

HOUSE BILL NO. 5

INTRODUCED BY J. FITZPATRICK

BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING

A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING MONEY FOR MAJOR REPAIR AND CAPITAL DEVELOPMENT PROJECTS FOR THE BIENNIUM ENDING JUNE 30, 2027; PROVIDING FOR OTHER MATTERS RELATING TO THE APPROPRIATIONS; PROVIDING FOR A TRANSFER OF FUNDS FROM THE GENERAL FUND TO THE CAPITAL DEVELOPMENTS LONG-RANGE BUILDING PROGRAM ACCOUNT; PROVIDING FOR A MODIFICATION TO THE LONG-RANGE BUILDING PROGRAM; INCREASING CERTAIN VALUE THRESHOLDS FROM \$150,000 TO \$300,000; AMENDING SECTIONS 17-7-201, 17-7-202, 17-7-210, AND 17-7-223, MCA; AMENDING SECTION 14(1), CHAPTER 762, LAWS OF 2023, AND SECTION 3, CHAPTER 763, LAWS OF 2023; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**NEW SECTION. Section 1. Definitions.** For the purposes of [sections 1 through 10], unless otherwise stated, the following definitions apply:

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

(2) "Capital development" has the same meaning as provided in 17-7-201(2).

(3) "Capital project" means the planning, design, renovation, construction, alteration, replacement, furnishing, repair, improvement, site, utility, or land acquisition project provided for in [sections 1 through 10].

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

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

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

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

- 2025

69th Legislature 2025

Drafter: Julie Johnson,

HB0005.001.004

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

(8) "SBECP" means funds from the state building energy conservation program account in the capital projects fund type which may be utilized on either or both major repair or capital development projects.

**NEW SECTION. Section 2. Major repair projects appropriations and authorizations.** (1) The following money is appropriated to the department of administration for the indicated major repair projects from the indicated sources. Funds not requiring legislative appropriation are included for the purpose of authorization. The department of administration is authorized to adjust capital project amounts within the legislative intent of the major repair account-funded projects, subject to available revenues, if approved by the office of budget and program planning, and to transfer the appropriations, authority, or both among the necessary fund types for these projects:

Agency/Project	LRBP	State	Federal	Authority	Total
MR	Special	Special	Only		
Fund	Revenue	Revenue	Sources		
MUS	MSU Completion of Montana Hall Life Safety Improvements				
	2,100,000				2,100,000
DPHHS MMHNCC	Completion of Door Access Controls				
	130,000				130,000
MUS	UM Missoula College Mechanical, Electrical, and Accessibility Upgrades				
	2,200,000				2,200,000
MUS	UM Montana Tech Selected Upgrades Exterior Steps, Stairs, Ramps				
	710,000				710,000
DPHHS MMHNCC	Additional Security Cameras				
	300,000				300,000
MUS	UM-W Selected Fire Alarm Upgrades				
	500,000				500,000
DOC	MSP MCE New Emergency Generators				

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

- 2025

69th Legislature 2025

Drafter: Julie Johnson,

HB0005.001.004

1		200,000	200,000
2	DOA	Aviation Support Facility Shop Building New Fire Suppression System	
3		950,000	950,000
4	MUS	UM Montana Tech Campus Heating Plant Boiler System Upgrade	
5		2,400,000	2,400,000
6	DOAg	State Grain Lab Heating System Upgrades	
7		150,000	150,000
8	MUS	MSU GFC Campus Heating and Domestic Hot Water Upgrades	
9		400,000	400,000
10	DOJ	MHP Boulder MHP/IBC Campus Heating System Upgrades	
11		2,350,000	2,350,000
12	MUS	UM Helena College Donaldson/Airport Boiler System Replacement	
13		150,000	150,000
14	DOA	Original Governor's Mansion Heating and Fire Alarm Systems	
15		300,000	300,000
16	MUS	UM-W Swysgood Tech Center HVAC Cooling System Replacement	
17		370,000	370,000
18	DOC	Continuation of Xanthopoulos Building Repairs	
19		2,200,000	2,200,000
20	MUS	MSU Linfield Hall Roof Replacement	
21		850,000	850,000
22	DOA	State Print and Mail Building Roof Replacement	
23		825,000	825,000
24	MUS	MSU-N Cowan Hall Exterior Envelope Upgrades	
25		1,725,000	1,725,000
26		DPHHS EMVH Water Infiltration and Exterior Envelope Repairs	
27		1,900,000	1,900,000
28	MUS	MSU-N Automotive Technology Building Roof Replacement	

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

- 2025

69th Legislature 2025

Drafter: Julie Johnson,

HB0005.001.004

1		460,000	460,000
2	MUS	UM HC Donaldson Campus Roofing Replacement	
3		2,400,000	2,400,000
4	DOC	MSP MCE Roof Replacements	
5		1,350,000	1,350,000
6	DOA	Aviation Support Fac Hangar Door Reconstruction and Replacement	
7		320,000	320,000
8	MUS	UM Montana Tech Campus-wide Building Electrical System Upgrades	
9		1,300,000	1,300,000
10	MSDB	Completion of Parking Lot Improvements	
11		780,000	780,000
12	MUS	UM-W Selected Sewer Main Repairs and Replacement	
13		690,000	690,000
14	DOC	MWP Completion of Perimeter Security Upgrades	
15		600,000	600,000
16	OPI	Montana Learning Center Site Infrastructure Upgrades	
17		700,000	700,000
18	MUS	UM-W Steam Distribution System Upgrades	
19		475,000	475,000
20	DOC	PHYCF Utility Tunnel and Heating System Repairs	
21		1,200,000	1,200,000
22	MUS	UM Selected Building Electrical System Upgrades	
23		1,100,000	1,100,000
24	MUS	MSU South Campus Primary Electrical Distribution Upgrades	
25		1,750,000	1,750,000
26	DOC	MSP Gravel Pit Equipment Generator Replacement	
27		180,000	180,000
28	DLI	Kalispell Job Service Renovations	

