

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 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: John Esp - (S) Finance and Claims**

- 2023

68th Legislature 2023

Drafter: Katy Callon, 406-444-4421

HB0005.003.015

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

11  
12           **NEW SECTION. Section 10. Legislative consent.** The appropriations authorized in [sections 4  
13 through 8] ~~[SECTIONS 1 THROUGH 26]~~ ~~[SECTIONS 1 THROUGH 27]~~ ~~[sections 1 through 26]~~ constitute legislative  
14 consent for the capital projects contained in [sections 4 through 8] ~~[SECTIONS 1 THROUGH 26]~~ ~~[SECTIONS 1~~  
15 ~~THROUGH 27]~~ ~~[sections 1 through 26]~~ within the meaning of 18-2-102.

16  
17           **NEW SECTION. Section 11. Increase in state funding for program expansion or operations and**  
18 **maintenance.** If an immediate or future increase in state funding for program expansion or operations and  
19 maintenance is required for a new facility in [section 3] but the increase is not appropriated by the 68th  
20 legislature, the new facility in [section 3] is not appropriated or authorized as provided in 17-7-210.

21  
22           **SECTION 12. SECTION 75-11-313, MCA, IS AMENDED TO READ:**

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

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

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

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

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

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

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20            ~~NEW SECTION. SECTION 27. APPROPRIATION. FOR THE FISCAL YEAR BEGINNING JULY 1, 2024, THERE IS~~  
21 ~~APPROPRIATED \$7,169,257 FROM GENERAL FUND TO THE DEPARTMENT OF CORRECTIONS TO INCREASE PROVIDER~~  
22 ~~RATES TO ALLOW FOR THE CONSTRUCTION OF A SPECIAL SERVICES FACILITY.~~

23  
24            **Section 27.** SECTION 2, CHAPTER 461, LAWS OF 2021, IS AMENDED TO READ:

25            **Section 2.** Major repair projects appropriations and authorizations. The portion of section 2(1),  
26 Chapter 461, Laws of 2021, appropriating money from the major repair account to the department of  
27 administration for the indicated major repair project is amended to read: