AMENDING SECTION 2,~~  
15 ~~CHAPTER 422, LAWS OF 2019; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."~~

16

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

18

19 NEW SECTION. Section 1. Definitions. For the purposes of [sections 1 through 44 9], unless  
20 otherwise stated, the following definitions apply:

21 (1) "Authority only" means approval provided by the legislature to expend money that does not require  
22 an appropriation, including grants, donations, auxiliary funds, proprietary funds, nonstate funds, and university  
23 funds.

24 (2) "Major repair" means capital projects provided for in 17-7-201(7).

25 (3) "Capital development" means capital projects provided for in 17-7-201(2).

26 (4) "Capital project" means the planning, design, renovation, construction, alteration, replacement,  
27 furnishing, repair, improvement, site, utility, or land acquisition project provided for in [sections 1 through 44 9].

28 (5) "LRBP major repair" or "LRBP MR" means the long-range building program major repair account

1 in the capital projects fund type provided for in 17-7-221.

2 (6) "LRBP capital development" means the long-range building program capital development account  
 3 in the capital projects fund type provided for in 17-7-209.

4 (7) "Other funding sources" means money other than LRBP money, state special revenue, or federal  
 5 special revenue that accrues to an agency under the provisions of law.

6 (8) "SBECP" means funds from the state building energy conservation program account in the capital  
 7 projects fund type which may be utilized on either or both major repair and capital development projects.

8  
 9 **NEW SECTION. Section 2. Major repair projects appropriations and authorizations.** (1) The  
 10 following money is appropriated to the department of administration for the indicated major repair projects from  
 11 the indicated sources. Funds not requiring legislative appropriation are included for the purpose of  
 12 authorization. The department of administration is authorized to adjust capital project amounts within the  
 13 legislative intent of the major repair account-funded projects, subject to available revenues, if approved by the  
 14 office of budget and program planning, and transfer the appropriations, authority, or both among the necessary  
 15 fund types for these projects:

Agency/Project	LRBP	State	Federal	Authority	Total
	MR	Special	Special	Only	
	Fund	Revenue	Revenue	Sources	
19 OPI MT Learning Center Civil Infrastructure Upgrades					
	300,000				300,000
21 MT Tech Heating System Upgrades Phase 1					
	2,480,000				2,480,000
23 UM FLBS Sewer Treatment Plant					
	1,750,000				1,750,000
25 MSU Reid Hall Fire System Upgrades					
	1,700,000				1,700,000
27 UM Urey Lecture Hall Roof					
	350,000				350,000

1	MSDB Upgrade Sprinkler System in Bitterroot Building		
2		150,000	150,000
3	MSP Unit F Boiler System / Controls		
4		230,000	230,000
5	UM Mansfield Library Roof Replacement		
6		1,200,000	1,200,000
7	MSU Haynes Hall Lab Ventilation Upgrades		
8		1,600,000	1,600,000
9	MT Tech Fire Alarm Upgrades		
10		200,000	200,000
11	MSDB Sprinkler Systems—Mustang Center and Dining Room		
12		150,000	150,000
13	MSU Montana Hall Fire System Upgrades		
14		455,000	455,000
15	MSU BLGS Art Annex Safety and System Upgrades		
16		1,200,000	1,200,000
17	UM-HC Donaldson Building HVAC Upgrades		
18		1,000,000	1,000,000
19	UM-W Heating System Replacement and Repair		
20		2,495,000	2,495,000
21	UM Stone Hall Roof Replacement		
22		400,000	400,000
23	MSU-N Vande Bogart Library Roof Replacement		
24		325,000	325,000
25	DMA Great Falls AFRC Roof Replacement		
26		204,350	613,050
27	DOC MSP Replace Fixtures—Cell Combo Units on High Side Units		817,400
28		1,013,480	1,013,480

