

1 HOUSE BILL NO. 5
2 INTRODUCED BY M. HOPKINS, J. FITZPATRICK
3 BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING MONEY FOR MAJOR REPAIR AND CAPITAL
6 DEVELOPMENT PROJECTS FOR THE BIENNIUM ENDING JUNE 30, 2025; PROVIDING FOR OTHER
7 MATTERS RELATING TO THE APPROPRIATIONS; PROVIDING FOR A TRANSFER OF FUNDS FROM THE
8 CAPITAL DEVELOPMENTS LONG-RANGE BUILDING PROGRAM ACCOUNT TO THE MAJOR REPAIR
9 LONG-RANGE BUILDING PROGRAM ACCOUNT AND FOR A TRANSFER OF FUNDS FROM THE STATE
10 GENERAL FUND TO THE CAPITAL DEVELOPMENTS LONG-RANGE BUILDING PROGRAM ACCOUNT;
11 AMENDING THE DEFINITION OF AN LRBP-ELIGIBLE BUILDING; AMENDING ~~SECTION SECTIONS~~ 17-7-
12 201, AND 75-11-313, MCA; AMENDING SECTION 1(4), CHAPTER 468, LAWS OF 2021; AND PROVIDING
13 AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

- 16
17 NEW SECTION. Section 1. Definitions. As used in [sections 1 through 10], unless the context
18 clearly indicates otherwise, the following definitions apply:
- 19 (1) "Authority only" means approval provided by the legislature to expend money that does not
20 require an appropriation, including grants, donations, auxiliary funds, proprietary funds, nonstate funds, and
21 university funds.
 - 22 (2) "Capital development" means capital projects provided for in 17-7-201(2).
 - 23 (3) "Capital project" means the planning, design, renovation, construction, alteration, replacement,
24 furnishing, repair, improvement, site, utility, or land acquisition project provided for in [sections 1 through 10].
 - 25 (4) "LRBP capital development" means the long-range building program capital developments
26 account in the capital projects fund type provided for in 17-7-209.
 - 27 (5) "LRBP major repair" or "LRBP MR" means the long-range building program major repair
28 account in the capital projects fund type provided for in 17-7-221.

Amendment - 1st Reading-white - Requested by: Paul Tuss - (H) Appropriations

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Drafter: Julie Johnson, 406-444-4024

HB0005.001.036

1 42,671 42,671

2 (d) After receipt of a certificate of occupancy, funding appropriated in subsection (3)(c) to the
3 Montana university system Wool Lab and in section 1(4)(c), Ch. 468, L. 2021, to the department of agriculture
4 Ag Analytical Lab shall be transferred each biennium to the department of livestock.

5
6 **NEW SECTION. Section 4. Capital improvements projects.** (1) The following money is
7 appropriated to the department of fish, wildlife, and parks in the indicated amounts for the purpose of making
8 capital improvements to statewide facilities. Funds not requiring legislative appropriation are included for the
9 purpose of authorization. The department of fish, wildlife, and parks is authorized to transfer the appropriations,
10 authority, or both among the necessary fund types for these projects:

Agency/Project	State	Federal	Authority	Total
	Special	Special	Only	
	Revenue	Revenue	Source	
FWP Statewide Admin Facilities Major Maintenance	1,931,500		5,000,000	6,931,500
FWP Signage & Wayfinding Updates	2,500,000			2,500,000
FWP Erosion Control	2,673,000			2,673,000
FWP Community Ponds	200,000			200,000
FWP Forest Management	100,000	300,000		400,000
FWP Site Maintenance Upgrades & Improvements	4,572,450	1,770,750	1,193,000	7,536,200
FWP Shooting Range Development	1,000,000	3,000,000		4,000,000
FWP Wildlife Habitat Improvement Program Renewal				

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1		2,000,000		2,000,000
2	FWP Wildlife Habitat Management & Maintenance			
3		1,140,000	2,765,000	3,905,000
4	FWP Upland Game Bird Enhancement Program			
5		1,908,000	600,000	2,508,000
6	FWP Migratory Bird Wetland Program			
7		500,000		500,000
8	FWP Future Fisheries			
9		2,000,000		2,000,000
10	FWP Hatcheries Maintenance			
11		2,000,000		2,000,000
12	FWP POR Grant Programs			
13		5,000,000	6,000,000	11,000,000
14	FWP Fish Connectivity			
15		548,454	1,278,992	1,967,680
16	FWP PALA Access Program			
17		1,000,000		1,000,000

(2) Authority is granted to the Montana university system for the purpose of making capital improvements to campus facilities statewide. Use of authority-only funds may be allocated at not more than \$2,500,000 per project and a project may not be segregated to circumvent this limitation. 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	State	Federal	Authority	Total
	Special	Special	Only	
	Revenue	Revenue	Sources	
General Spending Authority, MUS			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 operation and

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1 maintenance of any improvements constructed with these funds must be paid by the department of military
2 affairs from nonstate sources:

3	Agency/Project	State	Federal	Authority	Total
4		Special	Special	Only	
5		Revenue	Revenue	Sources	
6	DMA Federal Spending Authority		3,000,000		3,000,000

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

9	Agency/Project	State	Federal	Authority	Total
10		Special	Special	Only	
11		Revenue	Revenue	Sources	
12	MDT Maintenance, Repair, and Small Projects				
13		3,000,000			3,000,000

14 (5) The following money is appropriated to the department of environmental quality in the indicated
15 amount from state building energy conservation funds for the purposes of making capital improvements, and is
16 authorized to transfer the appropriation, authority, or both among the necessary fund types.

