

1 HOUSE BILL NO. 12
2 INTRODUCED BY M. HOPKINS
3 BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING MONEY FROM THE HISTORIC
6 PRESERVATION GRANT PROGRAM ACCOUNT TO THE DEPARTMENT OF COMMERCE FOR HISTORIC
7 PRESERVATION PROJECTS; AUTHORIZING GRANTS FROM THE HISTORIC PRESERVATION GRANT
8 PROGRAM ACCOUNT; PLACING CONDITIONS ON GRANTS AND FUNDS; PROVIDING AN
9 APPROPRIATION; AMENDING SECTIONS 22-3-1305 AND 22-3-1306, MCA; AMENDING SECTION 1(2),
10 CHAPTER 467, LAWS OF 2021; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13
14 **SECTION 1. SECTION 22-3-1305, MCA, IS AMENDED TO READ:**

15 **"22-3-1305. Historic preservation grant program -- proposals -- recommendations.** (1) There is a
16 historic preservation grant program established within the department of commerce. A Except as provided in
17 subsection (6), a person, association, or representative of a governing unit seeking a historic preservation grant
18 under this section must submit a grant proposal to the department by March 1 of the year preceding the
19 convening of a regular legislative session.

20 (2) The department shall review all proposals for historic preservation grants in consultation with
21 the tourism advisory council and the state historical preservation office before they are submitted to the
22 legislature.

23 (3) Consistent with the rules adopted in accordance with 22-3-1306, the department shall make
24 recommendations to the legislature on each proposal submitted to the department.

25 (4) The department's recommendations to the legislature are advisory.

26 (5) The department shall present its recommendations to the appropriations committee of the
27 legislature by the 15th day of a regular legislative session.

Amendment - 2nd Reading-yellow - Requested by: Kenneth Walsh - (H) Committee of the Whole

- 2023

68th Legislature 2023

Drafter: Katy Callon, 406-444-4421

HB0012.002.002

1 (6) The legislature may appropriate funds for a qualifying historic preservation grant in addition to
2 those recommended by the department of commerce."

3

4 **SECTION 2. SECTION 22-3-1306, MCA, IS AMENDED TO READ:**

5 **"22-3-1306. Priorities for funding -- rulemaking.** (1) The department of commerce shall make
6 recommendations for grants awarded under the historic preservation grant program to ~~public or private~~ eligible
7 entities for the preservation of historic sites, historical societies, or history museums in the state.

8 (2) Projects funded under this section must provide that a significant portion of the facility be open
9 to public access and use. Projects that confer only a private benefit are not eligible.

10 (3) The recommendations must be based on competitive criteria created by the department, as
11 guided by the legislature. The criteria may include:

12 (a) the degree of economic stimulus or economic activity, including job creation and work creation
13 for Montana contractors and service workers;

14 (b) the purpose of the project, including whether it provides features that establish or enhance
15 security, climate control, or fire protection for museums or address infrastructure, maintenance, or building code
16 issues;

17 (c) the timing of the project, including access to matching funds, if needed, and approval of permits
18 so that work can be completed without delay;

19 (d) the historic or heritage value related to the state of Montana;

20 (e) the successful track record or experience of the organization directing the project; ~~and~~

21 (f) the expected ongoing economic benefit to the state as a result of the project completion;

22 (g) the degree of local contribution to the project; and

23 (h) the anticipated public benefit, including the extent the site or building will be open to the public
24 and the degree of immediate facility use after project completion.

25 ~~(2)~~(4) The department of commerce shall adopt rules necessary to implement the historic
26 preservation grant program. In adopting rules, the department shall look to the rules adopted for the Montana
27 coal endowment program, the cultural and aesthetic grant program, and other similar state programs. To the

Amendment - 2nd Reading-yellow - Requested by: Kenneth Walsh - (H) Committee of the Whole

- 2023

68th Legislature 2023

Drafter: Katy Callon, 406-444-4421

HB0012.002.002

1 extent feasible, the department shall make the rules compatible with those other programs."

2

3 **SECTION 3. SECTION 1(2), CHAPTER 467, LAWS OF 2021, IS AMENDED TO STRIKE THE FOLLOWING PROJECTS**

4 **AND APPROPRIATIONS:**

5 "4 THE PEOPLE'S CENTER IN PABLO

6 CONFEDERATED SALISH AND KOOTENAI TRIBES \$50,600"

7 "12 O'FALLON HISTORICAL MUSEUM IN BAKER

8 FALLON COUNTY \$298,657"

9 "16 BLAINE COUNTY MUSEUM IN CHINOOK

10 BLAINE COUNTY MUSEUM \$60,240"

11

12 **NEW SECTION. Section 4. Appropriation for Montana historic grant program.** (1) There is

13 appropriated to the department of commerce ~~\$8,501,314~~ ~~\$10,968,044~~ \$11,265,044 for the biennium beginning
14 July 1, 2023, from the historic preservation grant program account established in 22-3-1307 to finance projects
15 authorized in subsection (2).

16 (2) The following projects and applicants are authorized for grants in ~~their order of priority~~ RANKED

17 ORDER:

18	Rank	Project/Applicant	Grant Amount
19	1	Harlowton Roundhouse	
20		Harlowton, City of	\$500,000
21	2	Fort Peck Theatre	
22		Fort Peck Fine Arts Council	\$500,000
23	3	Baker State Bank Building	
24		Southeastern Montana Area Revitalization Team (SMART)	\$160,000
25	4	Petroleum County Courthouse	
26		Petroleum County	\$498,720
27	5	Milligan Building	

Amendment - 2nd Reading-yellow - Requested by: Kenneth Walsh - (H) Committee of the Whole

- 2023

68th Legislature 2023

Drafter: Katy Callon, 406-444-4421

HB0012.002.002

1		Bighorn Valley Health Center, Inc. dba One Health	\$500,000
2	6	Ringling Church	
3		The Ringling Commons, LLC	\$141,773
4	7	National Museum of Forest Service History	
5		National Museum of Forest Service History	\$300,000
6	8	Historic Teslow Grain Elevator	
7		Project49	\$486,102 <u>\$392,277</u>
8	8	A.D. Whitcomb Garage	
9		Buses of Yellowstone Preservation Trust, Inc.	\$136,366
10	10	Havre Beneath the Streets	
11		Havre Beneath the Streets	\$359,672
12	11	Hockaday Museum of Art	
13		Hockaday Museum of Art	\$31,000
14	11	Historical Museum at Fort Missoula	
15		Friends of the Historical Museum at Fort Missoula	\$272,000 <u>\$175,200</u>
16	13	Shelby Town Hall	
17		Shelby, City of	\$5,600
18	14	Coggswell-Taylor House	
19		Montana Heritage Commission – Coggswell/Taylor House	\$176,562 <u>\$141,250</u>
20	15	Rocky Mountain Building	
21		Community Health Care Center, Inc. dba Alluvion Health	\$500,000 <u>\$400,000</u>
22	15	The History Museum	
23		Cascade County Historical Society dba The History Museum	\$340,000
24	15	Copper Village Museum and Arts Center	
25		Copper Village Museum and Arts Center	\$235,000
26	18	Historic Hotel Libby	
27		Friends of Historic Hotel Libby	\$173,659

Amendment - 2nd Reading-yellow - Requested by: Kenneth Walsh - (H) Committee of the Whole

- 2023

68th Legislature 2023

Drafter: Katy Callon, 406-444-4421

HB0012.002.002

1	18	Roosevelt Center	
2		Red Lodge Area Community Foundation	\$367,578
3	20	Kelly Block Building	
4		75 Park Street LLC	\$500,000
5	20	Montana Club	
6		Original Montana Club Cooperative Association	\$90,040
7	20	Charles Krug House	
8		Sonja Maxwell	\$145,000 <u>\$116,000</u>
9	23	Glendive Greenhouse at Bloom Coffeehouse and Eatery	
10	—	Bloom Coffeehouse and Eatery	\$250,000
11	23	Edwards & McLellan Block	
12		SGS Properties, LLC	\$221,590
13	25	Hickman House	
14		Montana Heritage Commission – Hickman House	\$166,073 <u>\$161,201</u>
15	25	Paris Gibson Square Museum of Art	
16		Paris Gibson Square Museum of Art	\$300,979
17	25	Billings Depot	
18		Billings Depot, Inc.	\$414,400
19	28	Babcock Theatre	
20		Cine Billings dba Art House Cinema	\$236,000
21	29	Wheeler Cabin	
22		Glacier National Park Conservancy	\$493,200
23	29	BLACKFOOT SPIRITUAL & HERITAGE CENTER	
24		BLACKFEET TRIBE	<u>\$500,000</u>
25	30	Gilbert House	
26	—	Montana Heritage Commission – Gilbert House	\$297,000
27	<u>30</u>	<u>Gilbert House</u>	

Amendment - 2nd Reading-yellow - Requested by: Kenneth Walsh - (H) Committee of the Whole

