



AN ACT GENERALLY REVISING LAWS RELATED TO CAPITAL DEVELOPMENT PROJECTS; APPROPRIATING MONEY FOR MAJOR REPAIR AND CAPITAL DEVELOPMENT PROJECTS FOR THE BIENNIUM ENDING JUNE 30, 2023; PROVIDING APPROPRIATIONS FOR OPERATIONS AND MAINTENANCE; PROVIDING DEFINITIONS; PROVIDING FOR A TRANSFER OF FUNDS; PROVIDING FOR AN APPROPRIATION FROM THE MONTANA HERITAGE CENTER ACCOUNT; PROVIDING AN APPROPRIATION; AMENDING SECTION 2, CHAPTER 422, LAWS OF 2019; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

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

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

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

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

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

(5) "LRBP major repair" or "LRBP MR" means the long-range building program major repair account in the capital projects fund type provided for in 17-7-221.

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

(7) "Other funding sources" means money other than LRBP money, state special revenue, or federal

special revenue that accrues to an agency under the provisions of law.

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

Section 2. Major repair projects appropriations and authorizations. (1) The following money is appropriated to the department of administration for the indicated major repair projects from the indicated sources. Funds not requiring legislative appropriation are included for the purpose of authorization. The department of administration is authorized to adjust capital project amounts within the legislative intent of the major repair account-funded projects, subject to available revenues, if approved by the office of budget and program planning, and transfer the appropriations, 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	
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
MSDB Upgrade Sprinkler System in Bitterroot Building					
	150,000				150,000
MSP Unit F Boiler System / Controls					
	230,000				230,000

UM Mansfield Library Roof Replacement	1,200,000		1,200,000
MSU Haynes Hall Lab Ventilation Upgrades	1,600,000		1,600,000
MT Tech Fire Alarm Upgrades	200,000		200,000
MSDB Sprinkler Systems—Mustang Center and Dining Room	150,000		150,000
MSU Montana Hall Fire System Upgrades	455,000		455,000
MSU BLGS Art Annex Safety and System Upgrades	1,200,000		1,200,000
UM-HC Donaldson Building HVAC Upgrades	1,000,000		1,000,000
UM-W Heating System Replacement and Repair	2,495,000		2,495,000
UM Stone Hall Roof Replacement	400,000		400,000
MSU-N Vande Bogart Library Roof Replacement	325,000		325,000
DMA Great Falls AFRC Roof Replacement	204,350	613,050	817,400
DOC MSP Replace Fixtures—Cell Combo Units on High Side Units	1,013,480		1,013,480
DMA Kalispell AFRC Roof Replacement	357,496	642,104	999,600
DMA Lewistown RC Roof Replacement	91,500	91,500	183,000

DOC MCE Laundry			1,300,000	1,300,000
DPHHS MSH Foundation Repair				
	200,000			200,000
MSU Lewis Hall Roof Replacement				
	1,600,000			1,600,000
DPHHS MSH Roof Replacement Main Building				
	600,000			600,000
MSU-N Auto Tech Building System Improvements				
	535,000			535,000
DOC Finalize Departmental Master Plan				
	575,000			575,000
MSDB Card Lock System				
	120,000			120,000
UM Clapp Building Elevator Modernization				
	300,000			300,000
MSDB Replace Lift in Bitterroot Building				
	80,000			80,000
DPHHS MMHNCC Roof Replacement				
	550,000			550,000
DMA Billings AFRC Backup Generator				
	213,500	640,500		854,000
DMA Libby RC Loading Ramp Expansion				
	38,125	114,375		152,500
MSDB Replace Roof on Cottage Buildings				
	530,000			530,000
DOC PHYCF Door Control Systems				
	350,000			350,000

DOC MWP Door Control System	520,000	520,000
UM-W Roof Replacements	450,000	450,000
MT Tech Roof Replacements	800,000	800,000
DOC Xanthopolous Building Door Control System	350,000	350,000
MSU-N Brockmann Center HVAC and Energy Project	855,000	855,000
DNRC Swan Unit Office Siding and House Wrap	210,000	210,000
DNRC Stillwater Unit Shop Remodel	50,000	50,000
DPHHS MMHNCC New Flooring D-Wing	174,262	174,262
COVID-19 Remote and Office Workspace Study and Planning Fund	1,400,000	1,400,000
Legislative Staff Workspace Renovation and Reorganization	500,000	500,000
Removal and Replacement of Legislative Chambers Carpeting	1,000,000	1,000,000
DPHHS MVH SCU Courtyard, Columbia Falls	75,000	75,000
DPHHS MVH Roof Resurface, Columbia Falls	144,000	144,000

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

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

DPHHS EMVH Facia Replacement, Glendive

200,000	200,000
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State special revenue funds consist of cigarette taxes provided for in 16-11-119.

