

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.
- (5) "LRBP major repair" means the long-range building program major repair account in the capital

1 projects fund type provided for in 17-7-221.

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

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

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

7
8 **NEW SECTION. Section 2. Major repair projects appropriations and authorizations.** (1) The
9 following money is appropriated to the department of administration for the indicated major repair projects from
10 the indicated sources. Funds not requiring legislative appropriation are included for the purpose of
11 authorization. The department of administration is authorized to adjust capital project amounts within the
12 legislative intent of the major repair account-funded projects, subject to available revenues, if approved by the
13 office of budget and program planning, and to transfer the appropriations, authority, or both among the
14 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 | | | | | |

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

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69th Legislature 2025

Drafter: Julie Johnson,

HB0005.002.001

| | | | |
|----|------|---|-----------|
| 1 | | 500,000 | 500,000 |
| 2 | DOC | MSP MCE New Emergency Generators | |
| 3 | | 200,000 | 200,000 |
| 4 | DOA | Aviation Support Facility Shop Building New Fire Suppression System | |
| 5 | | 950,000 | 950,000 |
| 6 | MUS | UM Montana Tech Campus Heating Plant Boiler System Upgrade | |
| 7 | | 2,400,000 | 2,400,000 |
| 8 | DOAg | State Grain Lab Heating System Upgrades | |
| 9 | | 150,000 | 150,000 |
| 10 | MUS | MSU GFC Campus Heating and Domestic Hot Water Upgrades | |
| 11 | | 400,000 | 400,000 |
| 12 | DOJ | MHP Boulder MHP/IBC Campus Heating System Upgrades | |
| 13 | | 2,350,000 | 2,350,000 |
| 14 | MUS | UM Helena College Donaldson/Airport Boiler System Replacement | |
| 15 | | 150,000 | 150,000 |
| 16 | DOA | Original Governor's Mansion Heating and Fire Alarm Systems | |
| 17 | | 300,000 | 300,000 |
| 18 | MUS | UM-W Swysgood Tech Center HVAC Cooling System Replacement | |
| 19 | | 370,000 | 370,000 |
| 20 | DOC | Continuation of Xanthopoulos Building Repairs | |
| 21 | | 2,200,000 | 2,200,000 |
| 22 | MUS | MSU Linfield Hall Roof Replacement | |
| 23 | | 850,000 | 850,000 |
| 24 | DOA | State Print and Mail Building Roof Replacement | |
| 25 | | 825,000 | 825,000 |
| 26 | MUS | MSU-N Cowan Hall Exterior Envelope Upgrades | |
| 27 | | 1,725,000 | 1,725,000 |
| 28 | | DPHHS EMVH Water Infiltration and Exterior Envelope Repairs | |

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| | | | |
|----|------|---|-----------|
| 1 | | 1,900,000 | 1,900,000 |
| 2 | MUS | MSU-N Automotive Technology Building Roof Replacement | |
| 3 | | 460,000 | 460,000 |
| 4 | MUS | UM HC Donaldson Campus Roofing Replacement | |
| 5 | | 2,400,000 | 2,400,000 |
| 6 | DOC | MSP MCE Roof Replacements | |
| 7 | | 1,350,000 | 1,350,000 |
| 8 | DOA | Aviation Support Fac Hangar Door Reconstruction and Replacement | |
| 9 | | 320,000 | 320,000 |
| 10 | MUS | UM Montana Tech Campus-wide Building Electrical System Upgrades | |
| 11 | | 1,300,000 | 1,300,000 |
| 12 | MSDB | Completion of Parking Lot Improvements | |
| 13 | | 780,000 | 780,000 |
| 14 | MUS | UM-W Selected Sewer Main Repairs and Replacement | |
| 15 | | 690,000 | 690,000 |
| 16 | DOC | MWP Completion of Perimeter Security Upgrades | |
| 17 | | 600,000 | 600,000 |
| 18 | OPI | Montana Learning Center Site Infrastructure Upgrades | |
| 19 | | 700,000 | 700,000 |
| 20 | MUS | UM-W Steam Distribution System Upgrades | |
| 21 | | 475,000 | 475,000 |
| 22 | DOC | PHYCF Utility Tunnel and Heating System Repairs | |
| 23 | | 1,200,000 | 1,200,000 |
| 24 | MUS | UM Selected Building Electrical System Upgrades | |
| 25 | | 1,100,000 | 1,100,000 |
| 26 | MUS | MSU South Campus Primary Electrical Distribution Upgrades | |
| 27 | | 1,750,000 | 1,750,000 |
| 28 | DOC | MSP Gravel Pit Equipment Generator Replacement | |

