

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-yellow - Requested by: Steve Fitzpatrick - (S) Committee of Whole**

- 2023  
68th Legislature 2023

Drafter: Julie Johnson, 406-444-4024

HB0005.004.005

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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HB0005.004.005

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	<del>1,991,500</del>		<del>5,000,000</del>	<del>6,991,500</del>
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	<u>1,931,500</u>		<u>5,000,000</u>	<u>6,931,500</u>
8	FWP Signage & Wayfinding Updates			
9	<del>2,500,000</del>			<del>2,500,000</del>
10	<u>1,250,000</u>			<u>1,250,000</u>
11	FWP Erosion Control			
12	2,673,000			2,673,000
13	FWP Community Ponds			
14	200,000			200,000
15	FWP Forest Management			
16	100,000	300,000		400,000
17	FWP Site Maintenance Upgrades & Improvements			
18	4,572,450	1,770,750	1,193,000	7,536,200
19	FWP Shooting Range Development			
20	1,000,000	3,000,000		4,000,000
21	FWP Wildlife Habitat Improvement Program Renewal			
22		2,000,000		2,000,000
23	FWP Wildlife Habitat Management & Maintenance			
24	1,140,000	2,765,000		3,905,000
25	FWP Upland Game Bird Enhancement Program			
26	1,908,000	600,000		2,508,000
27	FWP Migratory Bird Wetland Program			

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HB0005.004.005

1		500,000			500,000
2	FWP Future Fisheries				
3		2,000,000			2,000,000
4	FWP Hatcheries Maintenance				
5		2,000,000			2,000,000
6	FWP POR Grant Programs				
7		5,000,000	6,000,000		11,000,000
8	FWP Fish Connectivity				
9		548,454	1,278,992	140,234	1,967,680
10	FWP PALA Access Program				
11		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:

17	Agency/Project	State	Federal	Authority	Total
18		Special	Special	Only	
19		Revenue	Revenue	Sources	
20	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:

25	Agency/Project	State	Federal	Authority	Total
26		Special	Special	Only	
27		Revenue	Revenue	Sources	

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1 DMA Federal Spending Authority 3,000,000 3,000,000

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

4	Agency/Project	State	Federal	Authority	Total
5		Special	Special	Only	
6		Revenue	Revenue	Sources	

7 MDT Maintenance, Repair, and Small Projects

8 3,000,000 3,000,000

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

12	Agency/Project	State	Federal	Authority	Total
13		Special	Special	Only	
14		Revenue	Revenue	Sources	

15 DEQ Energy Improvements, Statewide 3,700,000 3,700,000

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

17 AMOUNT FOR GRANTS TO THE CHIPPEWA CREE TRIBE FOR THE PURPOSE OF THE FOLLOWING PROJECTS:

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

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

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

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1	<u>AGENCY/PROJECT</u>	<u>STATE</u>	<u>FEDERAL</u>	<u>AUTHORITY</u>	<u>OTHER</u>	<u>TOTAL</u>
2		<u>SPECIAL</u>	<u>SPECIAL</u>	<u>ONLY</u>	<u>FUNDING</u>	
3		<u>REVENUE</u>	<u>REVENUE</u>	<u>SOURCES</u>	<u>SOURCES</u>	
4	<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:

8	<u>AGENCY/PROJECT</u>	<u>STATE</u>	<u>FEDERAL</u>	<u>AUTHORITY</u>	<u>OTHER</u>	<u>TOTAL</u>
9		<u>SPECIAL</u>	<u>SPECIAL</u>	<u>ONLY</u>	<u>FUNDING</u>	
10		<u>REVENUE</u>	<u>REVENUE</u>	<u>SOURCES</u>	<u>SOURCES</u>	
11	<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.

16	<u>AGENCY/PROJECT</u>	<u>STATE</u>	<u>FEDERAL</u>	<u>AUTHORITY</u>	<u>OTHER</u>	<u>TOTAL</u>
17		<u>SPECIAL</u>	<u>SPECIAL</u>	<u>ONLY</u>	<u>FUNDING</u>	
18		<u>REVENUE</u>	<u>REVENUE</u>	<u>SOURCES</u>	<u>SOURCES</u>	
19	<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:

23	<u>AGENCY/PROJECT</u>	<u>STATE</u>	<u>FEDERAL</u>	<u>AUTHORITY</u>	<u>OTHER</u>	<u>TOTAL</u>
24		<u>SPECIAL</u>	<u>SPECIAL</u>	<u>ONLY</u>	<u>FUNDING</u>	
25		<u>REVENUE</u>	<u>REVENUE</u>		<u>SOURCES</u>	
26	<u>DEQ SCHOOL LEAD REMEDIATION</u>					
27		<u>3,700,000</u>				<u>3,700,000</u>

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1 3,700,000      3,700,000

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

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

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

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

6 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>
	<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>DNRC YELLOWSTONE CONSERVATION AREA</u>				<u>8,000,000</u>	<u>8,000,000</u>

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

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

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

14 REPAIRS:

<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 COMMERCE/CITY OF COLUMBUS WATER AND SEWER SYSTEM UPGRADES AND REPAIRS</u>				<u>1,000,000</u>	<u>1,000,000</u>

19 1,000,000      1,000,000

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

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

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

23 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>
	<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 COMMERCE/WORLD MUSEUM OF MINING HERITAGE CENTER</u>					

27 DEPARTMENT OF COMMERCE/WORLD MUSEUM OF MINING HERITAGE CENTER

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1 9,600,000      9,600,000

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

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

4 AMOUNT FOR GRANTS TO LOCAL GOVERNMENTS AS DEFINED IN 90-6-701 FOR LOCAL PARK FACILITY IMPROVEMENTS.

<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>	

8 DEPARTMENT OF COMMERCE/LOCAL PARK FACILITY IMPROVEMENT GRANTS

9 2,000,000      2,000,000

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

12 NEW SECTION. Section 6. Land acquisition appropriations. The following money is appropriated  
 13 to the department of fish, wildlife, and parks in the indicated amounts for purposes of land acquisition, land  
 14 leasing, easement purchase, or development agreements. The department of fish, wildlife, and parks is  
 15 authorized to transfer the appropriations, authority, or both among the necessary fund types for these projects:

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

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

26 NEW SECTION. Section 8. Capital projects -- contingent funds. (1) If a capital project is financed,  
 27 in whole or in part, with appropriations contingent upon the receipt of other funding sources, the department of