1	DMA Kalispell AFRC Roof Replacement			
2		357,496	642,104	999,600
3	DMA Lewistown RC Roof Replacement			
4		91,500	91,500	183,000
5	<u>DOC MCE LAUNDRY</u>			
6			<u>1,300,000</u>	<u>1,300,000</u>
7	DPHHS MSH Foundation Repair			
8		200,000		200,000
9	MSU Lewis Hall Roof Replacement			
10		1,600,000		1,600,000
11	DPHHS MSH Roof Replacement Main Building			
12		600,000		600,000
13	MSU-N Auto Tech Building System Improvements			
14		535,000		535,000
15	DOC Finalize Departmental Master Plan			
16		575,000		575,000
17	MSDB Card Lock System			
18		120,000		120,000
19	UM Clapp Building Elevator Modernization			
20		300,000		300,000
21	MSDB Replace Lift in Bitterroot Building			
22		80,000		80,000
23	DPHHS MMHNCC Roof Replacement			
24		550,000		550,000
25	DMA Billings AFRC Backup Generator			
26		213,500	640,500	854,000
27	DMA Libby RC Loading Ramp Expansion			
28		38,125	114,375	152,500

1	MSDB Replace Roof on Cottage Buildings		
2		530,000	530,000
3	DOC PHYCF Door Control Systems		
4		350,000	350,000
5	DOC MWP Door Control System		
6		520,000	520,000
7	UM-W Roof Replacements		
8		450,000	450,000
9	MT Tech Roof Replacements		
10		800,000	800,000
11	DOC Xanthopolous Building Door Control System		
12		350,000	350,000
13	MSU-N Brockmann Center HVAC and Energy Project		
14		855,000	855,000
15	DNRC Swan Unit Office Siding and House Wrap		
16		210,000	210,000
17	DNRC Stillwater Unit Shop Remodel		
18		50,000	50,000
19	DPHHS MMHNCC New Flooring D-Wing		
20		174,262	174,262
21	DPHHS MVH SCU Courtyard, Columbia Falls		
22		75,000	75,000
23	State special revenue funds consist of cigarette taxes provided for in 16-11-119.		
24	DPHHS MVH Roof Resurface, Columbia Falls		
25		144,000	144,000
26	State special revenue funds consist of cigarette taxes provided for in 16-11-119.		
27	DPHHS EMVH Facia Replacement, Glendive		
28		200,000	200,000

1 State special revenue funds consist of cigarette taxes provided for in 16-11-119.

2 DPHHS MVH Building Major Maintenance, Columbia Falls

3 117,000 117,000

4 State special revenue funds consist of cigarette taxes provided for in 16-11-119.

5 DOA VRF Piping Replacement, Scott Hart Building

6 900,000 900,000

7 State special revenue funds consist of capital land grant funds provided for in 18-2-107.

8 DOA Executive Residence Renovation

9 440,500 440,500

10 State special revenue funds consist of capital land grant funds provided for in 18-2-107.

11 ~~DOA Capitol Weatherization Phase 1~~

12 ~~1,440,000 1,440,000~~

13 ~~State special revenue funds consist of capital land grant funds provided for in 18-2-107.~~

14 ~~DOA Roof Replacement—111 North Sanders~~

15 ~~418,600 418,600~~

16 ~~State special revenue funds consist of capital land grant funds provided for in 18-2-107.~~

17 DOA Mechanical Upgrade—5 South Last Chance Gulch

18 ~~594,500~~ 575,000 ~~594,500~~ 575,000

19 State special revenue funds consist of capital land grant funds provided for in 18-2-107.

20 DOA Mechanical Upgrade—2800 Airport Rd, ~~FWP-DNRC~~ Hangar

21 ~~1,306,272~~ 1,000,000 ~~1,306,272~~ 1,000,000

22 State special revenue funds consist of capital land grant funds provided for in 18-2-107.

23 ~~DOA Elevator Modifications—1401 East 6th, Cogswell~~

24 ~~580,000 580,000~~

25 ~~State special revenue funds consist of capital land grant funds provided for in 18-2-107.~~

