

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 SECTION~~ 17-7-201, ~~AND 75-11-313~~, MCA; AMENDING SECTION 1(4),
15 CHAPTER 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]

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Drafter: Katy Callon, 406-444-4421

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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		1,931,500		5,000,000	6,931,500
9	FWP Signage & Wayfinding Updates				
10		<u>2,500,000</u>			<u>2,500,000</u>
11		<u>1,250,000</u>			<u>1,250,000</u>
12	FWP Erosion Control				
13		2,673,000			2,673,000
14	FWP Community Ponds				
15		200,000			200,000
16	FWP Forest Management				
17		100,000	300,000		400,000
18	FWP Site Maintenance Upgrades & Improvements				
19		4,572,450	1,770,750	1,193,000	7,536,200
20	FWP Shooting Range Development				
21		1,000,000	3,000,000		4,000,000
22	FWP Wildlife Habitat Improvement Program Renewal				
23			2,000,000		2,000,000
24	FWP Wildlife Habitat Management & Maintenance				
25		1,140,000	2,765,000		3,905,000
26	FWP Upland Game Bird Enhancement Program				
27		1,908,000	600,000		2,508,000

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1	FWP Migratory Bird Wetland Program			
2		500,000		500,000
3	FWP Future Fisheries			
4		2,000,000		2,000,000
5	FWP Hatcheries Maintenance			
6		2,000,000		2,000,000
7	FWP POR Grant Programs			
8		5,000,000	6,000,000	11,000,000
9	FWP Fish Connectivity			
10		548,454	1,278,992	1,967,680
11	FWP PALA Access Program			
12		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:

18	Agency/Project	State	Federal	Authority	Total
19		Special	Special	Only	
20		Revenue	Revenue	Sources	
21	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 affairs from nonstate sources:

26	Agency/Project	State	Federal	Authority	Total
27		Special	Special	Only	

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1		Revenue	Revenue	Sources	
2	DMA Federal Spending Authority		3,000,000		3,000,000

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

5	Agency/Project	State	Federal	Authority	Total
6		Special	Special	Only	
7		Revenue	Revenue	Sources	
8	MDT Maintenance, Repair, and Small Projects				
9		3,000,000			3,000,000

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

13	Agency/Project	State	Federal	Authority	Total
14		Special	Special	Only	
15		Revenue	Revenue	Sources	
16	DEQ Energy Improvements, Statewide				3,700,000
					3,700,000

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

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

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

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

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1 EVERGREEN DRIVE TO THE INTERSECTION OF POPLAR ROAD.

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

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

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

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

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

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

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

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

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

24	<u>AGENCY/PROJECT</u>	<u>STATE</u>	<u>FEDERAL</u>	<u>AUTHORITY</u>	<u>OTHER</u>	<u>TOTAL</u>
25		<u>SPECIAL</u>	<u>SPECIAL</u>	<u>ONLY</u>	<u>FUNDING</u>	
26		<u>REVENUE</u>	<u>REVENUE</u>	<u>SOURCES</u>	<u>SOURCES</u>	
27	<u>DEQ SCHOOL LEAD REMEDIATION</u>					

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1 project as presented to the 68th legislature.

2 (2) This section does not limit or restrict 17-7-211.

3
4 **NEW SECTION. Section 9. Review by department of environmental quality.** The department of
5 environmental quality shall review capital projects authorized in either or both [sections 2 and 3] for potential
6 inclusion in the state building energy conservation program (SBECP) under Title 90, chapter 4, part 6. When a
7 review shows that a capital project will result in energy or utility savings and improvements, that project must be
8 submitted to the energy conservation program for funding consideration by the SBECP. Funding provided
9 under the energy conservation program guidelines must be used to offset or add to the authorized funding for
10 the project, and the amount will be dependent on the annual utility savings resulting from the capital project.
11 Agencies must be notified of potential funding after the review and are obligated to utilize the SBECP funding, if
12 available.

13
14 **NEW SECTION. Section 10. Legislative consent.** The appropriations authorized in [sections 4
15 through 8] ~~[SECTIONS 1 THROUGH 26]~~ ~~[SECTIONS 1 THROUGH 27 26]~~ constitute legislative consent for the capital
16 projects contained in [sections 1 through 8] ~~[SECTIONS 1 THROUGH 26]~~ ~~[SECTIONS 1 THROUGH 27 26]~~ within the
17 meaning of 18-2-102.

