

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 A TRANSFER OF~~
13 ~~FUNDS; PROVIDING FOR AN APPROPRIATION FROM THE MONTANA HERITAGE CENTER ACCOUNT;~~
14 ~~PROVIDING AN APPROPRIATION; AMENDING SECTIONS 15-68-820 AND 22-3-1303, MCA; AMENDING~~
15 ~~SECTION 2, 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	
OPI MT Learning Center Civil Infrastructure Upgrades					
	300,000				300,000
MT Tech Heating System Upgrades Phase 1					
	2,480,000				2,480,000
UM FLBS Sewer Treatment Plant					
	1,750,000				1,750,000
MSU Reid Hall Fire System Upgrades					
	1,700,000				1,700,000
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	<u>COVID-19 REMOTE AND OFFICE WORKSPACE STUDY AND PLANNING FUND</u>		
22		<u>1,400,000</u>	<u>1,400,000</u>
23	<u>LEGISLATIVE STAFF WORKSPACE RENOVATION AND REORGANIZATION</u>		
24		<u>500,000</u>	<u>500,000</u>
25	<u>REMOVAL AND REPLACEMENT OF LEGISLATIVE CHAMBERS CARPETING</u>		
26		<u>1,000,000</u>	<u>1,000,000</u>
27	DPHHS MVH SCU Courtyard, Columbia Falls		
28		75,000	75,000

1	State special revenue funds consist of cigarette taxes provided for in 16-11-119.		
2	DPHHS MVH Roof Resurface, Columbia Falls		
3		144,000	144,000
4	State special revenue funds consist of cigarette taxes provided for in 16-11-119.		
5	DPHHS EMVH Facia Replacement, Glendive		
6		200,000	200,000
7	State special revenue funds consist of cigarette taxes provided for in 16-11-119.		
8	DPHHS MVH Building Major Maintenance, Columbia Falls		
9		117,000	117,000
10	State special revenue funds consist of cigarette taxes provided for in 16-11-119.		
11	DOA VRF Piping Replacement, Scott Hart Building		
12		900,000	900,000
13	State special revenue funds consist of capital land grant funds provided for in 18-2-107.		
14	DOA Executive Residence Renovation		
15		440,500	440,500
16	State special revenue funds consist of capital land grant funds provided for in 18-2-107.		
17	DOA Capitol Weatherization Phase 1		
18	_____	1,440,000	1,440,000
19	_____ State special revenue funds consist of capital land grant funds provided for in 18-2-107.		
20	DOA Roof Replacement—111 North Sanders		
21	_____	418,600	418,600
22	_____ State special revenue funds consist of capital land grant funds provided for in 18-2-107.		
23	DOA Mechanical Upgrade—5 South Last Chance Gulch		
24		594,500 <u>575,000</u>	594,500 <u>575,000</u>
25	State special revenue funds consist of capital land grant funds provided for in 18-2-107.		
26	DOA Mechanical Upgrade—2800 Airport Rd, FWP-DNRC Hangar		
27		1,306,272 <u>1,000,000</u>	1,306,272 <u>1,000,000</u>
28	State special revenue funds consist of capital land grant funds provided for in 18-2-107.		

1		434,625	434,625
2	LSH Concrete Loading Ramp	122,000	122,000
3	Missoula FMS Rigid Concrete Paving	106,750	106,750

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

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

10	Agency/Project	LRBP	State	Federal	Authority	Total
11		CD	Special	Special	Only	
12		Fund	Revenue	Revenue	Sources	
13	MT Tech Heating System Upgrades Phase 2					
14		3,520,000				3,520,000

15 **MAES GREENHOUSE LABORATORIES**

16		<u>2,000,000</u>				<u>2,000,000</u>
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17 **CAPITOL COMPLEX BUILDING RENOVATIONS FOR REMOTE AND OFFICE WORKSPACE IMPROVEMENTS**

18		<u>10,000,000</u>				<u>10,000,000</u>
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19 **MAZUREK BUILDING RENOVATIONS**

20		<u>3,000,000</u>				<u>3,000,000</u>
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21	DMA Butte Readiness Center					
22		801,249		2,195,751		2,997,000

23 Capital development funds are an increase to the 5,000,000 of general obligation bonds, and the
 24 federal special revenue is an increase to 17,000,000, both approved in Chapter 476 of the Session Laws of
 25 2019 for "Butte-Silver Bow County Armory".