26 DOA Boiler/Chiller Replacement—1315 East Lockey

27 ~~442,250 442,250~~

28 ~~State special revenue funds consist of capital land grant funds provided for in 18-2-107.~~

1 DOA Capitol Complex, Campus-wide Facilities Repairs and Maintenance  
 2 ~~800,000~~ 400,000 ~~800,000~~ 400,000

3 State special revenue funds consist of capital land grant funds provided for in 18-2-107. Funds  
 4 may be used as determined by the department for energy savings, repairs, and non-routine maintenance  
 5 needs.

6 (2) State special revenue fund appropriations to the department of administration from the capital land  
 7 grant fund may be adjusted among the indicated capital projects within the legislative intent, subject to available  
 8 revenue, if approved by the office of budget and program planning.

9 (3) The following money is appropriated to the department of military affairs for the indicated major  
 10 repair projects from the indicated sources. Funds not requiring legislative appropriation are included for the  
 11 purpose of authorization. The department of military affairs is authorized to transfer the appropriations,  
 12 authority, or both among the necessary fund types for these projects:

	Agency/Project	LRBP State	Federal	Authority	Total
	MR	Special	Special	Only	
	Fund	Revenue	Revenue	Sources	
16	Ft. Harrison Building 530 Roof Replacement				
17			244,000		244,000
18	Post Engineers Remodel		473,850		473,850
19	Billings FMS Compound Fencing		99,450		99,450
20	FTH Range Vault Latrines		99,450		99,450
21	AASF Waste Tanks		137,250		137,250
22	Helena FMS MEP Rigid Concrete Paving Expansion				
23			434,625		434,625
24	LSH Concrete Loading Ramp		122,000		122,000
25	Missoula FMS Rigid Concrete Paving		106,750		106,750

27 **NEW SECTION. Section 3. Capital development projects appropriations and authorizations.** (1)

28 The following money is appropriated to the department of administration for the indicated capital development

1 projects from the indicated sources. Funds not requiring legislative appropriation are included for the purpose of  
 2 authorization. The department of administration is authorized to transfer the appropriations, authority, or both  
 3 among the necessary fund types for these projects:

4	Agency/Project	LRBP	State	Federal	Authority	Total
5		CD	Special	Special	Only	
6		Fund	Revenue	Revenue	Sources	
7	MT Tech Heating System Upgrades Phase 2					
8		3,520,000				3,520,000
9	DMA Butte Readiness Center					
10		801,249		2,195,751		2,997,000
11	Capital development funds are an increase to the 5,000,000 of general obligation bonds, and					
12	the federal special revenue is an increase to 17,000,000, both approved in Chapter 476 of the Session Laws of					
13	2019 for "Butte-Silver Bow County Armory".					
14	DMA Havre Unheated Storage Building					
15		105,530		316,590		422,120
16	DMA Billings AFRC Unheated Storage Expansion					
17		77,013		231,038		308,051
18	<u>DMA MALTA VEHICLE MAINTENANCE SHOP</u>					
19				<u>17,877,000</u>		<u>17,877,000</u>
20	DOA State Health Lab Renovation, Capitol Complex					
21				6,000,000		6,000,000
22	DOA Commodities Warehouse Expansion, Capitol Complex					
23				1,779,230		1,779,230
24	<u>DOC FOOD FACTORY EXPANSION, AUTHORITY INCREASE</u>					
25				<u>500,000</u>		<u>500,000</u>
26	<u>AUTHORITY ONLY IS AN INCREASE TO 3,000,000 APPROVED IN CHAPTER 422 OF THE SESSION LAWS OF 2019</u>					
27	<u>FOR "FOOD FACTORY EXPANSION".</u>					
28	MDT Terry 3-Bay ESB	400,000				400,000



