

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 15-65-121 AND 17-7-201, AND 75-11-313, MCA; AMENDING SECTION  
15 1(4), CHAPTER 468, LAWS OF 2021, AND SECTION 2(1), CHAPTER 461, LAWS OF 2021; AND  
16 PROVIDING AN 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 - 2nd Reading/2nd House-tan - Requested by: Steve Fitzpatrick - (S) Committee of Whole**

- 2023

68th Legislature 2023

Drafter: Katy Callon, 406-444-4421

HB0005.004.003

1 Montana university system Wool Lab and in section 1(4)(c), Ch. 468, L. 2021, to the department of agriculture  
2 Ag Analytical Lab shall be transferred each biennium to the department of livestock.

3  
4 NEW SECTION. SECTION 4. PROJECT PRIORITY. (1) THE DEPARTMENT OF ADMINISTRATION SHALL  
5 PRIORITIZE THE FOLLOWING PROJECTS AT THE MONTANA STATE PRISON AS FIRST AND SHALL MOVE AT ALL DELIBERATE  
6 SPEED TO HAVE EACH PROJECT UNDER CONTRACT BY SEPTEMBER 30, 2023:

7 DOC MSP REPLACE LOW-SIDE HOUSING

8 DOC MSP PERIMETER FENCE ENHANCEMENT

9 DOC MSP UNIT F WATER SUPPLY UPGRADE

10 DOC MSP WATER LINE REPLACEMENT

11 DOC MSP ENTRY/STAFF SERVICES ADDITION TO WALLACE BUILDING

12 DOC MSP REPLACE ROOFS

13 DOC MSP XANTHOPOULOS BUILDING REPAIRS

14 DOC MSP NEW MULTI-PURPOSE PROGRAMS BUILDING

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

20  
21 NEW SECTION. Section 5. Capital improvements projects. (1) The following money is  
22 appropriated to the department of fish, wildlife, and parks in the indicated amounts for the purpose of making  
23 capital improvements to statewide facilities. Funds not requiring legislative appropriation are included for the  
24 purpose of authorization. The department of fish, wildlife, and parks is authorized to transfer the appropriations,  
25 authority, or both among the necessary fund types for these projects:

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

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HB0005.004.003

1	Revenue	Revenue	Source	
2	FWP Statewide Admin Facilities Major Maintenance			
3	<del>1,931,500</del>		<del>5,000,000</del>	<del>6,931,500</del>
4	<u>1,991,500</u>		<u>5,000,000</u>	<u>6,991,500</u>
5	<u>UP TO \$60,000 OF STATE SPECIAL REVENUE FUNDING MUST BE USED FOR CONSTRUCTION OF A WARMING HUT</u>			
6	<u>AT BANNACK STATE PARK.</u>			
7	FWP Signage & Wayfinding Updates			
8	<del>2,500,000</del>			<del>2,500,000</del>
9	<u>1,250,000</u>			<u>1,250,000</u>
10	FWP Erosion Control			
11	2,673,000			2,673,000
12	FWP Community Ponds			
13	200,000			200,000
14	FWP Forest Management			
15	100,000	300,000		400,000
16	FWP Site Maintenance Upgrades & Improvements			
17	4,572,450	1,770,750	1,193,000	7,536,200
18	FWP Shooting Range Development			
19	1,000,000	3,000,000		4,000,000
20	FWP Wildlife Habitat Improvement Program Renewal			
21		2,000,000		2,000,000
22	FWP Wildlife Habitat Management & Maintenance			
23	1,140,000	2,765,000		3,905,000
24	FWP Upland Game Bird Enhancement Program			
25	1,908,000	600,000		2,508,000
26	FWP Migratory Bird Wetland Program			
27	500,000			500,000

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HB0005.004.003

1	FWP Future Fisheries				
2		2,000,000			2,000,000
3	FWP Hatcheries Maintenance				
4		2,000,000			2,000,000
5	FWP POR Grant Programs				
6		5,000,000	6,000,000		11,000,000
7	FWP Fish Connectivity				
8		548,454	1,278,992	140,234	1,967,680
9	FWP PALA Access Program				
10		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:

16	Agency/Project	State	Federal	Authority	Total
17		Special	Special	Only	
18		Revenue	Revenue	Sources	
19	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:

24	Agency/Project	State	Federal	Authority	Total
25		Special	Special	Only	
26		Revenue	Revenue	Sources	
27	DMA Federal Spending Authority		3,000,000		3,000,000

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HB0005.004.003

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

3 Agency/Project	4 State	5 Federal	6 Authority	7 Total
	8 Special	9 Revenue	10 Special	
	11 Revenue	12 Revenue	13 Only	
	14 Revenue	15 Revenue	16 Sources	
17 MDT Maintenance, Repair, and Small Projects				
	18 3,000,000			19 3,000,000