26	DMA Havre Unheated Storage Building					
27		105,530		316,590		422,120

28 DMA Billings AFRC Unheated Storage Expansion

1	77,013	231,038	308,051
2	<u>DMA MALTA VEHICLE MAINTENANCE SHOP</u>		
3		<u>17,877,000</u>	<u>17,877,000</u>
4	DOA State Health Lab Renovation, Capitol Complex		
5		6,000,000	6,000,000
6	DOA Commodities Warehouse Expansion, Capitol Complex		
7		1,779,230	1,779,230
8	<u>DOC FOOD FACTORY EXPANSION, AUTHORITY INCREASE</u>		
9		<u>500,000</u>	<u>500,000</u>
10	<u>AUTHORITY ONLY IS AN INCREASE TO 3,000,000 APPROVED IN CHAPTER 422 OF THE SESSION LAWS OF 2019</u>		
11	<u>FOR "FOOD FACTORY EXPANSION".</u>		
12	MDT Terry 3-Bay ESB	400,000	400,000
13	MDT White Sulphur 8-Bay ESB		
14		1,250,000	1,250,000
15	MDT Phillipsburg 5-Bay ESB		
16		825,000	825,000
17	MDT Custer 5-Bay ESB	825,000	825,000
18	MDT Havre Welding Shop		
19		400,000	400,000
20	MDT Billings Welding Shop/Tow Plow Storage		
21		650,000	650,000
22	MDT Harlem 6-Bay ESB		
23		915,000	915,000
24	<u>MDT LINCOLN AIRPORT SNOW REMOVAL BUILDING</u>		
25		<u>450,000</u>	<u>450,000</u>
26	MDT Remodel/Expand Yellowstone Airport		
27		10,000,000	10,000,000
28	Federal special revenue is an increase to 13,500,000 approved in Chapter 422 of the Session		

1	Laws of 2019 for "MDT Remodel/Expand Yellowstone Airport Terminal".			
2	FWP Havre Area Office	1,760,000	500,000	2,260,000
3	FWP Montana Wild Avian Rehabilitation Building			
4			600,000	600,000
5	<u>SOUTHWEST MONTANA VETERANS HOME SIXTH COTTAGE</u>	<u>4,000,000</u>		<u>4,000,000</u>
6	UM Music Building Renovations		6,000,000	6,000,000
7	UM Rankin Hall Building Renovations		6,000,000	6,000,000
8	UM Mansfield Library Renovations		6,000,000	6,000,000
9	MSU Instructional Space Upgrades		2,000,000	2,000,000
10	MSU Renne Library Renovations		5,000,000	5,000,000
11	UM Montana Museum for Art and Culture		2,000,000	2,000,000

12 Authority only is an increase to 6,000,000 approved in Chapter 560 of the Session Laws of
 13 2005 for "New Gallery Space, UM-Missoula".

14	DOJ MLEA Scenario Training Building			
15		3,851,475		3,851,475

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

20	Agency/Project	LRBP State	Federal	Authority	Total
21	CD	Special	Special	Only	
22	Fund	Revenue	Revenue	Sources	
23	DMA Ft. Harrison Barracks		6,000,000		6,000,000
24	DMA FTH Bldg 64 RTI Addition/Remodel				
25			2,164,500		2,164,500
26	DMA FTH Bldg 1001 Draw Yard		811,980		811,980
27	DMA FTH Rail Head Yard		811,980		811,980
28	DMA LSHTA Barracks #1		2,164,500		2,164,500

1 ~~(3) (A) IF AN IMMEDIATE OR FUTURE INCREASE IN STATE FUNDING FOR PROGRAM EXPANSION OR OPERATIONS~~
 2 ~~AND MAINTENANCE IS REQUIRED FOR A NEW FACILITY IN [SECTION 1] BUT THE INCREASE IS NOT APPROPRIATED BY THE~~
 3 ~~67TH LEGISLATURE, THE NEW FACILITY IN [SECTION 1] IS NOT APPROPRIATED OR AUTHORIZED AS PROVIDED IN 17-7-~~
 4 ~~210.~~

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

12 ~~(C)(B) SUBJECT TO SUBSECTION ~~(3)(E)~~ (3)(D), THE FOLLOWING MONEY IS APPROPRIATED FOR THE BIENNIUM~~
 13 ~~BEGINNING JULY 1, 2021, TO THE INDICATED AGENCY FROM THE INDICATED SOURCES FOR PROGRAM EXPANSION OR~~
 14 ~~OPERATIONS AND MAINTENANCE FOR THE INDICATED NEW FACILITY:~~