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

- 2025

69th Legislature 2025

Drafter: Julie Johnson,

HB0005.001.004

1		325,000		325,000
2	MUS	UM Selected Elevator System Upgrades		
3		1,675,000		1,675,000
4	MUS	MT Tech Science and Engineering, and ELC Building Elevator Upgrades		
5		400,000		400,000
6	DOL	New Laboratory Casework and Fixed Equipment, Combined Labs Building		
7		1,000,000		1,000,000
8	MSDB	Selected HVAC Systems Upgrades		
9		2,000,000		2,000,000
10	MUS	MSU McCall Hall Demolition		
11		1,100,000	300,000	1,400,000
12	DOA	Capitol Building Interior Lighting Restoration		
13		125,000		125,000
14	DOA	Capitol Complex Restroom Renovations		
15		625,000		625,000
16	DOC	MSP MCE Restroom Repairs		
17		200,000		200,000
18	DOJ	MLEA Air Conditioning Installation		
19		300,000		300,000
20	MUS	MT Tech Mining and Geology Building Temp Controls System		
21		300,000		300,000
22	DOA	Statewide Facility Condition Assessment Services for Agencies		
23		750,000		750,000
24	DOA	Statewide Selected Feasibility Studies for Agencies		
25		500,000		500,000
26	(2)	Up to \$2.8 million state special revenue from the capital land grant fund is appropriated to the		
27		department of administration for the 2027 biennium for use solely on major repair capital projects on the Capitol		
28		complex. Major repair capital projects shall be approved by of the office of budget and program planning prior to		

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

- 2025

69th Legislature 2025

Drafter: Julie Johnson,

HB0005.001.004

1 use of the funds by the department.

2 (3) The following money is appropriated to the department of military affairs for the indicated major  
3 repair projects from the indicated sources. Funds not requiring legislative appropriation are included for the  
4 purpose of authorization and are subject to the provisions of 18-2-103.

5	Agency/Project	LRBP	State	Federal	Authority	Total
6		MR	Special	Special	Only	
7		Fund	Revenue	Revenue	Sources	
8	DMA	Statewide Indoor Firing Range Remediation				
9				2,450,000		2,450,000
10	DMA	MTARNG Buildings MEP Repairs				
11				1,970,000		1,970,000
12	DMA	FTH Building 1009 New Generator				
13				255,000		255,000
14	DMA	Helena AFRC New Underground Stormwater Piping System				
15				230,000		230,000
16	DMA	FTH New Powered Fire Department Access Gate				
17				225,000		225,000
18	DMA	FTH Range Operations Center Site Work				
19				380,000		380,000
20	DMA	FTH Building 1017 New Shower Rooms				
21				110,000		110,000
22	DMA	MTARNG Buildings New PV Solar Arrays and Repairs				
23				690,000		690,000

24

25 **NEW SECTION. Section 3. Capital development projects appropriations and authorizations.** (1)

26 The following money is appropriated to the department of administration for the indicated capital development  
27 projects from the indicated sources. Funds not requiring legislative appropriation are included for the purpose of  
28 authorization. The department of administration is authorized to transfer the appropriations, authority, or both

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

- 2025

69th Legislature 2025

Drafter: Julie Johnson,

HB0005.001.004

1 among the necessary fund types for these projects:

2	Agency/Project LRBP	State	Federal	Authority	Total
3	CD	Special	Special	Only	
4	Fund	Revenue	Revenue	Sources	

5 DOC MSP Low-Side Housing Expansion

6	150,000,000				150,000,000
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7 Funding is provided to expand the capital project in Section 2, Chapter 765, Laws of 2023. The  
8 department may extend existing design, construction, and other contracts at its sole discretion, in order to  
9 expedite the project.

10 DOC MSP Site Infrastructure Upgrades

11	21,000,000				21,000,000
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12 Funding is provided to expand the capital project in Section 2, Chapter 765, Laws of 2023. The  
13 department may also extend existing design, construction, and other contracts at its sole discretion, in order to  
14 expedite the project.

15 DPHHS MSH Comprehensive Mechanical System Replacement

16	11,200,000				11,200,000
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17 DOC MSP Comprehensive Mechanical System Replacement

18	4,750,000				4,750,000
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19 DPHHS MSH Spratt Building Upgrades for Licensure

20	4,000,000				4,000,000
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21 Funding may be redirected by the office of budget and program planning to address other capital  
22 project needs at the Montana State Hospital, subject to 17-7-210.

