

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 PROVIDING FUNDING FOR RATE INCREASES TO ALLOW CONSTRUCTION; AMENDING THE  
12 DEFINITION OF AN LRBP-ELIGIBLE BUILDING; PROVIDING FOR AN EMERGENCY SHELTER FACILITY  
13 INFRASTRUCTURE GRANT PROGRAM AND CRITERIA; PROVIDING RULEMAKING AUTHORITY;  
14 AMENDING SECTION SECTIONS 17-7-201, AND 75-11-313, MCA; AMENDING SECTION 1(4), CHAPTER  
15 468, LAWS OF 2021, AND SECTION 2(1), CHAPTER 461, LAWS OF 2021; AND PROVIDING AN  
16 IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

17  
18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

19  
20 NEW SECTION. Section 1. Definitions. As used in [sections 1 through 4011], unless the context  
21 clearly indicates otherwise, the following definitions apply:

- 22 (1) "Authority only" means approval provided by the legislature to expend money that does not  
23 require an appropriation, including grants, donations, auxiliary funds, proprietary funds, nonstate funds, and  
24 university funds.
- 25 (2) "Capital development" means capital projects provided for in 17-7-201(2).
- 26 (3) "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 10]

**Amendment - 1st Reading/2nd House-blue - Requested by: Jeffrey Welborn - (S) Finance and Claims**

- 2023

68th Legislature 2023

Drafter: Katy Callon, 406-444-4421

HB0005.003.003

1           MUS UM MCGILL HALL EXPANSION

2   62,256

62,256

3           MUS MSU-N HEALTH AND RECREATION COMPLEX

4   585,240

585,240

5           (d)     After receipt of a certificate of occupancy, funding appropriated in subsection ~~(3)(e)~~(5)(c) to the  
6 Montana university system Wool Lab and in section 1(4)(c), Ch. 468, L. 2021, to the department of agriculture  
7 Ag Analytical Lab shall be transferred each biennium to the department of livestock.

8  
9           NEW SECTION. SECTION 4. PROJECT PRIORITY. (1) THE DEPARTMENT OF ADMINISTRATION SHALL  
10 PRIORITIZE THE FOLLOWING PROJECTS AT THE MONTANA STATE PRISON AS FIRST AND SHALL MOVE AT ALL DELIBERATE  
11 SPEED TO HAVE EACH PROJECT UNDER CONTRACT BY SEPTEMBER 30, 2023:

12           DOC MSP REPLACE LOW-SIDE HOUSING

13           DOC MSP PERIMETER FENCE ENHANCEMENT

14           DOC MSP UNIT F WATER SUPPLY UPGRADE

15           DOC MSP WATER LINE REPLACEMENT

16           DOC MSP ENTRY/STAFF SERVICES ADDITION TO WALLACE BUILDING

17           DOC MSP REPLACE ROOFS

18           DOC MSP XANTHOPOULOS BUILDING REPAIRS

19           DOC MSP NEW MULTI-PURPOSE PROGRAMS BUILDING

20           (2) TO EXPEDITE CONSTRUCTION OF NEW LOW-SIDE HOUSING UNITS AT MONTANA STATE PRISON, THE  
21 DEPARTMENT OF ADMINISTRATION, IN CONSULTATION WITH THE DEPARTMENT OF CORRECTIONS, IS AUTHORIZED TO  
22 PURCHASE PLANS FOR PRISON HOUSING THAT WERE CONSTRUCTED IN ANOTHER STATE, PROVIDED THOSE PLANS CAN  
23 BE MADE TO COMPLY WITH THE PROFESSIONAL SERVICES REQUIREMENTS OF TITLE 18, CHAPTER 2, AND TITLE 37,  
24 CHAPTERS 65 AND 67.