15 DEPARTMENT OF MILITARY AFFAIRS

16 HAVRE UNHEATED STORAGE BUILDING \$250 FROM THE GENERAL FUND AND \$250 FROM
 17 FEDERAL SPECIAL REVENUE FUNDS

18 BILLINGS AFRC UNHEATED STORAGE EXPANSION \$300 FROM THE GENERAL FUND AND \$300 FROM
 19 FEDERAL SPECIAL REVENUE FUNDS

20 DEPARTMENT OF JUSTICE

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

22 DEPARTMENT OF FISH, WILDLIFE, AND PARKS

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

24 DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

25 SOUTHWEST MONTANA VETERANS HOME SIXTH COTTAGE \$1,200,000 FROM STATE SPECIAL
 26 REVENUE FUNDS

27 ~~(D)(C) IT IS THE LEGISLATURE'S INTENT THAT THE APPROPRIATIONS IN THIS SUBSECTION BECOME PART OF THE~~
 28 ~~RESPECTIVE AGENCY'S BASE BUDGET FOR THE BIENNIUM BEGINNING JULY 1, 2021.~~

1 ~~(E)(d)~~ APPROPRIATIONS IN SUBSECTION ~~(3)(C)~~ (3)(B) ARE CONTINGENT ON THE PASSAGE AND APPROVAL OF A
 2 BILL THAT INCLUDES AN APPROPRIATION FOR THE CONSTRUCTION OF THE INDICATED PROJECTS IN SUBSECTION ~~(3)(C)~~
 3 (3)(B).

4 (4) (A) AS PART OF THE COVID-19 REMOTE AND OFFICE WORKSPACE STUDY AND PLANNING, THE
 5 DEPARTMENT OF JUSTICE, THE MONTANA STATE LIBRARY, AND THE JUDICIAL BRANCH SHALL PARTICIPATE IN A WORKING
 6 GROUP FOR THE MAZUREK BUILDING LED BY THE DEPARTMENT OF ADMINISTRATION.

7 (B) THE WORKING GROUP SHALL:

8 (I) DETERMINE THE MINIMUM SPACE NEEDS OF THE CURRENT OCCUPANTS OF THE MAZUREK BUILDING,
 9 INCLUDING WHETHER THE FOOTPRINT OF THE STATE LAW LIBRARY CAN BE REDUCED AND OPPORTUNITIES EXIST TO
 10 MOVE DEPARTMENT OF JUSTICE STAFF TO THE BUILDING FROM PRIVATE LEASED SPACE. TENANTS SHOULD DETERMINE
 11 WHETHER REMOTE WORK IS A VIABLE OPTION FOR EMPLOYEES, AND THE WORKING GROUP SHOULD LOOK FOR
 12 OPPORTUNITIES TO REDUCE AGENCY SPACE.

13 (II) DETERMINE THE SPACE CONFIGURATION THAT IS MOST EFFICIENT AND EFFECTIVE FOR EACH TENANT AND
 14 ITS MISSION. TO MINIMIZE DISRUPTION TO THE AGENCIES AND MINIMIZE COSTS, THE CONFIGURATIONS SHOULD MINIMIZE
 15 MOVES FROM CURRENT SPACE AND REMODELING COSTS.

16 (III) CONSIDER HOW TO USE THE UNOCCUPIED SPACE IN THE BUILDING FOR THE NEEDS OF THE AGENCIES TO
 17 MEET THEIR MINIMUM SPACE NEEDS. IF THE AGENCIES DO NOT USE ALL OF THE UNOCCUPIED SPACE, THEN THE
 18 REMAINING SPACE SHOULD BE MAINTAINED IN A SUFFICIENT BLOCK TO ALLOW FOR AN ADDITIONAL AGENCY TENANT.

19 (C) PRIOR TO THE COMMENCEMENT OF ANY RENOVATIONS ON THE MAZUREK BUILDING, THE BUDGET
 20 DIRECTOR MUST APPROVE THE RENOVATION PLAN.

21
 22 NEW SECTION. Section 4. Capital improvement projects -- appropriations and authorizations.