- 2023
68th Legislature 2023

Drafter: Katy Callon, 406-444-4421

HB0012.002.002

1		<u>Montana Heritage Commission</u>	<u>\$297,000</u>
2	30	Stillwater County Courthouse	
3		Stillwater County	\$500,000
4	30	Waite House	
5		Yogo Mansion LLC	\$390,000 <u>\$270,000</u>
6	33	Moss Manion <u>MANSION</u>	
7		Billings Preservation Society	\$500,000
8	34	Ouellette Place	
9		Homeward, Inc. (Ouellette Place)	\$287,300 <u>\$100,000</u>
10	34	Acme Building	
11		Homeward, Inc. (Acme Historic Hotel)	\$321,100 <u>\$100,000</u>
12	36	Great Falls Civic Center	
13		Great Falls, City of	\$500,000 <u>\$250,000</u>
14	37	Miles City Convent Keepers Community Center	
15		Miles City Convent Keepers	\$119,688
16	38	Lenox Flats Building	
17		Homeward, Inc. (Lenox Flats)	\$288,330 <u>\$100,000</u>
18	38	Miles City Elks Lodge #537	
19		Miles City Elks Lodge #537	\$200,000
20	40	Daly Mansion	
21		Daly Mansion Preservation Trust	\$266,400 <u>\$100,000</u>
22	40	Fountain Terrace Condominiums	
23		Fountain Terrace Condominiums Inc.	\$500,000
24	40	Garfield County Museum	
25		Garfield County	\$500,000 <u>\$400,000</u>
26	43	Deer Lodge City Hall	
27		Deer Lodge, City of	\$283,500

Amendment - 2nd Reading-yellow - Requested by: Kenneth Walsh - (H) Committee of the Whole

- 2023

68th Legislature 2023

Drafter: Katy Callon, 406-444-4421

HB0012.002.002

1	44 Pollard Hotel	
2	Spofford Hotel Company	\$118,720
3	45 Joliet Town Hall and Courthouse	
4	Joliet, Town of	\$83,000
5	46 Lakeside Distillery	
6	Lakeside Distillery	\$65,000
7	47 Miracle of America Museum	
8	Miracle of America Museum	\$92,623 <u>\$70,351</u>
9	48 Legal Tender Bar and Hotel Building	
10	Mountana Consulting, LLC	\$255,938

(3) Funding for the projects in subsection (2) will be provided in the order of priority as long as there are sufficient funds available from the amount that was deposited into the historic preservation grant program account during the biennium beginning July 1, 2023. The funds in this subsection must be awarded for the projects and in amounts not to exceed the amounts set out in subsection (2) subject to the conditions set forth in ~~[section 3]~~ SECTION 7. However, any of the projects listed in subsection (2) that have not completed the conditions described in ~~[section 3(1)]~~ SECTION 7(1) by September 1, 2024, must be reviewed by the next regular legislature to determine if the authorized grant should be withdrawn.

(4) If sufficient funds are available, this section constitutes a valid obligation of funds to the grant projects listed in subsection (2) for purposes of encumbering the funds in the historic preservation grant program account established in 22-3-1307 for the biennium beginning July 1, 2023, pursuant to 17-7-302. A grant recipient's entitlement to receive funds is dependent on the grant recipient's compliance with the conditions described in ~~[section 3]~~ SECTION 7 and on the availability of funds.

(5) The legislature, pursuant to 22-3-1305, authorizes the grants for the projects listed in subsection (2).

(6) (A) EXCEPT AS PROVIDED IN SUBSECTION (6)(B), A GRANT RECIPIENT SHALL ENTER INTO A DEFINITIVE, BINDING CONTRACT WITH A QUALIFIED CONTRACTOR TO CONSTRUCT THE PROJECT PRIOR TO SEPTEMBER 30 OF THE EVEN-NUMBERED YEAR PRECEDING THE NEXT REGULARLY SCHEDULED LEGISLATIVE SESSION. IF THE GRANT RECIPIENT

Amendment - 2nd Reading-yellow - Requested by: Kenneth Walsh - (H) Committee of the Whole

- 2023

68th Legislature 2023

Drafter: Katy Callon, 406-444-4421

HB0012.002.002

1 FAILS TO MEET THE DEADLINE, ANY OBLIGATION TO THE GRANT RECIPIENT WILL CEASE, AND THE FUNDS WILL REVERT TO
2 THE HISTORIC PRESERVATION GRANT PROGRAM ACCOUNT ESTABLISHED IN 22-3-1307 FOR USE IN THE NEXT BIENNIUM.