DPHHS MVH Building Major Maintenance, Columbia Falls

117,000	117,000
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State special revenue funds consist of cigarette taxes provided for in 16-11-119.

DOA VRF Piping Replacement, Scott Hart Building

900,000	900,000
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State special revenue funds consist of capital land grant funds provided for in 18-2-107.

DOA Executive Residence Renovation

440,500	440,500
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State special revenue funds consist of capital land grant funds provided for in 18-2-107.

DOA Mechanical Upgrade—5 South Last Chance Gulch

575,000	575,000
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State special revenue funds consist of capital land grant funds provided for in 18-2-107.

DOA Mechanical Upgrade—2800 Airport Rd, DNRC Hangar

1,000,000	1,000,000
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State special revenue funds consist of capital land grant funds provided for in 18-2-107.

DOA Capitol Complex, Campus-wide Facilities Repairs and Maintenance

400,000	400,000
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State special revenue funds consist of capital land grant funds provided for in 18-2-107. Funds may be used as determined by the department for energy savings, repairs, and non-routine maintenance needs.

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

(3) The following money is appropriated to the department of military affairs for the indicated major repair projects from the indicated sources. Funds not requiring legislative appropriation are included for the

purpose of authorization. The department of military affairs is authorized to transfer the appropriations, 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	
Ft. Harrison Building 530 Roof Replacement					
			244,000		244,000
Post Engineers Remodel					
			473,850		473,850
Billings FMS Compound Fencing					
			99,450		99,450
FTH Range Vault Latrines					
			99,450		99,450
AASF Waste Tanks					
			137,250		137,250
Helena FMS MEP Rigid Concrete Paving Expansion					
			434,625		434,625
LSH Concrete Loading Ramp					
			122,000		122,000
Missoula FMS Rigid Concrete Paving					
			106,750		106,750

Section 3. Capital development projects appropriations and authorizations. (1) The following money is appropriated to the department of administration for the indicated capital development projects from the indicated sources. Funds not requiring legislative appropriation are included for the purpose of authorization. The department of administration is authorized to transfer the appropriations, authority, or both among the necessary fund types for these projects:

Agency/Project	LRBP	State	Federal	Authority	Total
	CD	Special	Special	Only	
	Fund	Revenue	Revenue	Sources	
MT Tech Heating System Upgrades Phase 2					
			3,520,000		3,520,000
MAES Greenhouse Laboratories					
			2,000,000		2,000,000

Capitol Complex Building Renovations for Remote and Office Workspace Improvements

10,000,000		10,000,000
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Mazurek Building Renovations

3,000,000		3,000,000
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DMA Butte Readiness Center

801,249	2,195,751	2,997,000
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Capital development funds are an increase to the 5,000,000 of general obligation bonds, and the federal special revenue is an increase to 17,000,000, both approved in Chapter 476 of the Session Laws of 2019 for "Butte-Silver Bow County Armory".

DMA Havre Unheated Storage Building

105,530	316,590	422,120
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DMA Billings AFRC Unheated Storage Expansion

77,013	231,038	308,051
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DMA Malta Vehicle Maintenance Shop

	17,877,000	17,877,000
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DOA State Health Lab Renovation, Capitol Complex

	6,000,000	6,000,000
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DOA Commodities Warehouse Expansion, Capitol Complex

	1,779,230	1,779,230
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DOC Food Factory Expansion, Authority Increase

	500,000	500,000
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Authority Only is an increase to 3,000,000 approved in Chapter 422 of the Session Laws of 2019 for "Food Factory Expansion".

