

1 HOUSE BILL NO. 817
2 INTRODUCED BY J. FITZPATRICK
3 BY REQUEST OF THE (H) APPROPRIATIONS
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR CAPITAL PROJECTS; PROVIDING
6 APPROPRIATIONS; PROVIDING DEFINITIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
9

10 **NEW SECTION. Section 1. Definitions.** As used in [sections 1 through 5], unless the context clearly
11 indicates otherwise, the following definitions apply:

12 (1) "Authority only" means approval provided by the legislature to expend money that does not
13 require an appropriation, including grants, donations, auxiliary funds, proprietary funds, nonstate funds, and
14 university funds.

15 (2) "Capital development" means capital projects provided for in 17-7-201(2).

16 (3) "Capital project" means the planning, design, renovation, construction, alteration, replacement,
17 furnishing, repair, improvement, site, utility, or land acquisition project provided for in [sections 1 through 5].

18 (4) "LRBP capital development" or "LRBP CD" means the long-range building program capital
19 developments account in the capital projects fund type provided for in 17-7-209.

20 (5) "LRBP major repair" or "LRBP MR" means the long-range building program major repair
21 account in the capital projects fund type provided for in 17-7-221.

22 (6) "Major repair" means capital projects provided for in 17-7-201(7).

23 (7) "Other funding sources" means money other than LRBP money, state special revenue, or
24 federal special revenue that accrues to an agency under the provisions of law.
25

26 **NEW SECTION. Section 2. Appropriations and project prioritization.** (1) (a) For the biennium
27 beginning July 1, 2023, the following money is appropriated to the department of administration for the
28 indicated major repair projects from the indicated sources. Funds not requiring legislative appropriation are

Amendment - 1st Reading-white - Requested by: John Fitzpatrick - (H) Appropriations

- 2023

68th Legislature 2023

Drafter: Julie Johnson, 406-444-4024

HB0817.001.004

1 included for the purpose of authorization. The department of administration is authorized to transfer the
 2 appropriations, authority, or both among the necessary fund types for these projects:

| 3 | Agency/Project | LRBP | State | Federal | Authority | Total |
|---|--|-----------|---------|---------|-----------|-----------|
| 4 | | MR | Special | Special | Only | |
| 5 | | Fund | Revenue | Revenue | Sources | |
| 6 | DOC MSP Perimeter Fence Enhance | | | | | |
| 7 | | 1,500,000 | | | | 1,500,000 |
| 8 | DOC MSP Red Light Emergency Notifications System | | | | | |
| 9 | | 1,000,000 | | | | 1,000,000 |

10 (b) For the biennium beginning July 1, 2023, the following money is appropriated to the
 11 department of administration for the indicated capital development projects from the indicated sources. Funds
 12 not requiring legislative appropriation are included for the purpose of authorization. The department of
 13 administration is authorized to transfer the appropriations, authority, or both among the necessary fund types
 14 for these projects:

| 15 | Agency/Project | LRBP | State | Federal | Authority | Total |
|----|-----------------------------------|--------------------|---------|---------|-----------|--------------------|
| 16 | | CD | Special | Special | Only | |
| 17 | | Fund | Revenue | Revenue | Sources | |
| 18 | DOC MSP Replace Low-Side Housing | | | | | |
| 19 | | <u>156,000,000</u> | | | | <u>156,000,000</u> |
| 20 | | <u>175,000,000</u> | | | | <u>175,000,000</u> |
| 21 | DOC MSP Water Line Replacement | | | | | |
| 22 | | 3,000,000 | | | | 3,000,000 |
| 23 | DOC MSP Unit F Water Line Upgrade | | | | | |
| 24 | | 600,000 | | | | 600,000 |

25 (c) The department of administration shall prioritize the following projects at the Montana state
 26 prison as first and shall move at all deliberate speed to have each project under contract by September 30,
 27 2023.

28 (2) To expedite construction of new low-side housing units at the Montana state prison, the

Amendment - 1st Reading-white - Requested by: John Fitzpatrick - (H) Appropriations

- 2023

68th Legislature 2023

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HB0817.001.004

1 department of administration, in consultation with the department of corrections, is authorized to purchase plans
2 for prison housing that was constructed in another state, provided the plans can be made to comply with the
3 professional services requirements of Title 18, chapter 2, and Title 37, chapters 65 and 67.

4 (3) (a) Pursuant to 17-7-210, if construction of a new facility requires an immediate or future
5 increase in state funding for program expansion or operations and maintenance, the legislature may not
6 authorize the new facility unless it also appropriates funds for the increase in state funding for program
7 expansion and operations and maintenance. To the extent allowed by law, at the end of each fiscal year
8 following approval of a new facility but prior to receipt of its certificate of occupancy, the appropriation made in
9 this subsection (3) reverts to its originating fund. The appropriation is not subject to the provisions of 17-7-304.

10 (b) It is the legislature's intent that the appropriations in this subsection (3) become part of the
11 respective agency's base budget for the biennium beginning July 1, 2025.

12 (c) The following money is appropriated for the biennium beginning July 1, 2023, to the
13 department of corrections from the indicated sources for program expansion or operations and maintenance for
14 the indicated new facility:

| Agency/Project | General Fund | State Special Revenue | Federal Special Revenue | Authority Only Sources | Total |
|----------------------------------|--------------|-----------------------|-------------------------|------------------------|---------|
| DOC MSP Replace Low-Side Housing | 176,560 | | | | 176,560 |
| | 201,571 | | | | 201,571 |

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

27 **NEW SECTION. Section 4. Capital projects -- contingent funds.** (1) If a capital project is financed
28 in whole or in part with appropriations contingent on the receipt of other funding sources, the department of