3 (B) A GRANT RECIPIENT WHO FAILS TO MEET THE CONTRACT DEADLINE FOR EITHER OF THE FOLLOWING
4 REASONS MAY REQUEST ONE 2-YEAR EXTENSION, DURING WHICH THE PROJECT MUST BE PLACED UNDER CONTRACT OR
5 ANY OBLIGATION TO THE GRANT WILL CEASE:

6 (I) THE PROJECT WAS DAMAGED BY FIRE OR ANOTHER FORM OF CASUALTY; OR

7 (II) THE GRANT RECIPIENT FAILED TO FIND A QUALIFIED CONTRACTOR TO CONSTRUCT THE PROJECT AND
8 DILIGENTLY PURSUED ALL REASONABLE AVENUES TO FIND A QUALIFIED CONTRACTOR.

9 ~~(6)(7)~~ Grant recipients ~~must~~ SHALL complete all of the conditions described in ~~[section 3(1)]~~ [SECTION
10 7(1)] by September 30, 2026, or any obligation to the grant recipient will cease.

11
12 NEW SECTION. SECTION 5. SUPPLEMENTAL APPROPRIATIONS. IN THE EVENT THAT THE TOTAL COST OF A
13 PROJECT EXCEEDS THE AMOUNT OF THE GRANT AND MATCHING FUNDS, THE GRANT RECIPIENT IS FULLY RESPONSIBLE
14 FOR FUNDING THE COST OVERRUN. A SUPPLEMENTAL APPROPRIATION MAY NOT BE GRANTED TO COMPLETE THE
15 PROJECT.

16
17 NEW SECTION. Section 6. Approval of grants -- completion of biennial appropriation. (1) The
18 legislature, pursuant to 22-3-1305, authorizes grants for the projects identified in ~~[section 4(2)]~~ [SECTION 4(2)].

19 (2) The authorization of these grants completes a biennial appropriation from the historic
20 preservation grant program account established in 22-3-1307.

21 (3) Grants to entities from prior bienniums are reauthorized for completion of contract work.

22
23 NEW SECTION. Section 7. Condition of grants -- disbursement of funds. (1) The disbursement of
24 grant funds for the projects specified in ~~[section 4(2)]~~ [SECTION 4(2)] is subject to completion of the following
25 conditions:

26 (a) The grant recipient shall document that other matching funds required for the completion of the
27 project are firmly committed.

Amendment - 2nd Reading-yellow - Requested by: Kenneth Walsh - (H) Committee of the Whole

- 2023

68th Legislature 2023

Drafter: Katy Callon, 406-444-4421

HB0012.002.002

1 (b) The grant recipient must have a project management plan that is approved by the department
2 of commerce.

3 (c) The grant recipient must be in compliance with the auditing and reporting requirements
4 provided for in 2-7-503 and have established a financial accounting system that the department can reasonably
5 ensure conforms to generally accepted accounting principles. Tribal governments shall comply with auditing
6 and reporting requirements provided for in 2 CFR 200.

7 (d) The grant recipient shall satisfactorily comply with any conditions described in the application
8 (project) summaries section of the Montana historic preservation grant program 2025 biennium report to the
9 68th legislature.

10 (e) The grant recipient shall satisfy other specific requirements considered necessary by the
11 department of commerce to accomplish the purpose of the project as evidenced by the application to the
12 department.

13 (f) The grant recipient shall execute a grant agreement with the department of commerce.

14 (2) Recipients of Montana historic preservation grant program funds are subject to the
15 requirements of the department of commerce as described in the most recent edition of the Montana Historic
16 Preservation Grant Program Project Administration Manual adopted by the department through the
17 administrative rulemaking process.

18
19 **NEW SECTION. Section 8. Other powers and duties of the department of commerce.** (1) The
20 department of commerce must disburse grant funds on a reimbursement basis as grant recipients incur eligible
21 project expenses.

22 (2) If actual project expenses are lower than the projected expense of the project, the department
23 may, at its discretion, reduce the amount of grant funds provided to grant recipients in proportion to all other
24 project funding sources.

25
26 **NEW SECTION. Section 9. Notification to tribal governments.** The secretary of state shall send a
27 copy of [this act] to each federally recognized tribal government in Montana.

Amendment - 2nd Reading-yellow - Requested by: Kenneth Walsh - (H) Committee of the Whole

- 2023
68th Legislature 2023

Drafter: Katy Callon, 406-444-4421

HB0012.002.002

1

2 NEW SECTION. Section 10. Effective date. [This act] is effective July 1, 2023.

3

4 NEW SECTION. SECTION 11. TERMINATION. [SECTION 1] TERMINATES JUNE 30, 2025.

5

- END -

AMENDED