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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; 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."

15
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.

21
22 **NEW SECTION. Section 14. Montana public safety development center state special revenue**
23 **account.** (1) There is a Montana public safety development center account in the state special revenue fund to
24 be administered by the department of military affairs.

25 (2) The purpose of the account is to provide funding for sustainment of the Montana public safety
26 development center.

27 (3) There must be deposited in the account:

28 (a) any revenue generated by use of the facility, including:

- 1 (i) classroom rental;
- 2 (ii) property rental;
- 3 (iii) site training packages; and
- 4 (iv) Montana public safety development center memberships;
- 5 (b) any legislative appropriations for operations and maintenance; and
- 6 (c) gifts, grants, or donations for the purpose of supporting the Montana public safety development
- 7 center.

NEW SECTION. Section 15. Capital development project appropriations and authorization. (1)

There is appropriated to the department of administration \$5 million of capital development funds and \$5 million of federal special revenue for the biennium beginning July 1, 2023, for construction of a facility for the department of military affairs Montana public safety development center, contingent on the following:

(a) The formation of a steering committee to decide the priorities of the Montana public safety development center. The committee will be made up of a representative from each of the following:

- (i) Montana fire chiefs association;
- (ii) Montana sheriffs and peace officers association;
- (iii) department of military affairs, division of disaster and emergency services, who serves as the committee chair;
- (iv) county attorney office; and
- (v) Montana refinery representative.

(b) The budget director shall adopt a plan for the development and operations of the Montana public safety development center.

(c) Plan development, delivery, and adoption must be coordinated through the department of administration. All plan development efforts, content, and costs are the responsibility of the department of military affairs and the steering committee created under subsection (1)(a).

(d) The plan must be submitted to the legislative fiscal analyst. The documents must be provided in a digital format and must be distributed by the legislative fiscal analyst to legislative finance committee within 90 days of receipt of the plan documents. The department of military affairs shall make a presentation of the

1 final plan documents to the members of the legislative finance committee.

2 (2) (a) The department of military affairs is authorized to enter into a long-term land lease with the
3 city of Great Falls for the purposes of the capital development project.

4 (b) The facility, inclusive of all real property and site improvements within the land lease boundary,
5 must be the property of the state.

6 (c) The land lease may not require the state to sell or remove the facility, any real property, or
7 improvements, unless agreed to by the state at its sole discretion. This restriction shall survive any sale of the
8 land and all costs for removal of the facility, or any real property or improvements, shall be the sole
9 responsibility of the landowner. The state shall have right of first refusal if the land is offered for sale by the city
10 of Great Falls.

11 (d) Should the state elect at any time to sell the facility and any real property or improvements, the
12 provision in subsection (2)(c) is void.

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

19 (b) It is the legislature's intent that the appropriations in this subsection (3) become part of the
20 department of military affairs' base budget for the biennium beginning July 1, 2025.

21 (c) There is appropriated \$360,000 from the general fund and \$400,000 from the state special
22 revenue account established in [section 14] for the biennium beginning July 1, 2025, to the department of
23 military affairs for program expansion or operations and maintenance for the Montana public safety
24 development center.

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26 **NEW SECTION. Section 16. 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.