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HOUSE BILL NO. 5

INTRODUCED BY M. HOPKINS, J. FITZPATRICK

BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING

A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING MONEY FOR MAJOR REPAIR AND CAPITAL DEVELOPMENT PROJECTS FOR THE BIENNIUM ENDING JUNE 30, 2025; PROVIDING FOR OTHER MATTERS RELATING TO THE APPROPRIATIONS; PROVIDING FOR A TRANSFER OF FUNDS FROM THE CAPITAL DEVELOPMENTS LONG-RANGE BUILDING PROGRAM ACCOUNT TO THE MAJOR REPAIR LONG-RANGE BUILDING PROGRAM ACCOUNT AND FOR A TRANSFER OF FUNDS FROM THE STATE GENERAL FUND TO THE CAPITAL DEVELOPMENTS LONG-RANGE BUILDING PROGRAM ACCOUNT; PROVIDING FUNDING FOR RATE INCREASES TO ALLOW CONSTRUCTION; AMENDING THE DEFINITION OF AN LRBP-ELIGIBLE BUILDING; AMENDING SECTION 17-7-201, MCA; AMENDING SECTION 1(4), CHAPTER 468, LAWS OF 2021; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Definitions.** As used in [sections 1 through 10], unless the context clearly indicates otherwise, 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) "Capital development" means capital projects provided for in 17-7-201(2).
- (3) "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 10].
- (4) "LRBP capital development" means the long-range building program capital developments account in the capital projects fund type provided for in 17-7-209.
- (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.

1 (b) The term does not include operations and maintenance as defined in this section.

2 (8) (a) "New facility" means the construction of a new building on state property regardless of  
3 funding source and includes:

4 (i) an addition to an existing building; and

5 (ii) the enclosure of space that was not previously fully enclosed.

6 (b) The term does not include the replacement of state-owned space that is demolished or that is  
7 otherwise removed from state use if the total construction cost of the replacement space is less than \$2.5  
8 million.

9 (9) "Operations and maintenance" means operational costs and regular, ongoing, and routine  
10 repairs and maintenance funded in an agency operating budget that does not extend the capacity, function, or  
11 lifespan of a facility.

12 (10) "Replacement cost of existing long-range building program-eligible building" means the current  
13 replacement value of all long-range building program-eligible buildings included in the statewide facility  
14 inventory and condition assessment as provided in 17-7-202."

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16 **NEW SECTION. Section 13. Project management and supervision.** Up to \$2,000,000 is  
17 appropriated from the major repair long-range building program account to the architecture and engineering  
18 division for the purposes of contracted services or modified positions, and associated operating expenses, to  
19 expeditiously implement [sections 1 through 9]. The division is authorized to transfer the appropriation among  
20 the necessary fund types for supervision and project management.

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22 **NEW SECTION. Section 14. Appropriation.** For the fiscal year beginning July 1, 2024, there is  
23 appropriated \$7,169,257 from general fund to the department of corrections to increase provider rates to allow  
24 for the construction of a special services facility.

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26 **NEW SECTION. Section 15. Severability.** If a part of [this act] is invalid, all valid parts that are  
27 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,  
28 the part remains in effect in all valid applications that are severable from the invalid applications.