23 (1) The following money is appropriated to the department of fish, wildlife, and parks in the indicated amounts
 24 for the purpose of making capital improvements to statewide facilities. Funds not requiring legislative
 25 appropriation are included for the purpose of authorization. The department of fish, wildlife, and parks is
 26 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	
1				
2	Future Fisheries	1,320,000		1,320,000
3	FAS Site Protection	2,050,000	400,000	2,450,000
4	Dam Maintenance	60,000		60,000
5	Community Fishing Ponds			
6		200,000		200,000
7	Wildlife Habitat Maintenance			
8		440,000	1,000,000	1,440,000
9		<u>1,147,500</u>	<u>2,442,500</u>	<u>3,590,000</u>
10	Forest Management	65,000		65,000
11	Migratory Bird Program	650,000		650,000
12	Upland Game Bird Enhancement Program			
13		650,000		650,000
14	Smith River Corridor	200,000		200,000
15	Wildlife Habitat Improvement Program	2,000,000		2,000,000
16	Yellow Bay State Park Site Upgrade			
17		1,200,000		1,200,000
18	Cedar Islands Infrastructure Upgrades			
19		200,000		200,000
20	Hell Creek State Park			
21		100,000	300,000	400,000
22	Administrative Facilities Repairs and Major Maintenance			
23		1,762,150	500,000	2,262,150
24	Flathead Lake Recreation Access			
25		4,959,000	2,900,000	7,859,000
26	Fish Connectivity	200,000	1,025,000	615,000
27	Home to Hunt Access	850,000		850,000
28	Interpretation and Exhibit Upgrades			

1		<u>500,000</u>	500,000	500,000
2	Lewis and Clark Caverns			
3		600,000		600,000
4	Lower Yellowstone Access			
5		4,000,000		4,000,000
6	Shooting Ranges Statewide			
7		250,000	2,250,000	2,500,000
8	Grant Programs	3,390,000	6,000,000	9,390,000
9	Diversified Lodging	500,000		500,000
10	Milltown SP	125,000	125,000	250,000
11	Fort Owen SP		390,000	390,000
12	Parks Maintenance	2,500,000		2,500,000
13	Hatchery Maintenance	7,600,000		7,600,000
14	<u>CANYON FERRY FISH CLEANING STATION</u>			
15			500,000	<u>500,000</u>
16	<u>TIBER RESERVOIR FISH CLEANING STATION</u>			
17			500,000	<u>500,000</u>
18	<u>SMITH RIVER EDEN SITE IMPROVEMENT</u>			
19		600,000	600,000 600,000	

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

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

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

5 Agency/Project	LRBP	State	Federal	Authority	Total
6	Fund	Special	Special	Only	
7		Revenue	Revenue	Sources	
8 Federal Spending Authority		3,000,000			3,000,000

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

11 Agency/Project	LRBP	State	Federal	Authority	Total
12	Fund	Special	Special	Only	
13		Revenue	Revenue	Source	
14 Maintenance, Repair, and Small Projects, Statewide					
	2,300,000				2,300,000

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

19 Agency/Project	LRBP	State	Federal	Authority	Total
20	Fund	Special	Special	Only	
21	Revenue	Revenue	Source		
22 Energy Improvements, Statewide					
	3,700,000				3,700,000

24 State special revenue funds consist of state building energy conservation funds of the capital
 25 fund type.

26 (6) THE FOLLOWING MONEY IS APPROPRIATED TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY IN THE
 27 INDICATED AMOUNT FOR THE PURPOSE OF LEAKING PETROLEUM TANK REMEDIATION TO ADDRESS RISKS TO HUMAN
 28 HEALTH OR THE ENVIRONMENT AT PETROLEUM SITES WHERE THERE IS NO READILY APPARENT POTENTIALLY LIABLE

1 PERSON OR ENTITY THAT IS FINANCIALLY VIABLE:

2	<u>AGENCY/PROJECT</u>	<u>LRBP</u>	<u>STATE</u>	<u>FEDERAL</u>	<u>AUTHORITY</u>	<u>TOTAL</u>
3		<u>MR</u>	<u>SPECIAL</u>	<u>SPECIAL</u>	<u>ONLY</u>	
4		<u>FUND</u>	<u>REVENUE</u>	<u>REVENUE</u>	<u>SOURCES</u>	
5	<u>REMEDICATION OF LEAKING PETROLEUM TANKS</u>					
6			<u>2,000,000</u>			<u>2,000,000</u>

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

13	Agency/Project	LRBP	State	Federal	Authority	Total
14		Fund	Special	Special	Only	
15			Revenue	Revenue	Source	
16	FAS Acquisitions		280,000 <u>780,000</u>			280,000 <u>780,000</u>
17	Habitat Montana		9,550,000	2,000,000		11,550,000
18	Big Horn Sheep Habitat		320,000			320,000

20 **NEW SECTION. Section 6. Planning and design.** The department of administration may proceed
 21 with the planning and design of capital projects in [either or both sections 2 and 3] prior to the receipt of other
 22 funding sources. The department may use interentity loans in accordance with 17-2-107 to pay planning and
 23 design costs incurred before the receipt of other funding sources.