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

11 Agency/Project	12 State	13 Federal	14 Authority	15 Total
	16 Special	17 Revenue	18 Special	
	19 Revenue	20 Revenue	21 Only	
	22 Revenue	23 Revenue	24 Sources	
25 DEQ Energy Improvements, Statewide			26 3,700,000	27 3,700,000

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

17 <u>AGENCY/PROJECT</u>	18 <u>STATE</u>	19 <u>FEDERAL</u>	20 <u>AUTHORITY</u>	21 <u>OTHER</u>	22 <u>TOTAL</u>
	23 <u>SPECIAL</u>	24 <u>SPECIAL</u>	25 <u>ONLY</u>	26 <u>FUNDING</u>	
	27 <u>REVENUE</u>	28 <u>REVENUE</u>	29 <u>SOURCES</u>	30 <u>SOURCES</u>	
31 <u>CHIPPEWA CREE CULTURAL CEREMONY BUILDING REPAIR</u>				32 <u>1,000,000</u>	33 <u>1,000,000</u>
34 <u>CHIPPEWA CREE LANGUAGE IMMERSION SCHOOL</u>				35 <u>1,000,000</u>	36 <u>1,000,000</u>

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

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

27 <u>AGENCY/PROJECT</u>	28 <u>STATE</u>	29 <u>FEDERAL</u>	30 <u>AUTHORITY</u>	31 <u>OTHER</u>	32 <u>TOTAL</u>
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HB0005.004.003

1		<u>SPECIAL</u>	<u>SPECIAL</u>	<u>ONLY</u>	<u>FUNDING</u>	
2		<u>REVENUE</u>	<u>REVENUE</u>	<u>SOURCES</u>	<u>SOURCES</u>	
3	<u>MDT US HIGHWAY 2 SIDEWALKS PROJECT</u>				<u>1,000,000</u>	<u>1,000,000</u>

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

(8) THE FOLLOWING MONEY IS APPROPRIATED TO THE DEPARTMENT OF COMMERCE IN THE INDICATED

AMOUNT FOR A GRANT TO THE CITY OF MISSOULA FOR THE PURPOSE OF THE FOLLOWING PROJECT:

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

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

(9) THE FOLLOWING MONEY IS APPROPRIATED TO THE DEPARTMENT OF REVENUE IN THE INDICATED

AMOUNT FOR THE PURPOSE OF A STATE LINE SURVEY PROJECT TO BE CONDUCTED BY THE U.S. BUREAU OF LAND

MANAGEMENT IN MINERAL COUNTY.

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

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

(10) THE FOLLOWING MONEY IS APPROPRIATED TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY IN THE

INDICATED AMOUNTS FOR GRANTS THAT REDUCE EXPOSURE TO LEAD IN DRINKING WATER AT SCHOOL FACILITIES:

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>	
25	<u>DEQ SCHOOL LEAD REMEDIATION</u>					
26		<u>3,700,000</u>				<u>3,700,000</u>
27					<u>3,700,000</u>	<u>3,700,000</u>

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68th Legislature 2023

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HB0005.004.003

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

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

3 ~~(11) THE FOLLOWING MONEY IS APPROPRIATED TO THE DEPARTMENT OF NATURAL RESOURCES AND~~

4 ~~CONSERVATION IN THE INDICATED AMOUNT FOR A GRANT TO THE YELLOWSTONE CONSERVATION DISTRICT AND THE~~

5 ~~CITY OF BILLINGS FOR CONSTRUCTION FOR THE YELLOWSTONE CONSERVATION AREA.~~

<u>AGENCY/PROJECT</u>	<u>STATE</u>	<u>FEDERAL</u>	<u>AUTHORITY</u>	<u>OTHER</u>	<u>TOTAL</u>
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	<u>SPECIAL</u>	<u>SPECIAL</u>	<u>ONLY</u>	<u>FUNDING</u>	
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	<u>REVENUE</u>	<u>REVENUE</u>	<u>SOURCES</u>	<u>SOURCES</u>	
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<u>DNRC YELLOWSTONE CONSERVATION AREA</u>				<u>8,000,000</u>	<u>8,000,000</u>
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10 ~~OTHER FUNDING SOURCES CONSIST OF ONE-TIME-ONLY STATE GENERAL FUND MONEY.~~