17	Agency/Project	State	Federal	Authority	Total
18		Special	Special	Only	
19		Revenue	Revenue	Sources	
20	DEQ Energy Improvements, Statewide			3,700,000	3,700,000

21 (6) The following money is appropriated to the department of environmental quality in the indicated
22 amount for grants that reduce exposure to lead in drinking water at school facilities:

23	<u>Agency/Project</u>	<u>State</u>	<u>Federal</u>	<u>Authority</u>	<u>Other</u>	<u>Total</u>
24		<u>Special</u>	<u>Special</u>	<u>Only</u>	<u>Funding</u>	
25		<u>Revenue</u>	<u>Revenue</u>		<u>Sources</u>	
26	<u>DEQ School Lead Remediation</u>					
27		<u>3,700,000</u>				<u>3,700,000</u>

28 State special revenues consist of funds from the account established in 75-11-313.

1 inclusion in the state building energy conservation program (SBECP) under Title 90, chapter 4, part 6. When a
 2 review shows that a capital project will result in energy or utility savings and improvements, that project must be
 3 submitted to the energy conservation program for funding consideration by the SBECP. Funding provided
 4 under the energy conservation program guidelines must be used to offset or add to the authorized funding for
 5 the project, and the amount will be dependent on the annual utility savings resulting from the capital project.
 6 Agencies must be notified of potential funding after the review and are obligated to utilize the SBECP funding, if
 7 available.

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

12
 13 **NEW SECTION. Section 10. Increase in state funding for program expansion or operations and**
 14 **maintenance.** If an immediate or future increase in state funding for program expansion or operations and
 15 maintenance is required for a new facility in [section 3] but the increase is not appropriated by the 68th
 16 legislature, the new facility in [section 3] is not appropriated or authorized as provided in 17-7-210.

17
 18 **Section 11.** Section 75-11-313, MCA, is amended to read:

19 **"75-11-313. Petroleum tank release cleanup fund.** (1) There is a petroleum tank release cleanup
 20 fund in the state special revenue fund established in 17-2-102. The fund is administered as a revolving fund by
 21 the board and is statutorily appropriated, as provided in 17-7-502, for the purposes provided for under
 22 subsections (3)(c) and (3)(d). Administrative costs under subsections (3)(a) and (3)(b) must be paid pursuant to
 23 a legislative appropriation.

24 (2) There is deposited in the fund:

25 (a) all revenue from the petroleum storage tank cleanup fee as provided in 75-11-314;

26 (b) money received by the board in the form of gifts, grants, reimbursements, or appropriations,
 27 from any source, intended to be used for the purposes of this fund;

28 (c) money appropriated or advanced to the fund by the legislature;

- 1 (d) money loaned to the board by the board of investments; and
- 2 (e) all interest earned on money in the fund.
- 3 (3) As provided in 75-11-318, the fund may be used only:
- 4 (a) to administer this part, including payment of board expenses associated with administration;
- 5 (b) to pay the actual and necessary department expenses associated with administration;
- 6 (c) to reimburse owners and operators for eligible costs caused by a release from a petroleum
- 7 storage tank and approved by the board; ~~and~~
- 8 (d) for repayment of any advance and any loan made pursuant to 17-6-225, plus interest earned
- 9 on the advance or loan; and
- 10 (e) for lead remediation in school districts.
- 11 (4) Whenever the board accepts a loan from the board of investments pursuant to 17-6-225, the
- 12 receipts from the fees provided for in 75-11-314 in each fiscal year until the loan is repaid are pledged and
- 13 dedicated for the repayment of the loan in an amount sufficient to meet the repayment obligation for that fiscal
- 14 year."

15

16 NEW SECTION. Section 12. Transfer of funds. By August 15, 2023, the department of

17 administration shall make the following transfers:

- 18 (1) \$41,420,091 from the capital developments long-range building program account established in
- 19 17-7-209 to the major repair long-range building program account established in 17-7-221.
- 20 (2) \$113,000,000 from the general fund to the capital developments long-range building program
- 21 account established in 17-7-209.

22

23 **Section 13.** Section 17-7-201, MCA, is amended to read:

24 **"17-7-201. Definitions.** In this part, the following definitions apply:

- 25 (1) (a) "Building" includes a:
- 26 (i) building, facility, or structure constructed or purchased wholly or in part with state money;
- 27 (ii) building, facility, or structure at a state institution;
- 28 (iii) building, facility, or structure owned or to be owned by a state agency, including the department

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

3

4 **Section 16.** Section 1, Chapter 468, Laws of 2021, is amended to read:

5 **Section 1. Authorizations of and appropriations for capital projects.** The portion of section
6 1(4)(c), Chapter 468, Laws of 2021, appropriating money from the general fund to the Montana university
7 system for program expansion or operations and maintenance for the indicated new facility is amended to read:

8 "Montana University System

9 UM Forestry Conservation & Science Lab \$798,659 from the general fund

10 MAES Research and Wood Laboratories \$389,402 \$305,298 from the general fund"

11

12 NEW SECTION. **Section 17. Effective date.** [This act] is effective on passage and approval.

13

14 NEW SECTION. **Section 18. Termination.** [Section 11] terminates June 30, 2025.

15

- END -