25  
26           NEW SECTION. Section 5. Capital improvements projects. (1) The following money is  
27 appropriated to the department of fish, wildlife, and parks in the indicated amounts for the purpose of making

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1 capital improvements to statewide facilities. Funds not requiring legislative appropriation are included for the  
 2 purpose of authorization. The department of fish, wildlife, and parks is authorized to transfer the appropriations,  
 3 authority, or both among the necessary fund types for these projects:

4	Agency/Project	State	Federal	Authority	Total
5		Special	Special	Only	
6		Revenue	Revenue	Source	
7	FWP Statewide Admin Facilities Major Maintenance				
8		<u>1,931,500</u>		<u>5,000,000</u>	<u>6,931,500</u>
9		<u>1,991,500</u>		<u>5,000,000</u>	<u>6,991,500</u>
10	<u>Up to \$60,000 of state special revenue funding must be used for construction of a warming hut at</u>				
11	<u>Bannack state park.</u>				
12	FWP Signage & Wayfinding Updates				
13		<u>2,500,000</u>			<u>2,500,000</u>
14		<u>1,250,000</u>			<u>1,250,000</u>
15	FWP Erosion Control				
16		2,673,000			2,673,000
17	FWP Community Ponds				
18		200,000			200,000
19	FWP Forest Management				
20		100,000	300,000		400,000
21	FWP Site Maintenance Upgrades & Improvements				
22		4,572,450	1,770,750	1,193,000	7,536,200
23	FWP Shooting Range Development				
24		1,000,000	3,000,000		4,000,000
25	FWP Wildlife Habitat Improvement Program Renewal				
26			2,000,000		2,000,000
27	FWP Wildlife Habitat Management & Maintenance				

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1		1,140,000	2,765,000		3,905,000
2	FWP Upland Game Bird Enhancement Program				
3		1,908,000	600,000		2,508,000
4	FWP Migratory Bird Wetland Program				
5		500,000			500,000
6	FWP Future Fisheries				
7		2,000,000			2,000,000
8	FWP Hatcheries Maintenance				
9		2,000,000			2,000,000
10	FWP POR Grant Programs				
11		5,000,000	6,000,000		11,000,000
12	FWP Fish Connectivity				
13		548,454	1,278,992	140,234	1,967,680
14	FWP PALA Access Program				
15		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 maintenance of any improvements constructed with these funds must be paid by the department of military

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1 affairs from nonstate sources:

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

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

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

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

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

20 (6) THE FOLLOWING MONEY IS APPROPRIATED TO THE DEPARTMENT OF COMMERCE IN THE INDICATED  
21 AMOUNT FOR GRANTS TO THE CHIPPEWA CREE TRIBE FOR THE PURPOSE OF THE FOLLOWING PROJECTS:

22	<u>AGENCY/PROJECT</u>	<u>STATE</u>	<u>FEDERAL</u>	<u>AUTHORITY</u>	<u>OTHER</u>	<u>TOTAL</u>
23		<u>SPECIAL</u>	<u>SPECIAL</u>	<u>ONLY</u>	<u>FUNDING</u>	
24		<u>REVENUE</u>	<u>REVENUE</u>	<u>SOURCES</u>	<u>SOURCES</u>	
25	<u>CHIPPEWA CREE CULTURAL CEREMONY BUILDING REPAIR</u>				<u>1,000,000</u>	<u>1,000,000</u>
26	<u>CHIPPEWA CREE LANGUAGE IMMERSION SCHOOL</u>				<u>1,000,000</u>	<u>1,000,000</u>

27 OTHER FUNDING SOURCES CONSIST OF ONE-TIME-ONLY STATE GENERAL FUND MONEY.

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1           (7) THE FOLLOWING MONEY IS APPROPRIATED TO THE DEPARTMENT OF TRANSPORTATION IN THE  
 2 INDICATED AMOUNT FOR THE PURPOSE OF CONSTRUCTING NEW PUBLIC SIDEWALKS ALONG U.S. HIGHWAY 2, FROM THE  
 3 INTERSECTION OF MEADOWLARK DRIVE TO THE INTERSECTION OF TERRY ROAD, AND FROM THE INTERSECTION OF EAST  
 4 EVERGREEN DRIVE TO THE INTERSECTION OF POPLAR ROAD.

<u>AGENCY/PROJECT</u>	<u>STATE</u>	<u>FEDERAL</u>	<u>AUTHORITY</u>	<u>OTHER</u>	<u>TOTAL</u>
	<u>SPECIAL</u>	<u>SPECIAL</u>	<u>ONLY</u>	<u>FUNDING</u>	
	<u>REVENUE</u>	<u>REVENUE</u>	<u>SOURCES</u>	<u>SOURCES</u>	
<u>MDT US HIGHWAY 2 SIDEWALKS PROJECT</u>				<u>1,000,000</u>	<u>1,000,000</u>