11 ~~(12) THE FOLLOWING MONEY IS APPROPRIATED TO THE DEPARTMENT OF COMMERCE IN THE INDICATED~~

12 ~~AMOUNT FOR A GRANT TO THE CITY OF COLUMBUS FOR A GRANT FOR WATER AND SEWER SYSTEM UPGRADES AND~~

13 ~~REPAIRS:~~

<u>AGENCY/PROJECT</u>	<u>STATE</u>	<u>FEDERAL</u>	<u>AUTHORITY</u>	<u>OTHER</u>	<u>TOTAL</u>
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	<u>SPECIAL</u>	<u>SPECIAL</u>	<u>ONLY</u>	<u>FUNDING</u>	
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	<u>REVENUE</u>	<u>REVENUE</u>	<u>SOURCES</u>	<u>SOURCES</u>	
--	----------------	----------------	----------------	----------------	--

<u>DEPARTMENT OF COMMERCE/CITY OF COLUMBUS WATER AND SEWER SYSTEM UPGRADES AND REPAIRS</u>					
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				<u>1,000,000</u>	<u>1,000,000</u>
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19 ~~OTHER FUNDING SOURCES CONSIST OF ONE-TIME-ONLY STATE GENERAL FUND MONEY.~~

20 ~~(13) THE FOLLOWING MONEY IS APPROPRIATED TO THE DEPARTMENT OF COMMERCE IN THE INDICATED~~

21 ~~AMOUNT FOR A GRANT TO THE WORLD MUSEUM OF MINING IN BUTTE-SILVER BOW FOR THE PURPOSE OF THE DESIGN~~

22 ~~AND CONSTRUCTION OF THE WORLD MUSEUM OF MINING HERITAGE CENTER.~~

<u>AGENCY/PROJECT</u>	<u>STATE</u>	<u>FEDERAL</u>	<u>AUTHORITY</u>	<u>OTHER</u>	<u>TOTAL</u>
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	<u>SPECIAL</u>	<u>SPECIAL</u>	<u>ONLY</u>	<u>FUNDING</u>	
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	<u>REVENUE</u>	<u>REVENUE</u>	<u>SOURCES</u>	<u>SOURCES</u>	
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<u>DEPARTMENT OF COMMERCE/WORLD MUSEUM OF MINING HERITAGE CENTER</u>					
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				<u>9,600,000</u>	<u>9,600,000</u>
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1 ~~OTHER FUNDING SOURCES CONSIST OF ONE-TIME-ONLY STATE GENERAL FUND MONEY.~~  
 2 ~~(14)(13) THE FOLLOWING MONEY IS APPROPRIATED TO THE DEPARTMENT OF COMMERCE IN THE INDICATED~~  
 3 ~~AMOUNT FOR GRANTS TO LOCAL GOVERNMENTS AS DEFINED IN 90-6-701 FOR LOCAL PARK FACILITY IMPROVEMENTS.~~

4	<u>AGENCY/PROJECT</u>	<u>STATE</u>	<u>FEDERAL</u>	<u>AUTHORITY</u>	<u>OTHER</u>	<u>TOTAL</u>
5		<u>SPECIAL</u>	<u>SPECIAL</u>	<u>ONLY</u>	<u>FUNDING</u>	
6		<u>REVENUE</u>	<u>REVENUE</u>	<u>SOURCES</u>	<u>SOURCES</u>	
7	<u>DEPARTMENT OF COMMERCE/LOCAL PARK FACILITY IMPROVEMENT GRANTS</u>					
8					<u>2,000,000</u>	<u>2,000,000</u>

9 ~~OTHER FUNDING SOURCES CONSIST OF ONE-TIME-ONLY STATE GENERAL FUND MONEY.~~  
 10  
 11 NEW SECTION. Section 6. Land acquisition appropriations. The following money is appropriated  
 12 to the department of fish, wildlife, and parks in the indicated amounts for purposes of land acquisition, land  
 13 leasing, easement purchase, or development agreements. The department of fish, wildlife, and parks is  
 14 authorized to transfer the appropriations, authority, or both among the necessary fund types for these projects:

15	Agency/Project	State	Federal	Authority	Total
16		Special	Special	Only	
17		Revenue	Revenue	Sources	
18	FWP Habitat Montana	9,650,000	2,350,000		12,000,000

20 NEW SECTION. Section 7. Planning and design. The department of administration may proceed  
 21 with the planning and design of capital projects in either or both [sections 2 and 3] prior to the receipt of other  
 22 funding sources. The department may use interentity loans in accordance with 17-2-107 to pay planning and  
 23 design costs incurred before the receipt of other funding sources.

25 NEW SECTION. Section 8. Capital projects -- contingent funds. (1) If a capital project is financed,  
 26 in whole or in part, with appropriations contingent upon the receipt of other funding sources, the department of  
 27 administration may not let the project for bid until a financial plan and agreement with the agency has been