18
19 **NEW SECTION. Section 11. Increase in state funding for program expansion or operations and**
20 **maintenance.** If an immediate or future increase in state funding for program expansion or operations and
21 maintenance is required for a new facility in [section 3] but the increase is not appropriated by the 68th
22 legislature, the new facility in [section 3] is not appropriated or authorized as provided in 17-7-210.

23
24 **SECTION 12. SECTION 75-11-313, MCA, IS AMENDED TO READ:**

25 **"75-11-313. — Petroleum tank release cleanup fund. (1) There is a petroleum tank release cleanup**
26 **fund in the state special revenue fund established in 17-2-102. The fund is administered as a revolving fund by**
27 **the board and is statutorily appropriated, as provided in 17-7-502, for the purposes provided for under**

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1 ~~subsections (3)(c) and (3)(d). Administrative costs under subsections (3)(a) and (3)(b) must be paid pursuant to~~
2 ~~a legislative appropriation.~~

3 ~~(2) — There is deposited in the fund:~~

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

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

7 ~~(c) — money appropriated or advanced to the fund by the legislature;~~

8 ~~(d) — money loaned to the board by the board of investments; and~~

9 ~~(e) — all interest earned on money in the fund.~~

10 ~~(3) — As provided in 75-11-318, the fund may be used only:~~

11 ~~(a) — to administer this part, including payment of board expenses associated with administration;~~

12 ~~(b) — to pay the actual and necessary department expenses associated with administration;~~

13 ~~(c) — to reimburse owners and operators for eligible costs caused by a release from a petroleum~~
14 ~~storage tank and approved by the board; and~~

15 ~~(d) — for repayment of any advance and any loan made pursuant to 17-6-225, plus interest earned~~
16 ~~on the advance or loan.; and~~

17 ~~(e) — for lead remediation in school districts.~~

18 ~~(4) — Whenever the board accepts a loan from the board of investments pursuant to 17-6-225, the~~
19 ~~receipts from the fees provided for in 75-11-314 in each fiscal year until the loan is repaid are pledged and~~
20 ~~dedicated for the repayment of the loan in an amount sufficient to meet the repayment obligation for that fiscal~~
21 ~~year."~~

22

23 NEW SECTION. Section 12. Transfer of funds. By August 15, 2023, the department of
24 administration shall make the following transfers:

25 (1) \$41,420,091 from the capital developments long-range building program account established in
26 17-7-209 to the major repair long-range building program account established in 17-7-221.

27 (2) \$2,000,000 FROM THE CAPITAL DEVELOPMENTS LONG-RANGE BUILDING PROGRAM ACCOUNT

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1 (D) IF THE BUDGET DIRECTOR DIRECTS THE DEPARTMENT OF ADMINISTRATION TO TERMINATE THE PLAN
2 DEVELOPMENT EFFORT UNDER THE PROVISIONS OF SUBSECTION (2)(C), THE APPROPRIATION OF GENERAL FUND FOR
3 PROGRAM EXPANSION OR OPERATIONS AND MAINTENANCE IS REVERTED TO THE GENERAL FUND AND WILL NOT BE
4 INCLUDED IN THE RESPECTIVE AGENCY'S BASE BUDGET.

5
6 NEW SECTION. SECTION 16. DEFINITIONS. FOR THE PURPOSES OF [SECTIONS 16 THROUGH 23] [SECTIONS
7 17-16 THROUGH 24 23], UNLESS OTHERWISE PROVIDED, THE FOLLOWING DEFINITIONS APPLY:

8 (1) "EMERGENCY SHELTER" MEANS ANY FACILITY, THE PRIMARY PURPOSE OF WHICH IS TO PROVIDE A
9 TEMPORARY SHELTER FOR THE HOMELESS IN GENERAL OR FOR SPECIFIC POPULATIONS OF THE HOMELESS AND WHICH
10 DOES NOT REQUIRE OCCUPANTS TO SIGN LEASES OR OCCUPANCY AGREEMENTS.