23 MUS UM Selected Classrooms and Teaching Labs Modernization

24	11,600,000				11,600,000
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25 DNRC Missoula New Forestry and Trust Lands Office Building

26	3,000,000				3,000,000
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27 DNRC Helena Wildland Firefighter Bunkhouses

28	3,860,000				3,860,000
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**Amendment - 1st Reading-white - Requested by: John Fitzpatrick - (H) Appropriations**

- 2025

69th Legislature 2025

Drafter: Julie Johnson,

HB0005.001.004

1	DNRC Libby Wildland Firefighter Bunkhouses and Office Addition		
2		3,600,000 600,000	4,200,000
3	DNRC Plains Wildland Firefighter Bunkhouse		
4		1,930,000	1,930,000
5	DOA Capitol Complex Roof Replacements		
6		4,100,000	4,100,000
7	MUS UM Selected Roof Replacements		
8		3,000,000	3,000,000
9	MUS MT Tech Highlands College Roof Replacement		
10		5,000,000	5,000,000
11	MUS MSUB Cisel Hall HVAC and Plumbing System Upgrades		
12		4,000,000	4,000,000
13	DOA Capitol Complex Elevator System Upgrades		
14		5,700,000	5,700,000
15	MSDB Vocational Building Renovation		
16		5,120,000	5,120,000
17	MUS MSU Lewis Hall New Elevator and ADA Upgrades		
18		4,600,000	4,600,000
19	MUS UM Music Building Renovation		
20		7,250,000	7,250,000 14,500,000
21	DOA 1227 11th Avenue Renovation		
22		3,600,000	3,600,000
23	DOA 1300 11th Avenue Renovation		
24		4,150,000	4,150,000
25	MUS UM Mansfield Library Renovation		
26		9,000,000	9,000,000 18,000,000
27	MUS MSU Hamilton Hall 3rd and 4th Floor Renovation		
28		5,230,000	5,230,000



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

- 2025

69th Legislature 2025

Drafter: Julie Johnson,

HB0005.001.004

1	DOA	5 South Last Chance Gulch Building Renovation		
2		17,300,000		17,300,000
3	DMA	SMART Deferred Maintenance Program, Statewide		
4		1,500,000	4,500,000	6,000,000
5	DOC	MSP Construction Education Program Building Renovation		
6		4,000,000		4,000,000
7	DMA	Billings Limited Army Aviation Support Facility, Phase 2		
8		23,100,000		23,100,000
9	DMA	MTANG New Training Drop Zone		
10		1,800,000		1,800,000
11	DOJ	MLEA New Indoor Firing Range		
12		10,000,000		10,000,000
13	DMA	MT State Veterans' Cemetery, New Interment Processing Center		
14		1,925,000		1,925,000
15	FWP	Central Services Site Upgrades Phase 2		
16		13,350,000		13,350,000
17	FWP	Central Services Site Upgrades Phase 3		
18		16,680,000		16,680,000
19	FWP	Region 5 Cooney State Park Storage Building		
20		220,000		220,000
21	FWP	Region 5 Deadman's Basin FAS Storage Building		
22		340,000		340,000
23	MDT	Three Forks Equipment Storage Building		
24		3,000,000		3,000,000
25	MDT	Wolf Creek Equipment Storage Building		
26		2,400,000		2,400,000
27	MDT	Lodge Grass Equipment Storage Building		
28		2,400,000		2,400,000

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

- 2025

69th Legislature 2025

Drafter: Julie Johnson,

HB0005.001.004

1	MDT	Conrad Equipment Storage Building		
2			3,500,000	3,500,000
3	MDT	Miles City Equipment Storage Building		
4			4,200,000	4,200,000
5	MUS	MSUB New Art Building		
6			13,400,000	13,400,000
7	MUS	UM New Bandy Ranch Field Research Housing		
8			2,000,000	2,000,000
9	MUS	UM Bio Research Building Addition		
10			8,000,000	8,000,000
11	MUS	MSU Instructional Space Modernization		
12			4,000,000	4,000,000
13	MUS	UM Law School Interior Remodel		
14			3,000,000	3,000,000
15	MUS	UM McGill Hall Addition		
16			2,000,000	2,000,000
17		Authority-only increase is provided for the project in Section 3, Chapter 763, Laws of 2023.		
18	MUS	MSU Nopper Building Purchase		
19			6,500,000	6,500,000
20	MUS	UM Undergraduate Research Lab Upgrades and Improvements		
21			10,000,000	10,000,000
22	MUS	UM South Campus Tennis Court Complex		
23			8,300,000	8,300,000
24	MUS	MSU Visual Communications Building Classroom Addition		
25			2,500,000	2,500,000
26		Authority-only increase is provided for the project in Section 2, Chapter 422, Laws of 2019, and Section		
27		3, Chapter 763, Laws of 2023.		
28	(2)	The following money is appropriated to the department of military affairs for the indicated		

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

- 2025

69th Legislature 2025

Drafter: Julie Johnson,

HB0005.001.004

capital development projects from the indicated sources. Funds not requiring legislative appropriation are included for the purpose of authorization and are subject to the provisions of 18-2-103.

Agency/Project	LRBP	State	Federal	Authority	Total
CD	Special	Special	Only		
Fund	Revenue	Revenue	Sources		

DMA Fort Harrison Open Bay Barracks

18,120,000	18,120,000
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Federal special revenue is provided for the purposes of construction for the project consented to by the governor in August 2024 in accordance with 18-2-102(2)(e) for use of \$1,880,000 of federal funds for design only.

DMA Fort Harrison Vehicle Paint Shop Construction

6,960,000	6,960,000
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DMA MTARNG Vehicle Maintenance Shop Construction

40,600,000	40,600,000
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DMA Limestone Hills Target Storage Building Replacement

385,000	385,000
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DMA Veterans' Cemetery Expansions, Statewide

1,000,000	1,000,000
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(3) (a) The following money is appropriated to the office of budget and program planning for the indicated capital development project from the indicated source for the purpose of major repairs and capital projects on the Capitol complex:

Agency/Project	LRBP	State	Federal	Authority	Total
CD	Special	Special	Only		
Fund	Revenue	Revenue	Sources		

OBPP Capitol Complex Deferred Maintenance and Renewal

50,000,000	50,000,000
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(b) The office of budget and program planning is authorized to transfer any or all of the appropriation to the department of administration. The department of administration is authorized to adjust

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

- 2025

69th Legislature 2025

Drafter: Julie Johnson,

HB0005.001.004

major repair or capital development project amounts within the legislative intent, if approved by the office of budget and program planning, and to transfer the appropriations, authority, or both among the necessary fund types.

(c) The funds may be used in conjunction with projects appropriated in Section 14, Subsection 4, Chapter 762, Laws of 2023. The department may also extend existing design, construction, and other contracts at its sole discretion.

(d) The funds may not be utilized in or for space leased or to be leased by a state agency or to construct or acquire additional state-owned square footage.

(4) (a) The following money is appropriated to the department of administration for the purpose of capital development projects planning studies for agencies, including the university system, on capital projects that are anticipated to be greater than a total project cost of \$10 million:

Agency/Project	LRBP	State	Federal	Authority	Total
	CD	Special	Special	Only	
	Fund	Revenue	Revenue	Sources	
DOA	Capital Development Projects Planning Studies				
	2,000,000				2,000,000

(b) Prior to usage of the funds, the department shall require agencies to submit individual capital project applications, along with 6-year facilities strategic plans, and make recommendations to the office of budget and program planning. A planning study must be approved by the office of budget and program planning prior to commencement by the department.

(c) The results of a planning study must contain the full narrative and explanation of the needs, project scope and programmatic information, design and construction schedule, itemized total capital project costs, any future staffing costs, and any future operations and maintenance costs.

(d) Subject to 17-7-211, agencies, including the university system, may utilize other funding sources to initiate or participate in a capital projects planning study.

(5) (a) The following money is appropriated to the department of administration as reserve funding on major repair-type and capital development-type capital projects:

Agency/Project	LRBP	State	Federal	Authority	Total
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**Amendment - 1st Reading-white - Requested by: John Fitzpatrick - (H) Appropriations**

- 2025

69th Legislature 2025

Drafter: Julie Johnson,

HB0005.001.004

1		CD	Special	Special	Only	
2		Fund	Revenue	Revenue	Sources	
3	DOA	Reserve Funds for Market, Supply Chain, and Inflationary Impacts				
4		10,000,000				10,000,000
5	(b)	Prior to usage of the funds, the department shall submit a recommendation with sufficient				
6		justification for approval to the office of budget and program planning.				
7	(c)	Funding may not be used to expand beyond the scope of a project authorized by the				
8		legislature. This aggregate amount does not limit or restrict 17-7-211.				
9	(6)	(a) Pursuant to 17-7-210, if construction or acquisition of a new facility requires an immediate				
10		or future increase in state funding for program expansion or operations and maintenance, the legislature may				
11		not authorize the new facility unless it also appropriates funds for the increase in state funding for program				
12		expansion and operations and maintenance. To the extent allowed by law, at the end of each fiscal year				
13		following approval of a new facility but prior to receipt of its certificate of occupancy, the appropriation made in				
14		this subsection reverts to its originating fund. The appropriation is not subject to the provisions of 17-7-304.				
15	(b)	Subject to subsection (6)(d), the following money is appropriated for the biennium beginning				
16		July 1, 2025, to the indicated agency from the indicated sources for program expansion or operations and				
17		maintenance for the indicated new facility:				
18	Agency/Project	General	State	Federal	Authority	Total
19		Fund	Special	Special	Only	
20			Revenue	Revenue	Sources	
21	DOC	MSP Low-Side Housing Expansion				
22		1,300,000				1,300,000
23	DNRC	Missoula New Forestry and Trust Lands Office Building				
24			50,876			50,876
25	DNRC	Helena Wildland Firefighter Bunkhouses				
26			66,360			66,360
27	DNRC	Libby Wildland Firefighter Bunkhouses and Office Addition				
28			33,180			33,180

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

- 2025

69th Legislature 2025

Drafter: Julie Johnson,

HB0005.001.004

1	DNRC	Plains Wildland Firefighter Bunkhouse		
2			33,180	33,180
3	MUS	MSU Lewis Hall New Elevator and ADA Upgrades		
4			37,800	37,800
5	DOA	5 South Last Chance Gulch Building Renovation		
6			173,550	173,550
7	DMA	Billings Limited Army Aviation Support Facility, Phase 2		
8			107,400	107,400
9	DOJ	MLEA New Indoor Firing Range		
10			150,000	150,000
11	DMA	MT State Veterans' Cemetery, New Interment Processing Center		
12			9,625	9,625
13	FWP	Central Services Site Upgrades Phase 2		
14			133,468	133,468
15	FWP	Central Services Site Upgrades Phase 3		
16			208,545	208,545
17	FWP	Region 5 Cooney State Park Storage Building		
18			2,778	2,778
19	FWP	Region 5 Deadman's Basin FAS Storage Building		
20			4,250	4,250
21	MDT	Three Forks Equipment Storage Building		
22			48,150	48,150
23	MDT	Wolf Creek Equipment Storage Building		
24			33,400	33,400
25	MDT	Lodge Grass Equipment Storage Building		
26			33,400	33,400
27	MDT	Conrad Equipment Storage Building		
28			41,650	41,650

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

- 2025

69th Legislature 2025

Drafter: Julie Johnson,

HB0005.001.004

1	MDT	Miles City Equipment Storage Building		
2			44,750	44,750
3	MUS	MSUB New Art Building		
4			257,680	257,680
5	MUS	UM New Bandy Ranch Field Research Housing		
6			108,705	108,705
7	MUS	UM Bio Research Building Addition		
8			246,050	246,050
9	MUS	UM McGill Hall Addition		
10			71,968	71,968
11	MUS	MSU Nopper Building Purchase		
12			1,252,186	1,252,186
13	MUS	UM South Campus Tennis Court Complex		
14			359,086	359,086
15	MUS	MSU Visual Communications Building Classroom Addition		
16			59,286	59,286
17	DMA	Fort Harrison Open Bay Barracks		
18			204,800	204,800
19	DMA	Fort Harrison Vehicle Paint Shop Construction		
20			42,100	42,100
21	DMA	MTARNG Vehicle Maintenance Shop Construction		
22			134,800	134,800
23	DMA	Fort Harrison Facility Maintenance Shop #3 (FMS #3) Acquisition		
24			31,000	31,000

25 Funds for operations and maintenance are provided upon completion of the transfer of the facility from  
26 federal to state ownership. The department of administration may utilize the FMS #3 to construct either or both  
27 the capital projects DMA DES State Emergency Coordination Center Expansion and DMA DES State Disaster  
28 Warehouse in Section 3, Chapter 763, Laws of 2023. If constructed within the FMS #3, the operations and

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

- 2025

69th Legislature 2025

Drafter: Julie Johnson,

HB0005.001.004

1 maintenance funding for either or both the projects in Section 3, Chapter 763, Laws of 2023, shall transfer to  
2 the acquired FMS #3.

3 DMA Billings Readiness Center and Innovation Campus (BRIC)

4 98,500 (General Fund) 98,500 (Federal Special Revenue) 197,000 (Total)

5 Funds for operations and maintenance are provided for the project in Section 3, Chapter 763, Laws of  
6 2023, and are contingent on the sale of the existing Billings Armed Forces Reserve Center (BAFRC). After the  
7 sale, operations and maintenance funding currently appropriated to the department of military affairs for the  
8 existing Billings Armed Forces Reserve Center shall then be added to and utilized for the new Billings  
9 Readiness Center operations and maintenance.

10 DOA Governor's Office, 710 Madison Avenue

11 270,250 (General Fund) 270,250 (Total)

12 Funds for operations and maintenance are provided upon completion of the transfer of the real property  
13 to the department of administration.

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

16 (d) Appropriations in subsection (6)(b) are contingent on the passage and approval of a bill that  
17 includes an appropriation for the construction of the indicated projects in subsection (6)(b).

18  
19 **NEW SECTION. Section 4. Capital improvement projects.** (1) The following money is appropriated  
20 to the department of fish, wildlife, and parks in the indicated amounts for the purpose of making capital  
21 improvements to statewide facilities. Funds not requiring legislative appropriation are included for the purpose  
22 of authorization. The department of fish, wildlife, and parks is authorized to transfer the appropriations,  
23 authority, or both among the necessary fund types for these projects:

Agency/Project	State	Federal	Authority	Total
	Special	Special	Only	
	Revenue	Revenue	Source	
FWP Statewide Administrative Facilities Major Maintenance				
	2,800,000			2,800,000



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

- 2025

69th Legislature 2025

Drafter: Julie Johnson,

HB0005.001.004

1	FWP	Fishing Access Site Major Maintenance		
2			1,590,000	1,590,000
3	FWP	Statewide Hatchery Maintenance and Repairs		
4			2,500,000	2,500,000
5	FWP	Fishing Access Site Noxious Weed Control		
6			250,000	250,000
7	FWP	Wildlife Management Area Maintenance		
8			3,380,000	3,380,000
9	FWP	State Parks Major Maintenance		
10			4,500,000	4,500,000
11	FWP	State Parks Noxious Weed Control		
12			250,000	250,000
13	FWP	Statewide Wildlife Habitat Management Areas Improvements		
14			680,000	680,000
15	FWP	Future Fisheries		
16			2,000,000	2,000,000
17	FWP	Contract Programs		
18			2,250,000	2,250,000
19	FWP	Fish Connectivity		
20			1,635,000	1,775,000
21	FWP	Lewis and Clark Caverns State Park Water System		
22			692,500	692,500
23	FWP	Community Fishing Ponds		
24			200,000	200,000
25	FWP	Parks and Outdoor Recreation Site Development and Upgrades		
26			2,300,000	510,000
27	FWP	Upland Game Bird Enhancement Program		
28			2,000,000	2,000,000

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

- 2025

69th Legislature 2025

Drafter: Julie Johnson,

HB0005.001.004

1	FWP	Dam Maintenance			
2			90,000		90,000
3	FWP	Region 5 HQ Pemberton Lane Improvements			
4			255,000		255,000
5	FWP	Grants Programs			
6			5,800,000	7,900,000	13,700,000
7	FWP	Bannack State Park Historic Preservation			
8			250,000		250,000
9	FWP	Forest Management Program			
10			250,000		250,000
11	FWP	Tongue/Yellowstone/Muggli Fishery Infrastructure Improvements			
12			1,430,000		1,430,000

(2) Authority is granted to the Montana university system for the purpose of making capital improvements to campus facilities statewide. Authority-only funds may include donations, grants, auxiliary funds, proprietary funds, nonstate funds, and university funds. Use of authority-only funds may be allocated at not more than \$2,500,000 per project and are subject to the provisions of 18-2-103. 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:

19	Agency/Project	LRBP	State	Federal	Authority	Total
20		Fund	Special	Special	Only	
21			Revenue	Revenue	Sources	
22	General Spending Authority, MUS All Campuses				20,000,000	20,000,000

(3) The following money is appropriated to the department of transportation in the indicated amount for the purpose of making capital improvements to statewide facilities as indicated and are subject to the provisions of 18-2-103:

26	Agency/Project	LRBP	State	Federal	Authority	Total
27		Fund	Special	Special	Only	
28			Revenue	Revenue	Sources	

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

- 2025

69th Legislature 2025

Drafter: Julie Johnson,

HB0005.001.004

1 Maintenance, Repair, and Small Projects, Statewide

2 3,000,000 3,000,000

3 (4) The following money is appropriated to the department of military affairs in the indicated  
4 amount for the purpose of making capital improvements to statewide facilities. The capital improvements are  
5 subject to the provisions of 18-2-103. All costs for the operation and maintenance of any improvements  
6 constructed with these funds must be paid by the department of military affairs from nonstate sources:

7 Agency/Project	LRBP	State	Federal	Authority	Total
8 Fund		Special	Special	Only	
9		Revenue	Revenue	Sources	
10 Federal Spending Authority			3,000,000		3,000,000

11  
12 **NEW SECTION. Section 5. Land acquisition appropriations.** The following money is appropriated  
13 to the department of fish, wildlife, and parks in the indicated amounts for the 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:

16 Agency/Project	State	Federal	Authority	Total
17	Special	Special	Only	
18	Revenue	Revenue	Sources	
19 FWP Habitat Montana				
20	12,000,000			12,000,000
21 FWP Fishing Access Site Acquisition				
22	500,000			500,000
23 FWP Habitat Montana -- Enhanced 701 Funding				
24	18,000,000			18,000,000

25  
26 **NEW SECTION. Section 6. Planning and design.** The department of administration may proceed  
27 with the planning and design of capital projects in either or both [sections 2 and 3] prior to the receipt of other  
28 funding sources. The department may use interentity loans in accordance with 17-2-107 to pay planning and

1 design costs incurred before the receipt of other funding sources.

2

3 **NEW SECTION. Section 7. Capital projects -- contingent funds.** (1) If a capital project is financed,  
4 in whole or in part, with appropriations contingent on the receipt of other funding sources, the department of  
5 administration may not let the project for bid until a financial plan and agreement with the agency has been  
6 approved by the director of the department of administration. A financial plan and agreement may not be  
7 approved by the director if:

8 (a) the level of funding and authorization provided under the financial plan and agreement deviates  
9 substantially from the funding level provided in either or both [sections 2 and 3] for that project; or

10 (b) the scope of the project is substantially altered or revised from the concept and intent for that  
11 project as presented to the 69th legislature.

12 (2) For any capital project financed, in whole or in part, with appropriations contingent on the  
13 receipt of other funding sources in this biennium and any prior biennium, the agency, including the university  
14 system, for which the capital project is for must submit a report through the department of administration  
15 architecture and engineering division to the Joint Appropriations Subcommittee for Long-Range Planning  
16 indicating the status of the other sources of funding, how much funding has been received, projections of when  
17 the funding is anticipated to be received, or if the project should be canceled. A report must be provided to the  
18 subcommittee during every regular session of the legislature until a project begins construction or is canceled  
19 by the legislature.

20 (3) This section does not limit or restrict the application of 17-7-211.

21

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

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

- 2025

69th Legislature 2025

Drafter: Julie Johnson,

HB0005.001.004

Agencies must be notified of potential funding after the review and are obligated to utilize the SBECF funding, if available, on the terms and conditions specified by the department.

**NEW SECTION. Section 9. Legislative intent.** The appropriations authorized in [sections 2 through 5] constitute legislative consent for the capital projects contained in [sections 2 through 5] within the meaning of 17-7-201 and 18-2-102.

**NEW SECTION. Section 10. Increase in state funding for program expansion or operations and maintenance.** If an immediate or future increase in state funding for program expansion or operations and maintenance is required for a new facility in [section 3] but the increase is not appropriated by the 69th legislature, that new facility in [section 3] is not appropriated or authorized as provided in 17-7-210.

**Section 11.** Section 17-7-201, MCA, is amended to read:

**"17-7-201. Definitions.** In this part, the following definitions apply:

(1) (a) "Building" includes a:

(i) building, facility, or structure constructed or purchased wholly or in part with state money;

(ii) building, facility, or structure at a state institution;

(iii) building, facility, or structure owned or to be owned by a state agency, including the department of transportation.

(b) The term does not include a:

(i) building, facility, or structure owned or to be owned by a county, city, town, school district, or special improvement district;

(ii) facility or structure used as a component part of a highway or water conservation project.

(2) "Capital development" means a:

(a) renovation, construction, alteration, site, or utility project with a total cost of \$2.5 million or more;

(b) new facility with a construction cost of \$250,000 or more; or

(c) purchase of real property for which an appropriation is required to fund the purchase.

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

- 2025

69th Legislature 2025

Drafter: Julie Johnson,

HB0005.001.004

(3) "Construction" includes construction, repair, alteration, renovation, and equipping and furnishing during construction, repair, or alteration.

(4) "Division" means the architecture and engineering division of the department of administration.

(5) "High-performance building" means a building that integrates and optimizes all major high-performance building attributes, including but not limited to:

(a) energy efficiency;

(b) durability;

(c) life-cycle performance; and

(d) occupant productivity.

(6) (a) "Long-range building program-eligible building" means a building, facility, or structure eligible for major repair account funding that:

(i) is owned or fully operated by a state agency and for which the operation and maintenance are funded with state general fund money; or

(ii) supports academic missions of the university system and for which the operation and maintenance are funded with current unrestricted university funds.

(b) The term does not include a building, facility, or structure:

(i) owned or operated by a state agency and for which the operation and maintenance are entirely funded with state special revenue, federal special revenue, or proprietary funds; or

(ii) that supports nonacademic functions of the university system and for which the operation and maintenance are funded from nonstate and nontuition sources.

(7) (a) "Major repair" means:

(i) a renovation, alteration, replacement, or repair project with a total cost of less than \$2.5 million;

(ii) a site or utility improvement with a total cost of less than \$2.5 million; or

(iii) a new facility with a total construction cost of less than \$250,000.

(b) The term does not include operations and maintenance as defined in this section.

(8) (a) "New facility" means the construction or acquisition of a new building on state property regardless of funding source and includes:

(i) an addition to an existing building; and

(ii) the enclosure of space that was not previously fully enclosed.

(b) The term does not include the replacement of state-owned space that is demolished or that is otherwise removed from state use if the total construction cost of the replacement space is less than \$2.5 million.

(9) "Operations and maintenance" means operational costs and regular, ongoing, and routine repairs and maintenance funded in an agency operating budget that does not extend the capacity, function, or lifespan of a facility.

(10) "Replacement cost of existing long-range building program-eligible building" means the current replacement value of all long-range building program-eligible buildings included in the statewide facility inventory and condition assessment as provided in 17-7-202."

**Section 12.** Section 17-7-202, MCA, is amended to read:

**"17-7-202. Preparation of building programs and submission to department of administration -- statewide facility inventory and condition assessment.** (1) Before July 1 of the year preceding a legislative session, each state agency and institution shall submit to the architecture and engineering division of the department of administration, on forms furnished by the division, a proposed long-range building program for major repair projects and capital developments, if any, for the agency or institution along with the agency's or institution's 6-year capital development facilities strategic plan. Excluding major repair projects greater than \$2,500,000, the division may not include a capital development project request in the information provided pursuant to 17-7-202(4) without the project also being included in an agency's or institution's 6-year capital development facilities strategic plan, unless approved by the office of budget and program planning. Each agency and institution shall furnish any additional information requested by the division relating to the utilization of or need for major repair projects and capital developments.

(2) (a) Except as provided in subsection (3), the division shall compile and maintain a statewide facility inventory and condition assessment that:

(i) for each state-owned building:

(A) identifies its location and total square footage;

(B) identifies the agency or agencies using or occupying the building and how much square

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

- 2025

69th Legislature 2025

Drafter: Julie Johnson,

HB0005.001.004

1 footage each agency uses or occupies;

2 (C) lists the current replacement value of the building in its entirety and each agency's portion of  
3 the building; and

4 (D) identifies whether the building is a long-range building program-eligible building; and

5 (ii) for each long-range building program-eligible building:

6 (A) includes a facility condition assessment of the building and an itemized list of the building's  
7 deficiencies; and

8 (B) compares the building's current building deficiency ratio to its deficiency ratio in the previous  
9 biennium.

10 (b) The division may contract with a private vendor to collect, analyze, and compile the building  
11 information required in this subsection (2).

12 (c) The facility inventory and condition assessment must be updated as determined by the division.

13 (d) The division may incorporate in the statewide facility inventory and condition assessment any  
14 facility condition assessment or similar document compiled by an agency.

15 (e) The division shall provide the statewide facility inventory and condition assessment, including a  
16 calculation of the deferred maintenance backlog and overall building deficiency ratio of the long-range building  
17 program-eligible buildings, to the office of budget and program planning and the legislative finance committee  
18 by September 1 of the year preceding a regular legislative session in an electronic format. The division shall  
19 provide a copy of the report to the legislature in accordance with 5-11-210.

20 (3) The division is not required to include a state-owned building that has a current replacement  
21 value of ~~\$150,000-\$300,000~~ or less in the facility inventory and condition assessment.