MDT Terry 3-Bay ESB	400,000	400,000
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MDT White Sulphur 8-Bay ESB

1,250,000		1,250,000
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MDT Phillipsburg 5-Bay ESB

825,000		825,000
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MDT Custer 5-Bay ESB	825,000	825,000
MDT Havre Welding Shop		
400,000	400,000	400,000
MDT Billings Welding Shop/Tow Plow Storage		
650,000	650,000	650,000
MDT Harlem 6-Bay ESB		
915,000	915,000	915,000
MDT Lincoln Airport Snow Removal Building		
450,000	450,000	450,000
MDT Remodel/Expand Yellowstone Airport		
10,000,000	10,000,000	10,000,000

Federal special revenue is an increase to 13,500,000 approved in Chapter 422 of the Session

Laws of 2019 for "MDT Remodel/Expand Yellowstone Airport Terminal".

FWP Havre Area Office	1,760,000	500,000	2,260,000
FWP Montana Wild Avian Rehabilitation Building			
		600,000	600,000
Southwest Montana Veterans Home Sixth Cottage		4,000,000	4,000,000
UM Music Building Renovations		6,000,000	6,000,000
UM Rankin Hall Building Renovations		6,000,000	6,000,000
UM Mansfield Library Renovations		6,000,000	6,000,000
MSU Instructional Space Upgrades		2,000,000	2,000,000
MSU Renne Library Renovations		5,000,000	5,000,000
UM Montana Museum for Art and Culture		2,000,000	2,000,000

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

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

(2) The following money is appropriated to the department of military affairs for the indicated capital

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

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

(3) (a) Pursuant to 17-7-210, if construction of a new facility requires an immediate or future increase in state funding for program expansion or operations and maintenance, the legislature may not authorize the new facility unless it also appropriates funds for the increase in state funding for program expansion and operations and maintenance. To the extent allowed by law, at the end of each fiscal year following approval of a new facility but prior to receipt of its certificate of occupancy, the appropriation made in this subsection reverts to its originating fund. The appropriation is not subject to the provisions of 17-7-304.

(b) Subject to subsection (3)(d), the following money is appropriated for the biennium beginning July 1, 2021, to the indicated agency from the indicated sources for program expansion or operations and maintenance for the indicated new facility:

Department of Military Affairs

Havre Unheated Storage Building \$250 from the general fund and \$250 from federal special revenue funds

Billings AFRC Unheated Storage Expansion \$300 from the general fund and \$300 from federal special revenue funds

Department of Justice

MLEA Scenario Training Building \$150,000 from the general fund

Department of Fish, Wildlife, and Parks

Havre Area Office

\$26,261 from state special revenue funds

Department of Public Health and Human Services

Southwest Montana Veterans Home Sixth Cottage

\$1,200,000 from state special

revenue funds

(c) It is the legislature's intent that the appropriations in this subsection become part of the respective agency's base budget for the biennium beginning July 1, 2021.

(d) Appropriations in subsection (3)(b) are contingent on the passage and approval of a bill that includes an appropriation for the construction of the indicated projects in subsection (3)(b).

(4) (a) As part of the COVID-19 remote and office workspace study and planning, the department of justice, the Montana state library, and the judicial branch shall participate in a working group for the Mazurek building led by the department of administration.

(b) The working group shall:

(i) determine the minimum space needs of the current occupants of the Mazurek building, including whether the footprint of the state law library can be reduced and opportunities exist to move department of justice staff to the building from private leased space. Tenants should determine whether remote work is a viable option for employees, and the working group should look for opportunities to reduce agency space.

(ii) determine the space configuration that is most efficient and effective for each tenant and its mission. To minimize disruption to the agencies and minimize costs, the configurations should minimize moves from current space and remodeling costs.

(iii) consider how to use the unoccupied space in the building for the needs of the agencies to meet their minimum space needs. If the agencies do not use all of the unoccupied space, then the remaining space should be maintained in a sufficient block to allow for an additional agency tenant.

(c) Prior to the commencement of any renovations on the Mazurek building, the budget director must approve the renovation plan.