11 (2) "NONPROFIT CORPORATION" MEANS A DOMESTIC CORPORATION, AS DESIGNATED IN ACCORDANCE
12 WITH 35-2-126, THAT PROVIDES EMERGENCY SHELTER FOR THE HOMELESS.

13
14 NEW SECTION. SECTION 17. EMERGENCY SHELTER FACILITY INFRASTRUCTURE ACCOUNT -- USE. (1)
15 THERE IS WITHIN THE STATE SPECIAL REVENUE FUND PROVIDED FOR IN 17-2-102 AN ACCOUNT CALLED THE EMERGENCY
16 SHELTER FACILITY INFRASTRUCTURE ACCOUNT TO PROVIDE GRANT FUNDING TO NONPROFIT CORPORATIONS THAT
17 PROVIDE EMERGENCY SHELTER FOR THE HOMELESS AND FOR ADMINISTRATIVE COSTS RELATED TO ADMINISTERING THE
18 GRANTS. THE DEPARTMENT OF COMMERCE SHALL ADMINISTER THE ACCOUNT.

19 (2) UP TO 3% OF THE FUNDS APPROPRIATED IN [SECTION 23] [SECTION 24 23] MAY BE ALLOCATED FOR
20 THE DEPARTMENT'S ADMINISTRATIVE COSTS.

21
22 NEW SECTION. SECTION 18. EMERGENCY SHELTER FACILITY INFRASTRUCTURE GRANTS AUTHORIZATION.

23 (1) THE DEPARTMENT OF COMMERCE IS AUTHORIZED TO MAKE UP TO \$5 MILLION IN GRANTS TO NONPROFIT
24 CORPORATIONS FOR EMERGENCY SHELTER, PROPERTY ACQUISITION, CONSTRUCTION, SHELTER SPACE ACQUISITION, OR
25 GENERAL CAPITAL IMPROVEMENT PROJECTS. THE GRANTS AUTHORIZED IN THIS SECTION ARE SUBJECT TO THE
26 CONDITIONS SET FORTH IN [SECTION 20] [SECTION 24 20].

27 (2) THE DEPARTMENT OF COMMERCE MUST RECEIVE PROPOSALS FROM NONPROFIT CORPORATIONS FOR

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1 EMERGENCY SHELTER FACILITY INFRASTRUCTURE PROJECTS.

2 (3) FUNDING FOR PROJECTS MAY BE PROVIDED ONLY AS LONG AS THERE ARE SUFFICIENT FUNDS

3 AVAILABLE FROM THE AMOUNT THAT WAS DEPOSITED OR TRANSFERRED INTO THE EMERGENCY SHELTER FACILITY

4 INFRASTRUCTURE ACCOUNT FOR GRANTS ESTABLISHED IN ~~[SECTION 17(1)]~~ [SECTION ~~18(1)~~ 17(1)]. FUNDING FOR THESE

5 PROJECTS MUST BE MADE AVAILABLE IN THE ORDER THAT THE GRANT RECIPIENTS SATISFY THE CONDITIONS DESCRIBED

6 IN ~~[SECTION 20]~~ [SECTION ~~21~~ 20].

7

8 **NEW SECTION. SECTION 19. ELIGIBILITY -- SUBMISSION DEADLINE -- PRIORITY -- RULEMAKING AUTHORITY.**

9 (1) A NONPROFIT CORPORATION MAY APPLY TO THE DEPARTMENT OF COMMERCE FOR EMERGENCY SHELTER FACILITY

10 INFRASTRUCTURE GRANTS UNDER ~~[SECTION 18]~~ [SECTION ~~19~~ 18].

11 (2) NONPROFIT CORPORATIONS SHALL SUBMIT GRANT APPLICATIONS TO THE DEPARTMENT IN ORDER TO

12 BE ELIGIBLE FOR FUNDING UNDER ~~[SECTION 18]~~ [SECTION ~~19~~ 18].

13 (3) THE DEPARTMENT IS AUTHORIZED TO ADOPT RULES OR GUIDELINES NECESSARY TO IMPLEMENT

14 ~~[SECTIONS 16 THROUGH 23]~~ [SECTIONS ~~17-16~~ THROUGH ~~24~~ 23].