1	MDT White Sulphur 8-Bay ESB		
2		1,250,000	1,250,000
3	MDT Phillipsburg 5-Bay ESB		
4		825,000	825,000
5	MDT Custer 5-Bay ESB	825,000	825,000
6	MDT Havre Welding Shop		
7		400,000	400,000
8	MDT Billings Welding Shop/Tow Plow Storage		
9		650,000	650,000
10	MDT Harlem 6-Bay ESB		
11		915,000	915,000
12	<u>MDT LINCOLN AIRPORT SNOW REMOVAL BUILDING</u>		
13		<u>450,000</u>	<u>450,000</u>
14	MDT Remodel/Expand Yellowstone Airport		
15		10,000,000	10,000,000
16	Federal special revenue is an increase to 13,500,000 approved in Chapter 422 of the Session		
17	Laws of 2019 for "MDT Remodel/Expand Yellowstone Airport Terminal".		
18	FWP Havre Area Office	1,760,000 500,000	2,260,000
19	FWP Montana Wild Avian Rehabilitation Building		
20		600,000	600,000
21	<u>SOUTHWEST MONTANA VETERANS HOME SIXTH COTTAGE</u>	<u>4,000,000</u>	<u>4,000,000</u>
22	UM Music Building Renovations	6,000,000	6,000,000
23	UM Rankin Hall Building Renovations	6,000,000	6,000,000
24	UM Mansfield Library Renovations	6,000,000	6,000,000
25	MSU Instructional Space Upgrades	2,000,000	2,000,000
26	MSU Renne Library Renovations	5,000,000	5,000,000
27	UM Montana Museum for Art and Culture	2,000,000	2,000,000
28	Authority only is an increase to 6,000,000 approved in Chapter 560 of the Session Laws of		

1 2005 for "New Gallery Space, UM-Missoula".

2 DOJ MLEA Scenario Training Building

3 3,851,475 3,851,475

4 (2) The following money is appropriated to the department of military affairs for the indicated capital  
5 development projects from the indicated sources. Funds not requiring legislative appropriation are included for  
6 the purpose of authorization. The department of military affairs is authorized to transfer the appropriations,  
7 authority, or both among the necessary fund types for these projects:

8 Agency/Project	LRBP State	Federal	Authority	Total
9 CD	Special	Special	Only	
10 Fund	Revenue	Revenue	Sources	
11 DMA Ft. Harrison Barracks		6,000,000		6,000,000
12 DMA FTH Bldg 64 RTI Addition/Remodel				
		2,164,500		2,164,500
14 DMA FTH Bldg 1001 Draw Yard		811,980		811,980
15 DMA FTH Rail Head Yard		811,980		811,980
16 DMA LSHTA Barracks #1		2,164,500		2,164,500

17 (3) (A) IF AN IMMEDIATE OR FUTURE INCREASE IN STATE FUNDING FOR PROGRAM EXPANSION OR OPERATIONS  
18 AND MAINTENANCE IS REQUIRED FOR A NEW FACILITY IN [SECTION 1] BUT THE INCREASE IS NOT APPROPRIATED BY THE  
19 67TH LEGISLATURE, THE NEW FACILITY IN [SECTION 1] IS NOT APPROPRIATED OR AUTHORIZED AS PROVIDED IN 17-7-  
20 210.

21 (B) PURSUANT TO 17-7-210, IF CONSTRUCTION OF A NEW FACILITY REQUIRES AN IMMEDIATE OR FUTURE  
22 INCREASE IN STATE FUNDING FOR PROGRAM EXPANSION OR OPERATIONS AND MAINTENANCE, THE LEGISLATURE MAY  
23 NOT AUTHORIZE THE NEW FACILITY UNLESS IT ALSO APPROPRIATES FUNDS FOR THE INCREASE IN STATE FUNDING FOR  
24 PROGRAM EXPANSION AND OPERATIONS AND MAINTENANCE. TO THE EXTENT ALLOWED BY LAW, AT THE END OF EACH  
25 FISCAL YEAR FOLLOWING APPROVAL OF A NEW FACILITY BUT PRIOR TO RECEIPT OF ITS CERTIFICATE OF OCCUPANCY, THE  
26 APPROPRIATION MADE IN THIS SUBSECTION REVERTS TO ITS ORIGINATING FUND. THE APPROPRIATION IS NOT SUBJECT  
27 TO THE PROVISIONS OF 17-7-304.

