

**Amendment - 1st Reading/2nd House-blue - Requested by: John Esp - (S) Finance and Claims**

- 2025

69th Legislature 2025

Drafter: Julie Johnson,

HB0005.002.006

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 AND A TRANSFER OF FUNDS FROM THE GENERAL FUND TO A STATE SPECIAL REVENUE FUND; PROVIDING FOR A MODIFICATION TO THE LONG-RANGE BUILDING PROGRAM; INCREASING CERTAIN VALUE THRESHOLDS FROM \$150,000 TO \$300,000; ESTABLISHING REPORTING REQUIREMENTS; 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.

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

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

5           "DPHHS MSH Compliance Upgrades for Recertification & Deferred Maintenance

6                           15,903,000

15,903,000

7           ~~Up to \$10,000,000 of funding for the project must be used for rebuilding a water line constructed by the~~  
8 ~~state serving the Montana State Hospital. The department is authorized to contract with Anaconda-Deer Lodge~~  
9 ~~County for this portion of the project at the department's discretion."~~

10

11           **NEW SECTION. Section 16. Transfer of funds.** (1) By June 30, 2027, the department of  
12 administration shall transfer \$150 million from the general fund to the capital developments long-range building  
13 program account established in 17-7-209.

14           (2) BY JULY 1, 2025, THE STATE TREASURER SHALL TRANSFER \$2 MILLION FROM THE GENERAL FUND TO A  
15 STATE SPECIAL ACCOUNT WITHIN THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR THE PURPOSE OF LEAKING  
16 PETROLEUM TANK REMEDIATION.

17

18           **NEW SECTION. Section 17. Transfer of funds -- plan and reporting.** (1) By June 30, 2026, the  
19 state treasurer shall transfer \$26.5 million from the capital developments long-range building program account  
20 established in 17-7-209 to the board of investments for the purposes of building a behavioral health facility.

21           (2) Prior to the transfer in subsection (1) taking place, the budget director shall adopt a plan from  
22 the board of investments and the department of public health and human services on the facility type and  
23 location. The board of investments and the department of public health and human services shall report to the  
24 health and human services interim budget committee established in 5-12-501 on the progress of choosing the  
25 facility type and location. Once a plan is adopted by the budget director, the board of investments and the  
26 department of public health and human services shall provide a progress report at each subsequent meeting of  
27 the health and human services interim budget committee and each subsequent meeting of the long-range

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planning budget committee that are held prior to December 31, 2026.

(3) Any unspent funds must revert to the capital developments long-range building program account.

COORDINATION SECTION. **Section 18. Coordination instruction.** If both ~~[LC0544]~~ HOUSE BILL No. 217 and [this act] are passed and approved, then the reference to the department of environmental quality in [section 8 of this act] must be changed to "the department of administration architecture and engineering division".

**SECTION 19. SECTION 14(1), CHAPTER 762, LAWS OF 2023, IS AMENDED TO READ:**

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

**Section 20.** Section 9(1), Chapter 739, Laws of 2023, is amended to read:

**"Section 9. Appropriations for capital projects.** (1) After the administrative rules have been adopted under [section 4] and only after the commission transmits its summary report on its recommendations to the governor after following the process set forth in [section 2], there is appropriated ~~\$55~~ \$28.5 million to the department of administration from the capital developments long-range building program account in the capital projects fund type provided for in 17-7-209 for the behavioral health system for future generations capital development."

NEW SECTION. **Section 21. Operations and maintenance appropriation.** (1) The amount of \$10 million is appropriated from the general fund to the department of public health and human services for the fiscal year beginning July 1, 2026, for program expansion or operations and maintenance for the indicated new setting.

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(2) It is the intent of the legislature that the appropriation in subsection (1) become part of the base budget for the department of public health and human services for the biennium beginning July 1, 2027.

**NEW SECTION. Section 22. Severability.** If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

**NEW SECTION. Section 23. Effective date.** [This act] is effective on passage and approval.

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