15

16 **NEW SECTION. SECTION 20. CONDITION OF GRANTS -- DISBURSEMENT OF FUNDS.** (1) THE DISBURSEMENT

17 OF GRANT FUNDS FOR THE PROJECTS CHOSEN BY THE DEPARTMENT OF COMMERCE PURSUANT TO ~~[SECTION 18]~~

18 ~~[SECTION 19 18]~~ IS SUBJECT TO COMPLETION OF THE FOLLOWING CONDITIONS:

19 (A) FOR GRANTS IN AN AMOUNT OF \$25,000 OR MORE, THE GRANT RECIPIENT SHALL DOCUMENT THE

20 AVAILABILITY OF MATCHING FUNDS OR IN-KIND CONTRIBUTIONS OF ASSETS WITH AN APPRAISED VALUE FROM PRIVATE

21 SOURCES REPRESENTING AT LEAST \$1 IN VALUE FOR EACH \$1 OF THE GRANT.

22 (B) THE GRANT RECIPIENT SHALL EXECUTE A GRANT AGREEMENT WITH THE DEPARTMENT OF COMMERCE

23 THAT INCLUDES A PROJECT MANAGEMENT PLAN AND REPORTING REQUIREMENTS TO TRACK THE OUTCOMES OF

24 ALLOCATED GRANTS.

25 (C) THE GRANT RECIPIENT SHALL SATISFY OTHER SPECIFIC REQUIREMENTS CONSIDERED NECESSARY BY

26 THE DEPARTMENT OF COMMERCE TO ACCOMPLISH THE PURPOSE OF THE PROJECT AS EVIDENCED BY THE APPLICATION

27 TO THE DEPARTMENT.

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1 (2) PROJECTS MUST ADHERE TO THE DESIGN STANDARDS REQUIRED BY APPLICABLE REGULATORY
2 AGENCIES. RECIPIENTS OF PROGRAM FUNDS FOR PROJECTS THAT ARE NOT SUBJECT TO ANY DESIGN STANDARDS MUST
3 COMPLY WITH GENERALLY ACCEPTED INDUSTRY STANDARDS.

4 (3) IF ACTUAL PROJECT EXPENSES ARE LOWER THAN THE PROJECTED EXPENSE OF THE PROJECT, THE
5 DEPARTMENT SHALL REDUCE THE AMOUNT OF GRANT FUNDS TO BE PROVIDED TO GRANT RECIPIENTS.

7 **NEW SECTION. SECTION 21. MAXIMUM STATE FUNDING AVAILABLE -- PER PROJECT -- PER COUNTY. (1)**
8 THE MAXIMUM AMOUNT OF STATE FUNDING ALLOCATED TO ENTITIES WITHIN ANY INDIVIDUAL COUNTY UNDER [SECTIONS
9 16 THROUGH 23] [SECTIONS 17-16 THROUGH 24 23] MAY NOT EXCEED \$750,000.

10 (2) IF TOTAL APPLICATIONS WITHIN A SPECIFIC JURISDICTION EXCEED THE MAXIMUM AMOUNT ALLOWED,
11 THE DEPARTMENT SHALL INCLUDE INPUT FROM LOCAL ELECTED OFFICIALS IN THEIR RANKING CRITERIA FOR THOSE
12 APPLICATIONS.

14 **NEW SECTION. SECTION 22. TRANSFER OF FUNDS.** BY JULY 1, 2023, THE STATE TREASURER SHALL
15 TRANSFER \$5 MILLION FROM THE GENERAL FUND TO THE EMERGENCY SHELTER FACILITY INFRASTRUCTURE ACCOUNT
16 ESTABLISHED IN [SECTION 17] [SECTION 18 17].

18 **NEW SECTION. SECTION 23. APPROPRIATION.** THERE IS APPROPRIATED \$5 MILLION FOR THE BIENNIUM
19 BEGINNING JULY 1, 2023, FROM THE EMERGENCY SHELTER FACILITY INFRASTRUCTURE ACCOUNT ESTABLISHED IN
20 [SECTION 17] [SECTION 18 17] TO THE DEPARTMENT OF COMMERCE FOR GRANTS AS AUTHORIZED IN [SECTIONS 16
21 THROUGH 23] [SECTIONS 17-16 THROUGH 24 23].