28 (C) SUBJECT TO SUBSECTION (3)(E), THE FOLLOWING MONEY IS APPROPRIATED FOR THE BIENNIUM BEGINNING

1 JULY 1, 2021, TO THE INDICATED AGENCY FROM THE INDICATED SOURCES FOR PROGRAM EXPANSION OR OPERATIONS  
 2 AND MAINTENANCE FOR THE INDICATED NEW FACILITY:

3 DEPARTMENT OF MILITARY AFFAIRS

4 HAVRE UNHEATED STORAGE BUILDING \$250 FROM THE GENERAL FUND AND \$250 FROM FEDERAL

5 SPECIAL REVENUE FUNDS

6 BILLINGS AFRC UNHEATED STORAGE EXPANSION \$300 FROM THE GENERAL FUND AND \$300 FROM

7 FEDERAL SPECIAL REVENUE FUNDS

8 DEPARTMENT OF JUSTICE

9 MLEA SCENARIO TRAINING BUILDING \$150,000 FROM THE GENERAL FUND

10 DEPARTMENT OF FISH, WILDLIFE, AND PARKS

11 HAVRE AREA OFFICE \$26,261 FROM STATE SPECIAL REVENUE FUNDS

12 (D) IT IS THE LEGISLATURE’S INTENT THAT THE APPROPRIATIONS IN THIS SUBSECTION BECOME PART OF THE  
 13 RESPECTIVE AGENCY’S BASE BUDGET FOR THE BIENNIUM BEGINNING JULY 1, 2021.

14 (E) APPROPRIATIONS IN SUBSECTION (3)(C) ARE CONTINGENT ON THE PASSAGE AND APPROVAL OF A BILL  
 15 THAT INCLUDES AN APPROPRIATION FOR THE CONSTRUCTION OF THE INDICATED PROJECTS IN SUBSECTION (3)(C).

17 NEW SECTION. Section 4. Capital improvement projects -- appropriations and authorizations.

18 (1) The following money is appropriated to the department of fish, wildlife, and parks in the indicated amounts  
 19 for the purpose of making capital improvements to statewide facilities. Funds not requiring legislative  
 20 appropriation are included for the purpose of authorization. The department of fish, wildlife, and parks is  
 21 authorized to transfer the appropriations, authority, or both among the necessary fund types for these projects:

Agency/Project	LRBP	State	Federal	Authority	Total
	Fund	Special	Special	Only	
		Revenue	Revenue	Source	
Future Fisheries		1,320,000			1,320,000
FAS Site Protection		2,050,000		400,000	2,450,000
Dam Maintenance		60,000			60,000
Community Fishing Ponds					

1		200,000			200,000
2	Wildlife Habitat Maintenance				
3		<del>440,000</del>	<del>1,000,000</del>		<del>1,440,000</del>
4		<u>1,147,500</u>	<u>2,442,500</u>		<u>3,590,000</u>
5	Forest Management	65,000			65,000
6	Migratory Bird Program	650,000			650,000
7	Upland Game Bird Enhancement Program				
8		650,000			650,000
9	Smith River Corridor	200,000			200,000
10	Wildlife Habitat Improvement Program	2,000,000			2,000,000
11	Yellow Bay State Park Site Upgrade				
12		1,200,000			1,200,000
13	Cedar Islands Infrastructure Upgrades				
14		200,000			200,000
15	Hell Creek State Park				
16		100,000	300,000		400,000
17	Administrative Facilities Repairs and Major Maintenance				
18		1,762,150	500,000		2,262,150
19	Flathead Lake Recreation Access				
20		4,959,000	2,900,000		7,859,000
21	Fish Connectivity	200,000	1,025,000	615,000	1,840,000
22	Home to Hunt Access	850,000			850,000
23	Interpretation and Exhibit Upgrades				
24		<u>500,000</u>	<del>500,000</del>		500,000
25	Lewis and Clark Caverns				
26		600,000			600,000
27	Lower Yellowstone Access				
28		4,000,000			4,000,000