22 (4) The division shall examine the information furnished by each agency and institution and shall  
23 gather whatever additional information is necessary and conduct whatever surveys are necessary in order to  
24 provide a factual basis for determining the need for and the feasibility of major repair projects and capital  
25 developments. The information compiled by the division shall be submitted to the governor before October 1 of  
26 the year preceding a regular legislative session."

27

28 **Section 13.** Section 17-7-210, MCA, is amended to read:



1           **"17-7-210. Required funding for maintenance of newly authorized state buildings.** (1) If  
2 construction or acquisition of a new facility requires an immediate or future increase in state funding for  
3 program expansion or operations and maintenance, the legislature may not authorize the new facility unless it  
4 also appropriates funds for the increase in state funding for program expansion and operations and  
5 maintenance.

6           (2)     (a) To the extent allowed by law, at the end of each fiscal year following approval of a new  
7 facility but prior to receipt of its certificate of occupancy or acquisition, the appropriation made pursuant to  
8 subsection (1) reverts to its originating fund. The appropriation is not subject to the provisions of 17-7-304.

9           (b)     When a certificate of occupancy or acquisition for a new facility is received prior to the end of  
10 the fiscal year, the amount of the appropriation made pursuant to subsection (1) that reverts to its originating  
11 fund is the prorated amount from the beginning of the fiscal year to the date of the receipt of the certificate of  
12 occupancy."

13  
14           **Section 14.** Section 17-7-223, MCA, is amended to read:

15           **"17-7-223. Major repair -- submission of list to legislature -- priorities.** (1) By November 15 of the  
16 year preceding a regular legislative session, the division shall, on behalf of all state agencies, submit a list of  
17 anticipated major repair projects to the governor. The governor shall review the list of anticipated long-range  
18 building program-eligible major repair projects recommended by the division and submit it to the legislature.

19           (2)     The division shall ensure that the list identifies:

20           (a)     single projects that cost more than ~~\$150,000~~ \$300,000;

21           (b)     multiple projects within a single building or facility that collectively cost more than ~~\$150,000~~  
22 \$300,000; and

23           (c)     single projects that will be constructed in phases with an aggregate cost of more than ~~\$150,000~~  
24 \$300,000.

25           (3)     Unless otherwise directed by the legislature, the division shall execute major repair projects  
26 from the prioritized list submitted to the legislature up to the level of appropriation made by the legislature.

27           (4)     In prioritizing major repair projects, the division shall consider the results of the statewide  
28 facility inventory and condition assessment prepared pursuant to 17-7-202.

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

- 2025

69th Legislature 2025

Drafter: Julie Johnson,

HB0005.001.004

(5) In prioritizing major repair projects, the division shall allocate at least 80% of the funds that the legislature appropriates for major repair to:

(a) projects that address:

(i) any issue that impacts health and safety;

(ii) failing building envelopes;

(iii) structural deficiencies;

(iv) energy, utility, or water savings;

(b) projects that upgrade, repair, or replace:

(i) mechanical, plumbing, or control systems;

(ii) electrical systems;

(iii) fixed equipment;

(iv) an essential building component; or

(v) infrastructure, including a utility tunnel, water line, gas line, sewer line, roof, parking lot, or road;

or

(c) projects that demolish and replace an existing building or facility that is in extensive disrepair and cannot be fixed by repair or maintenance.

(6) In prioritizing major repair projects, the division shall allocate no more than 20% of the funds that the legislature appropriates for major repair to:

(a) remodeling and aesthetic upgrades to meet programmatic needs; or

(b) construct an addition to an existing building or facility."

**Section 15.** Section 3, Chapter 763, Laws of 2023, is amended to read:

The portion of section 3(1), Chapter 763, Laws of 2023, appropriating money from the capital development account to the department of administration for the indicated capital project is amended to read:

"DPHHS MSH Compliance Upgrades for Recertification & Deferred Maintenance

15,903,000

15,903,000

~~Up to \$10,000,000 of funding for the project must be used for rebuilding a water line constructed by the state serving the Montana State Hospital. The department is authorized to contract with Anaconda-Deer Lodge~~

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

- 2025

69th Legislature 2025

Drafter: Julie Johnson,

HB0005.001.004

1 County for this portion of the project at the department's discretion."

2

3 NEW SECTION. Section 16. Transfer of funds. By June 30, 2027, the department of administration  
4 shall transfer \$150 million from the general fund to the capital developments long-range building program  
5 account established in 17-7-209.

6

7 COORDINATION SECTION. Section 17. Coordination instruction. If both [LC0544] and [this act]  
8 are passed and approved, then the reference to the department of environmental quality in [section 8 of this  
9 act] must be changed to "the department of administration architecture and engineering division".

10

11 **Section 18.** Section 14(1), Chapter 762, Laws of 2023, is amended to read:

12 **"Section 14. Appropriations.** (1) There is appropriated 12.5 million from the account established in  
13 [section 11] to the legislative branch for the biennium beginning July 1, 2023, for the purposes set forth in  
14 subsections (2) and (3). This appropriation is reappropriated for the purposes of the original appropriation until  
15 the funds are fully expended."

16

17 NEW SECTION. Section 19. Severability. If a part of [this act] is invalid, all valid parts that are  
18 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,  
19 the part remains in effect in all valid applications that are severable from the invalid applications.

20

21 NEW SECTION. Section 20. Effective date. [This act] is effective on passage and approval.

22

- END -