23 **NEW SECTION. SECTION 24. MONTANA PUBLIC SAFETY DEVELOPMENT CENTER STATE SPECIAL REVENUE**
24 **ACCOUNT. (1) THERE IS A MONTANA PUBLIC SAFETY DEVELOPMENT CENTER ACCOUNT IN THE STATE SPECIAL REVENUE**
25 **FUND TO BE ADMINISTERED BY THE DEPARTMENT OF MILITARY AFFAIRS.**

26 (2) THE PURPOSE OF THE ACCOUNT IS TO PROVIDE FUNDING FOR SUSTAINMENT OF THE MONTANA PUBLIC
27 SAFETY DEVELOPMENT CENTER.

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1 (3) THERE MUST BE DEPOSITED IN THE ACCOUNT:

2 (A) ANY REVENUE GENERATED BY USE OF THE FACILITY, INCLUDING:

3 (I) CLASSROOM RENTAL;

4 (II) PROPERTY RENTAL;

5 (III) SITE TRAINING PACKAGES; AND

6 (IV) MONTANA PUBLIC SAFETY DEVELOPMENT CENTER MEMBERSHIPS;

7 (B) ANY LEGISLATIVE APPROPRIATIONS FOR OPERATIONS AND MAINTENANCE; AND

8 (C) GIFTS, GRANTS, OR DONATIONS FOR THE PURPOSE OF SUPPORTING THE MONTANA PUBLIC SAFETY

9 DEVELOPMENT CENTER.

10

11 **NEW SECTION. SECTION 25. CAPITAL DEVELOPMENT PROJECT APPROPRIATIONS AND AUTHORIZATION. (1)**

12 THERE IS APPROPRIATED TO THE DEPARTMENT OF ADMINISTRATION \$5 MILLION OF CAPITAL DEVELOPMENT FUNDS AND

13 \$5 MILLION OF FEDERAL SPECIAL REVENUE FOR THE BIENNIUM BEGINNING JULY 1, 2023, FOR CONSTRUCTION OF A

14 FACILITY FOR THE DEPARTMENT OF MILITARY AFFAIRS MONTANA PUBLIC SAFETY DEVELOPMENT CENTER, CONTINGENT

15 ON THE FOLLOWING:

16 (A) THE FORMATION OF A STEERING COMMITTEE TO DECIDE THE PRIORITIES OF THE MONTANA PUBLIC

17 SAFETY DEVELOPMENT CENTER. THE COMMITTEE WILL BE MADE UP OF A REPRESENTATIVE FROM EACH OF THE

18 FOLLOWING:

19 (I) MONTANA FIRE CHIEFS ASSOCIATION;

20 (II) MONTANA SHERIFFS AND PEACE OFFICERS ASSOCIATION;

21 (III) DEPARTMENT OF MILITARY AFFAIRS, DIVISION OF DISASTER AND EMERGENCY SERVICES, WHO SERVES

22 AS THE COMMITTEE CHAIR;

23 (IV) COUNTY ATTORNEY OFFICE; AND

24 (V) MONTANA REFINERY REPRESENTATIVE.

25 (B) THE BUDGET DIRECTOR SHALL ADOPT A PLAN FOR THE DEVELOPMENT AND OPERATIONS OF THE

26 MONTANA PUBLIC SAFETY DEVELOPMENT CENTER.

27 (C) PLAN DEVELOPMENT, DELIVERY, AND ADOPTION MUST BE COORDINATED THROUGH THE DEPARTMENT

Amendment - 1st Reading/2nd House-blue - Requested by: John Esp - (S) Finance and Claims

- 2023

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Drafter: Katy Callon, 406-444-4421

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1 OF ADMINISTRATION. ALL PLAN DEVELOPMENT EFFORTS, CONTENT, AND COSTS ARE THE RESPONSIBILITY OF THE
2 DEPARTMENT OF MILITARY AFFAIRS AND THE STEERING COMMITTEE CREATED UNDER SUBSECTION (1)(A).

3 (D) THE PLAN MUST BE SUBMITTED TO THE LEGISLATIVE FISCAL ANALYST. THE DOCUMENTS MUST BE
4 PROVIDED IN A DIGITAL FORMAT AND MUST BE DISTRIBUTED BY THE LEGISLATIVE FISCAL ANALYST TO LEGISLATIVE
5 FINANCE COMMITTEE WITHIN 90 DAYS OF RECEIPT OF THE PLAN DOCUMENTS. THE DEPARTMENT OF MILITARY AFFAIRS
6 SHALL MAKE A PRESENTATION OF THE FINAL PLAN DOCUMENTS TO THE MEMBERS OF THE LEGISLATIVE FINANCE
7 COMMITTEE.