1	Shooting Ranges Statewide				
2		250,000	2,250,000		2,500,000
3	Grant Programs	3,390,000	6,000,000		9,390,000
4	Diversified Lodging	500,000			500,000
5	Milltown SP	125,000		125,000	250,000
6	Fort Owen SP			390,000	390,000
7	Parks Maintenance	2,500,000			2,500,000
8	Hatchery Maintenance	7,600,000			7,600,000

9 (2) Authority is granted to the Montana university system for the purpose of making capital  
 10 improvements to campus facilities, statewide. Authority only funds may include donations, grants, auxiliary  
 11 funds, proprietary funds, nonstate funds, and university funds. All costs for the operations and maintenance of  
 12 any improvements constructed under this authorization must be paid by the Montana university system from  
 13 nonstate sources:

14	Agency/Project	LRBP	State	Federal	Authority	Total
15		Fund	Special	Special	Only	
16			Revenue	Revenue	Source	
17	General Spending Authority, MUS All Campuses				20,000,000	20,000,000

18 (3) The following money is appropriated to the department of military affairs in the indicated amount  
 19 for the purpose of making capital improvements to statewide facilities. All costs for the operations and  
 20 maintenance of any improvements constructed with these funds must be paid by the department of military  
 21 affairs from nonstate sources:

22	Agency/Project	LRBP	State	Federal	Authority	Total
23		Fund	Special	Special	Only	
24			Revenue	Revenue	Sources	
25	Federal Spending Authority			3,000,000		3,000,000

26 (4) 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 as indicated:

28	Agency/Project	LRBP	State	Federal	Authority	Total
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1		Fund	Special	Special	Only	
2			Revenue	Revenue	Source	
3	Maintenance, Repair, and Small Projects, Statewide					
4			2,300,000			2,300,000

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

8	Agency/Project	LRBP	State	Federal	Authority	Total
9		Fund	Special	Special	Only	
10			Revenue	Revenue	Source	
11	Energy Improvements, Statewide					
12			3,700,000			3,700,000

13 State special revenue funds consist of state building energy conservation funds of the capital  
 14 fund type.

16 **NEW SECTION. Section 5. Land acquisition appropriations and authorizations.** The following  
 17 money is appropriated to the department of fish, wildlife, and parks in the indicated amounts for purposes of  
 18 land acquisition, land leasing, easement purchase, or development agreements. The department of fish,  
 19 wildlife, and parks is authorized to transfer the appropriations, authority, or both among the necessary fund  
 20 types for these projects:

21	Agency/Project	LRBP	State	Federal	Authority	Total
22		Fund	Special	Special	Only	
23			Revenue	Revenue	Source	
24	FAS Acquisitions		280,000			280,000
25	Habitat Montana		9,550,000	2,000,000		11,550,000
26	Big Horn Sheep Habitat		320,000			320,000

28 **NEW SECTION. Section 6. Planning and design.** The department of administration may proceed

1 with the planning and design of capital projects in [either or both sections 2 and 3] prior to the receipt of other  
 2 funding sources. The department may use interentity loans in accordance with 17-2-107 to pay planning and  
 3 design costs incurred before the receipt of other funding sources.

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

- 10 (1) the level of funding and authorization provided under the financial plan and agreement deviates  
 11 substantially from the funding level provided in [either or both sections 2 and 3] for that project; or  
 12 (2) the scope of the project is substantially altered or revised from the concept and intent for that  
 13 project as presented to the 67th legislature.