9           OTHER FUNDING SOURCES CONSIST OF ONE-TIME-ONLY STATE GENERAL FUND MONEY.

10          (8) THE FOLLOWING MONEY IS APPROPRIATED TO THE DEPARTMENT OF COMMERCE IN THE INDICATED  
 11 AMOUNT FOR A GRANT TO THE CITY OF MISSOULA FOR THE PURPOSE OF THE FOLLOWING PROJECT:

<u>AGENCY/PROJECT</u>	<u>STATE</u>	<u>FEDERAL</u>	<u>AUTHORITY</u>	<u>OTHER</u>	<u>TOTAL</u>
	<u>SPECIAL</u>	<u>SPECIAL</u>	<u>ONLY</u>	<u>FUNDING</u>	
	<u>REVENUE</u>	<u>REVENUE</u>	<u>SOURCES</u>	<u>SOURCES</u>	
<u>CITY OF MISSOULA RIVERFRONT TRAIL PUBLIC PLAZA</u>				<u>250,000</u>	<u>250,000</u>

16          OTHER FUNDING SOURCES CONSIST OF ONE-TIME-ONLY STATE GENERAL FUND MONEY.

17          (9) THE FOLLOWING MONEY IS APPROPRIATED TO THE DEPARTMENT OF REVENUE IN THE INDICATED  
 18 AMOUNT FOR THE PURPOSE OF A STATE LINE SURVEY PROJECT TO BE CONDUCTED BY THE U.S. BUREAU OF LAND  
 19 MANAGEMENT IN MINERAL COUNTY.

<u>AGENCY/PROJECT</u>	<u>STATE</u>	<u>FEDERAL</u>	<u>AUTHORITY</u>	<u>OTHER</u>	<u>TOTAL</u>
	<u>SPECIAL</u>	<u>SPECIAL</u>	<u>ONLY</u>	<u>FUNDING</u>	
	<u>REVENUE</u>	<u>REVENUE</u>	<u>SOURCES</u>	<u>SOURCES</u>	
<u>DEPARTMENT OF REVENUE/MINERAL COUNTY STATE LINE SURVEY</u>				<u>76,000</u>	<u>76,000</u>

24          OTHER FUNDING SOURCES CONSIST OF ONE-TIME-ONLY STATE GENERAL FUND MONEY.

25          (10) THE FOLLOWING MONEY IS APPROPRIATED TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY IN THE  
 26 INDICATED AMOUNTS FOR GRANTS THAT REDUCE EXPOSURE TO LEAD IN DRINKING WATER AT SCHOOL FACILITIES:

<u>AGENCY/PROJECT</u>	<u>STATE</u>	<u>FEDERAL</u>	<u>AUTHORITY</u>	<u>OTHER</u>	<u>TOTAL</u>
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1	<u>SPECIAL</u>	<u>SPECIAL</u>	<u>ONLY</u>	<u>FUNDING</u>
2	<u>REVENUE</u>	<u>REVENUE</u>		<u>SOURCES</u>
3	<u>DEQ SCHOOL LEAD REMEDIATION</u>			
4	<u>3,700,000</u>			<u>3,700,000</u>

5 STATE SPECIAL REVENUES CONSIST OF FUNDS FROM THE ACCOUNT ESTABLISHED IN 75-11-313.

6

7 NEW SECTION. Section 6. Land acquisition appropriations. The following money is appropriated

8 to the department of fish, wildlife, and parks in the indicated amounts for purposes of land acquisition, land

9 leasing, easement purchase, or development agreements. The department of fish, wildlife, and parks is

10 authorized to transfer the appropriations, authority, or both among the necessary fund types for these projects:

11 Agency/Project	State	Federal	Authority	Total
	Special	Special	Only	
	Revenue	Revenue	Sources	
14 FWP Habitat Montana	9,650,000	2,350,000		12,000,000

15

16 NEW SECTION. Section 7. Planning and design. The department of administration may proceed

17 with the planning and design of capital projects in either or both [sections 2 and 3] prior to the receipt of other

18 funding sources. The department may use interentity loans in accordance with 17-2-107 to pay planning and

19 design costs incurred before the receipt of other funding sources.

20

21 NEW SECTION. Section 8. Capital projects -- contingent funds. (1) If a capital project is financed,

22 in whole or in part, with appropriations contingent upon the receipt of other funding sources, the department of

23 administration may not let the project for bid until a financial plan and agreement with the agency has been

24 approved by the director of the department of administration. A financial plan and agreement may not be

25 approved by the director if:

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