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

1 approved by the director if:

2 (1) the level of funding and authorization provided under the financial plan and agreement deviates
3 substantially from the funding level provided in [either or both sections 2 and 3] for that project; or

4 (2) the scope of the project is substantially altered or revised from the concept and intent for that
5 project as presented to the 67th legislature.

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

16

17 **Section 9.** Section 15-68-820, MCA, is amended to read:

18 ~~"15-68-820. Sales tax and use tax proceeds. (1) Except as provided in subsections (2) through (6),~~
19 ~~all money collected under this chapter must, in accordance with the provisions of 17-2-124, be deposited by the~~
20 ~~department into the general fund.~~

21 ~~(2) Twenty-five percent of the revenue collected on the base rental charge for rental vehicles under~~
22 ~~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~~
23 ~~senior citizen and persons with disabilities transportation services account provided for in 7-14-112.~~

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

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

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

28 ~~(4) Starting January 1, 2025 2026, a portion of the revenue collected on the sale or use of~~

1 accommodations and campgrounds under 15-68-102(1)(a) and (3)(a)(i) must be deposited or distributed as
 2 follows:

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

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

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

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

8 ~~(5) (a) Before allocating the balance of the tax proceeds in accordance with the provisions of 17-2-~~
 9 ~~124 and as provided in subsection (5)(b) of this section, the department shall determine the expenditures by~~
 10 ~~state agencies for in-state lodging for each reporting period and deduct 1% of that amount from the tax~~
 11 ~~proceeds received each reporting period. The department shall distribute the portion of the 1% that was paid~~
 12 ~~with federal funds to the agency that made the in-state lodging expenditure and deposit 30% of the amount~~
 13 ~~deducted less the portion paid with federal funds in the state general fund.~~

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

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

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

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

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

1 county, resort area, or resort area district; and

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

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

6

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

8 ~~"22-3-1303. Account -- Montana heritage center construction.~~ There is an account in the capital
9 projects fund established in 17-2-102 known as the Montana heritage center construction account. The tax
10 collections allocated in 15-68-820(3)(a) must be deposited in the account until December 30, 2024 2025. The
11 money in the account is authorized to the department of administration and may be used only for capital
12 construction of the Montana heritage center."

13

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

19

20 NEW SECTION. **Section 10. Increase in state funding for program expansion or operations and**
21 **maintenance.** If an immediate or future increase in state funding for program expansion or operations and
22 maintenance is required for a new facility in [section 3] but the increase is not appropriated by the 67th
23 legislature, the new facility in [section 3] is not appropriated or authorized as provided in 17-7-210.

24

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

28

1 NEW SECTION. SECTION 12. TRANSFER OF FUNDS. BY JULY 1, 2021, THE STATE TREASURER SHALL
 2 TRANSFER \$2,000,000 FROM THE GENERAL FUND TO A STATE SPECIAL ACCOUNT FOR THE PURPOSE OF LEAKING
 3 PETROLEUM TANK REMEDIATION.

4

5 **Section 13.** Section 2, Chapter 422, Laws of 2019, is amended to read:

6 **Section 2. Capital projects appropriations and authorizations.** The portion of section 2, Chapter
 7 422, Laws of 2019, appropriating money from the indicated sources to the department of administration for
 8 transfer to the department of military affairs for capital projects is amended to read:

9 "DEPARTMENT OF MILITARY AFFAIRS

10	Indoor Firing Ranges Repurposing, Statewide	970,100	970,100	1,940,200
11	PT/Rec Center Addition and Alteration, Ft. Harrison		2,000,000	2,000,000
12	Military Cemetery Expansions, Ft. Harrison and Missoula		4,000,000	4,000,000
13	FMS #3 Female Latrines and Remodel		702,900	702,900
14	FTH Weapons Cleaning Facility		1,700,000	1,700,000"

15

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

19

20 COORDINATION SECTION. SECTION 15. COORDINATION INSTRUCTION. IF BOTH HOUSE BILL NO. 632
 21 AND [THIS ACT] ARE PASSED AND APPROVED, THEN THE ALLOCATIONS FOR THE CAPITAL PROJECTS IN [SECTION 33] OF
 22 HOUSE BILL NO. 632 ARE CONSIDERED MISCELLANEOUS REVENUE TO THE MAJOR REPAIR LONG-RANGE BUILDING
 23 PROGRAM ACCOUNT AS PROVIDED IN 17-7-221(4) AND APPLY TOWARD MEETING THE MINIMUM LEVEL OF FUNDING AND
 24 APPROPRIATION REQUIRED IN 17-7-222.

25

26 NEW SECTION. SECTION 16. Effective date. [This act] is effective on passage and approval.

27

- END -