14  
 15 **NEW SECTION. Section 8. Review by department of environmental quality.** The department of  
 16 environmental quality shall review capital projects authorized in [either or both sections 2 and 3] for potential  
 17 inclusion in the state building energy conservation program (SBECP) under Title 90, chapter 4, part 6. When a  
 18 review shows that a capital project will result in energy or utility savings and improvements, that project must be  
 19 submitted to the energy conservation program for funding consideration by the SBECP. Funding provided  
 20 under the energy conservation program guidelines must be used to offset or add to the authorized funding for  
 21 the project, and the amount will be dependent on the annual utility savings resulting from the capital project.  
 22 Agencies must be notified of potential funding after the review and are obligated to utilize the SBECP funding, if  
 23 available.

24  
 25 **Section 9.** ~~Section 15-68-820, MCA, is amended to read:~~  
 26 ~~"15-68-820. Sales tax and use tax proceeds. (1) Except as provided in subsections (2) through (6),~~  
 27 ~~all money collected under this chapter must, in accordance with the provisions of 17-2-124, be deposited by the~~  
 28 ~~department into the general fund.~~

1           ~~(2) Twenty five percent of the revenue collected on the base rental charge for rental vehicles under~~  
2 ~~15-68-102(1)(b) and 15-68-102(3)(a)(ii) must be deposited in the state special revenue fund to the credit of the~~  
3 ~~senior citizen and persons with disabilities transportation services account provided for in 7-14-112.~~

4           ~~(3) Until December 30, 2024 2025, a portion of the revenue collected on the sale or use of~~  
5 ~~accommodations and campgrounds under 15-68-102 (1)(a) and (3)(a)(i) must be deposited as follows:~~

6           ~~(a) 20% in the account established in 22-3-1303 for construction of the Montana heritage center; and~~

7           ~~(b) 5% in the account established in 22-3-1307 for historic preservation grants.~~

8           ~~(4) Starting January 1, 2025 2026, a portion of the revenue collected on the sale or use of~~  
9 ~~accommodations and campgrounds under 15-68-102(1)(a) and (3)(a)(i) must be deposited or distributed as~~  
10 ~~follows:~~

11           ~~(a) 6% in the account established in 22-3-1304 for operation and maintenance of the Montana~~  
12 ~~heritage center;~~

13           ~~(b) 6% distributed as provided in subsection (5);~~

14           ~~(c) 6% in the account established in 22-3-1307 for historic preservation grants; and~~

15           ~~(d) 7% in the account established in 17-7-209.~~

16           ~~(5) (a) Before allocating the balance of the tax proceeds in accordance with the provisions of 17-2-~~  
17 ~~124 and as provided in subsection (5)(b) of this section, the department shall determine the expenditures by~~  
18 ~~state agencies for in-state lodging for each reporting period and deduct 1% of that amount from the tax~~  
19 ~~proceeds received each reporting period. The department shall distribute the portion of the 1% that was paid~~  
20 ~~with federal funds to the agency that made the in-state lodging expenditure and deposit 30% of the amount~~  
21 ~~deducted less the portion paid with federal funds in the state general fund.~~

22           ~~(b) The balance of the tax proceeds received each reporting period and not distributed to agencies~~  
23 ~~that paid the tax with federal funds must be transferred to an account in the state special revenue fund to the~~  
24 ~~credit of the department of commerce for tourism promotion and promotion of the state as a location for the~~  
25 ~~production of motion pictures and television commercials, to the department of fish, wildlife, and parks, and to~~  
26 ~~the state tribal economic development commission as follows:~~

27           ~~(i) 7% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks that~~  
28 ~~have both resident and nonresident use;~~