8 (2) (A) PURSUANT TO 17-7-210, IF CONSTRUCTION OF A NEW FACILITY REQUIRES AN IMMEDIATE OR
9 FUTURE INCREASE IN STATE FUNDING FOR PROGRAM EXPANSION OR OPERATIONS AND MAINTENANCE, THE LEGISLATURE
10 MAY NOT AUTHORIZE THE NEW FACILITY UNLESS IT ALSO APPROPRIATES FUNDS FOR THE INCREASE IN STATE FUNDING
11 FOR PROGRAM EXPANSION AND OPERATIONS AND MAINTENANCE. TO THE EXTENT ALLOWED BY LAW, AT THE END OF
12 EACH FISCAL YEAR FOLLOWING APPROVAL OF A NEW FACILITY BUT PRIOR TO RECEIPT OF ITS CERTIFICATE OF
13 OCCUPANCY, THE APPROPRIATION MADE IN THIS SUBSECTION (2) REVERTS TO ITS ORIGINATING FUND. THE
14 APPROPRIATION IS NOT SUBJECT TO THE PROVISIONS OF 17-7-304.

15 (B) IT IS THE LEGISLATURE'S INTENT THAT THE APPROPRIATIONS IN THIS SUBSECTION (2) BECOME PART OF
16 THE DEPARTMENT OF MILITARY AFFAIRS' BASE BUDGET FOR THE BIENNIUM BEGINNING JULY 1, 2025.

17 (C) THERE IS APPROPRIATED \$360,000 FROM THE GENERAL FUND AND \$400,000 FROM THE STATE
18 SPECIAL REVENUE ACCOUNT ESTABLISHED IN [SECTION 24] [SECTION ~~25~~ 24] FOR THE BIENNIUM BEGINNING JULY 1,
19 2025, TO THE DEPARTMENT OF MILITARY AFFAIRS FOR PROGRAM EXPANSION OR OPERATIONS AND MAINTENANCE FOR
20 THE MONTANA PUBLIC SAFETY DEVELOPMENT CENTER.

21
22 NEW SECTION. SECTION 26. 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
24 RATES TO ALLOW FOR THE CONSTRUCTION OF A SPECIAL SERVICES FACILITY.

25
26 **Section 27.** SECTION 2, CHAPTER 461, LAWS OF 2021, IS AMENDED TO READ:

27 **Section 2. Major repair projects appropriations and authorizations.** The portion of section 2(1),

Amendment - 1st Reading/2nd House-blue - Requested by: John Esp - (S) Finance and Claims

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1 Chapter 461, Laws of 2021, appropriating money from the major repair account to the department of
2 administration for the indicated major repair project is amended to read:

3 "MSU BLS Art Annex Safety and System Upgrades Demolition

4 1,200,000 500,000

1,200,000 500,000"

5
6 NEW SECTION. Section 28. Severability. If a part of [this act] is invalid, all valid parts that are
7 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,
8 the part remains in effect in all valid applications that are severable from the invalid applications.

9
10 **Section 29.** Section 1, Chapter 468, Laws of 2021, is amended to read:

11 **Section 1. Authorizations of and appropriations for capital projects.** The portion of section
12 1(4)(c), Chapter 468, Laws of 2021, appropriating money from the general fund to the Montana university
13 system for program expansion or operations and maintenance for the indicated new facility is amended to read:

14 "Montana University System

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

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

17
18 COORDINATION SECTION. SECTION 30. COORDINATION INSTRUCTION. IF HOUSE BILL NO. 839 IS NOT

19 PASSED AND APPROVED, THEN [SECTIONS 24 AND 25 OF THIS ACT] [SECTIONS 24 and 25 AND 26 OF THIS ACT] ARE

20 VOID.

21
22 NEW SECTION. Section 31. Effective date. [This act] is effective on passage and approval.

23
24 ~~NEW SECTION. Section 33. TERMINATION. [SECTION 12] TERMINATES JUNE 30, 2025.~~

25 - END -