Section 4. Capital improvement projects -- appropriations and authorizations. (1) The following money is appropriated to the department of fish, wildlife, and parks in the indicated amounts for the purpose of

making capital improvements to statewide facilities. Funds not requiring legislative appropriation are included for the purpose of authorization. The department of fish, wildlife, and parks is 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					
		200,000			200,000
Wildlife Habitat Maintenance					
		1,147,500	2,442,500		3,590,000
Forest Management		65,000			65,000
Migratory Bird Program		650,000			650,000
Upland Game Bird Enhancement Program					
		650,000			650,000
Smith River Corridor		200,000			200,000
Wildlife Habitat Improvement Program			2,000,000		2,000,000
Yellow Bay State Park Site Upgrade					
		1,200,000			1,200,000
Cedar Islands Infrastructure Upgrades					
		200,000			200,000
Hell Creek State Park					
		100,000	300,000		400,000
Administrative Facilities Repairs and Major Maintenance					
		1,762,150	500,000		2,262,150

Flathead Lake Recreation Access				
	4,959,000	2,900,000		7,859,000
Fish Connectivity	200,000	1,025,000	615,000	1,840,000
Home to Hunt Access	850,000			850,000
Interpretation and Exhibit Upgrades				
	500,000			500,000
Lewis and Clark Caverns				
	600,000			600,000
Lower Yellowstone Access				
	4,000,000			4,000,000
Shooting Ranges Statewide				
	250,000	2,250,000		2,500,000
Grant Programs	3,390,000	6,000,000		9,390,000
Diversified Lodging	500,000			500,000
Milltown SP	125,000		125,000	250,000
Fort Owen SP			390,000	390,000
Parks Maintenance	2,500,000			2,500,000
Hatchery Maintenance	7,600,000			7,600,000
Canyon Ferry Fish Cleaning Station				
		500,000		500,000
Tiber Reservoir Fish Cleaning Station				
		500,000		500,000
Smith River Eden Site Improvement				
	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	Only	
	Revenue	Revenue	Source		
General Spending Authority, MUS All Campuses			20,000,000		20,000,000

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

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

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

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

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

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

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

(6) The following money is appropriated to the department of environmental quality in the indicated amount for the purpose of leaking petroleum tank remediation to address risks to human health or the environment at petroleum sites where there is no readily apparent potentially liable person or entity that is financially viable:

Agency/Project	LRBP	State	Federal	Authority	Total
	MR	Special	Special	Only	
	Fund	Revenue	Revenue	Sources	
Remediation of Leaking Petroleum Tanks					
		2,000,000			2,000,000

Section 5. Land acquisition appropriations and authorizations. The following money is appropriated to the department of fish, wildlife, and parks in the indicated amounts for purposes of land acquisition, land leasing, easement purchase, or development agreements. The department of fish, wildlife, and parks is 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	
FAS Acquisitions		780,000			780,000
Habitat Montana		9,550,000	2,000,000		11,550,000
Big Horn Sheep Habitat		320,000			320,000

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

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 department of administration may not let the project for bid until a financial plan and agreement with the agency has been approved by the director of the department of administration. A financial plan and agreement may not be approved by the director if:

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

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

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

Section 10. Increase in state funding for program expansion or operations and maintenance. If an immediate or future increase in state funding for program expansion or operations and maintenance is required for a new facility in [section 3] but the increase is not appropriated by the 67th legislature, the new

facility in [section 3] is not appropriated or authorized as provided in 17-7-210.

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

Section 12. Transfer of funds. By July 1, 2021, the state treasurer shall transfer \$2,000,000 from the general fund to a state special account for the purpose of leaking petroleum tank remediation.

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

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

"DEPARTMENT OF MILITARY AFFAIRS

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

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

Section 15. Coordination instruction. If both House Bill No. 632 and [this act] are passed and approved, then the allocations for the capital projects in [section 33] of House Bill No. 632 are considered miscellaneous revenue to the major repair long-range building program account as provided in 17-7-221(4) and apply toward meeting the minimum level of funding and appropriation required in 17-7-222.

Section 16. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
HB 5, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2021.

President of the Senate

Signed this _____ day
of _____, 2021.

HOUSE BILL NO. 5

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

BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING

AN ACT GENERALLY REVISING LAWS RELATED TO CAPITAL DEVELOPMENT PROJECTS; APPROPRIATING MONEY FOR MAJOR REPAIR AND CAPITAL DEVELOPMENT PROJECTS FOR THE BIENNIUM ENDING JUNE 30, 2023; PROVIDING APPROPRIATIONS FOR OPERATIONS AND MAINTENANCE; PROVIDING DEFINITIONS; PROVIDING FOR A TRANSFER OF FUNDS; PROVIDING FOR AN APPROPRIATION FROM THE MONTANA HERITAGE CENTER ACCOUNT; PROVIDING AN APPROPRIATION; AMENDING SECTION 2, CHAPTER 422, LAWS OF 2019; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.