1           (ii) ~~68.5% to be used directly by the department of commerce;~~

2           (iii) (A) ~~except as provided in subsection (5)(b)(iii)(B), 24% to be distributed by the department of~~  
3 ~~commerce to regional nonprofit tourism corporations in the ratio of the proceeds collected in each tourism~~  
4 ~~region to the total proceeds collected statewide; and~~

5           (B) ~~if 24% of the proceeds collected annually within the limits of a city, consolidated city-county, resort~~  
6 ~~area, or resort area district exceeds \$35,000, 50% of the amount available for distribution to the regional~~  
7 ~~nonprofit tourism corporation in the region where the city, consolidated city-county, resort area, or resort area~~  
8 ~~district is located to be distributed to the nonprofit convention and visitors bureau in that city, consolidated city-~~  
9 ~~county, resort area, or resort area district; and~~

10           (iv) ~~0.5% to the state special revenue account provided for in 90-1-135f or use by the state tribal~~  
11 ~~economic development commission established in 90-1-131 for activities in the Indian tourism region.~~

12           (6) ~~The tax proceeds received that are transferred to a state special revenue account pursuant to~~  
13 ~~subsection (5)(b) are allocated to the entities."~~

14

15           **Section 10.** Section 22-3-1303, MCA, is amended to read:

16           "~~22-3-1303. Account -- Montana heritage center construction.~~ There is an account in the capital  
17 projects fund established in 17-2-102 known as the Montana heritage center construction account. The tax  
18 collections allocated in 15-68-820(3)(a) must be deposited in the account until December 30, 2024 ~~2025~~. The  
19 money in the account is authorized to the department of administration and may be used only for capital  
20 construction of the Montana heritage center."

21

22           NEW SECTION. Section 9. Appropriation. There is appropriated ~~\$37 million~~ \$41 MILLION from the  
23 account in the capital projects fund established in 22-3-1303 to the department of administration in accordance  
24 with 17-7-212 for capital construction of the Montana heritage center. Any funds in excess of ~~\$37 million~~ \$41  
25 MILLION in the account must be transferred to the general fund and the account closed upon completion of the  
26 project.

27

28           NEW SECTION. Section 10. Increase in state funding for program expansion or operations and

1 **maintenance.** If an immediate or future increase in state funding for program expansion or operations and  
 2 maintenance is required for a new facility in [section 3] but the increase is not appropriated by the 67th  
 3 legislature, the new facility in [section 3] is not appropriated or authorized as provided in 17-7-210.

4  
 5 NEW SECTION. **Section 11. Legislative consent.** The appropriations authorized in [sections 1  
 6 through 44 9] constitute legislative consent for the capital projects contained in [sections 1 through 44 9] within  
 7 the meaning of 18-2-102.

8  
 9 **Section 12.** Section 2, Chapter 422, Laws of 2019, is amended to read:

10 **Section 2. Capital projects appropriations and authorizations.** The portion of section 2, Chapter  
 11 422, Laws of 2019, appropriating money from the indicated sources to the department of administration for  
 12 transfer to the department of military affairs for capital projects is amended to read:

13 "DEPARTMENT OF MILITARY AFFAIRS

14	<del>Indoor Firing Ranges Repurposing, Statewide</del>	<del>970,100</del>	<del>970,100</del>	<del>1,940,200</del>
15	PT/Rec Center Addition and Alteration, Ft. Harrison		2,000,000	2,000,000
16	Military Cemetery Expansions, Ft. Harrison and Missoula		4,000,000	4,000,000
17	FMS #3 Female Latrines and Remodel		702,900	702,900
18	FTH Weapons Cleaning Facility		1,700,000	1,700,000"

19  
 20 NEW SECTION. **Section 13. Severability.** If a part of [this act] is invalid, all valid parts that are  
 21 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,  
 22 the part remains in effect in all valid applications that are severable from the invalid applications.

23  
 24 NEW SECTION. **Section 14. Effective date.** [This act] is effective on passage and approval.

25 - END -