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| | | | |
|----|------|---|-------------------|
| 1 | | 180,000 | 180,000 |
| 2 | DLI | Kalispell Job Service Renovations | |
| 3 | | 325,000 | 325,000 |
| 4 | MUS | UM Selected Elevator System Upgrades | |
| 5 | | 1,675,000 | 1,675,000 |
| 6 | MUS | MT Tech Science and Engineering, and ELC Building Elevator Upgrades | |
| 7 | | 400,000 | 400,000 |
| 8 | DOL | New Laboratory Casework and Fixed Equipment, Combined Labs Building | |
| 9 | | 1,000,000 | 1,000,000 |
| 10 | MSDB | Selected HVAC Systems Upgrades | |
| 11 | | 2,000,000 | 2,000,000 |
| 12 | MUS | MSU McCall Hall Demolition | |
| 13 | | 1,100,000 | 300,000 1,400,000 |
| 14 | DOA | Capitol Building Interior Lighting Restoration | |
| 15 | | 125,000 | 125,000 |
| 16 | DOA | Capitol Complex Restroom Renovations | |
| 17 | | 625,000 | 625,000 |
| 18 | DOC | MSP MCE Restroom Repairs | |
| 19 | | 200,000 | 200,000 |
| 20 | DOJ | MLEA Air Conditioning Installation | |
| 21 | | 300,000 | 300,000 |
| 22 | MUS | MT Tech Mining and Geology Building Temp Controls System | |
| 23 | | 300,000 | 300,000 |
| 24 | DOA | Statewide Facility Condition Assessment Services for Agencies | |
| 25 | | 750,000 | 750,000 |
| 26 | DOA | Statewide Selected Feasibility Studies for Agencies | |
| 27 | | 500,000 | 500,000 |
| 28 | MUS | <u>MSU REPLACE FAILED DATA CENTER COOLING SYSTEMS</u> | |

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(2) Up to \$2.8 million state special revenue from the capital land grant fund is appropriated to the department of administration for the 2027 biennium for use solely on major repair capital projects on the Capitol complex. Major repair capital projects shall be approved by of the office of budget and program planning prior to use of the funds by the department.

| | | | | | | |
|----|----------------|------|---------|---------|-----------|-------|
| 9 | Agency/Project | LRBP | State | Federal | Authority | Total |
| 10 | | MR | Special | Special | Only | |
| 11 | | Fund | Revenue | Revenue | Sources | |



**Legislative
Services
Division**

1 1,900,000 1,900,000

2 (4) THE DEPARTMENT OF ADMINISTRATION SHALL BUNDLE REQUESTS FOR THE PURCHASE AND

3 INSTALLATION OF THE ELECTRICAL GENERATORS INTO A SINGLE PROJECT FOR BID.

4

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

6 The following money is appropriated to the department of administration for the indicated capital development
7 projects from the indicated sources. Funds not requiring legislative appropriation are included for the purpose of
8 authorization. The department of administration is authorized to transfer the appropriations, authority, or both
9 among the necessary fund types for these projects:

| Agency/Project | LRBP | State | Federal | Authority | Total |
|----------------|--------------------------------|---------|---------|-----------|-------------|
| | CD | Special | Special | Only | |
| | Fund | Revenue | Revenue | Sources | |
| DOC | MSP Low-Side Housing Expansion | | | | |
| | 150,000,000 | | | | 150,000,000 |

15 Funding is provided to expand the capital project in Section 2, Chapter 765, Laws of 2023. The
16 department may extend existing design, construction, and other contracts at its sole discretion, in order to
17 expedite the project.

| | | | | | |
|-----|----------------------------------|--|--|--|------------|
| DOC | MSP Site Infrastructure Upgrades | | | | |
| | 21,000,000 | | | | 21,000,000 |

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

| | | | | | |
|-------|---|--|--|--|------------|
| DPHHS | MSH Comprehensive Mechanical System Replacement | | | | |
| | 11,200,000 | | | | 11,200,000 |

| | | | | | |
|-----|---|--|--|--|-----------|
| DOC | MSP Comprehensive Mechanical System Replacement | | | | |
| | 4,750,000 | | | | 4,750,000 |

| | | | | | |
|-------|---|--|--|--|-----------|
| DPHHS | MSH Spratt Building Upgrades for Licensure <u>AND FACILITY FENCES</u> | | | | |
| | 4,000,000 | | | | 4,000,000 |

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

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Drafter: Julie Johnson,

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| | | |
|----|--|------------|
| 1 | 14,660,000 | 14,660,000 |
| 2 | Funding may be redirected by the office of budget and program planning to address other capital | |
| 3 | project needs at the Montana State Hospital, subject to 17-7-210. | |
| 4 | <u>DPHHS MMHNCC UNIT D</u> | |
| 5 | <u>REMODEL FOR LICENSURE</u> | |
| 6 | 700,000 | 700,000 |
| 7 | MUS UM Selected Classrooms and Teaching Labs Modernization | |
| 8 | 11,600,000 | 11,600,000 |
| 9 | DNRC Missoula New Forestry and Trust Lands Office Building | |
| 10 | 3,000,000 | 3,000,000 |
| 11 | 2,000,000 | 2,000,000 |
| 12 | DNRC Helena Wildland Firefighter Bunkhouses | |
| 13 | 3,860,000 | 3,860,000 |
| 14 | DNRC Libby Wildland Firefighter Bunkhouses and Office Addition | |
| 15 | 3,600,000 600,000 | 4,200,000 |
| 16 | DNRC Plains Wildland Firefighter Bunkhouse | |
| 17 | 1,930,000 | 1,930,000 |
| 18 | <u>DNRC BUNKHOUSES IN HELENA, LIBBY, AND PLAINS AND OFFICE ADDITION</u> | |
| 19 | 1,500,000 600,000 | 2,100,000 |
| 20 | <u>THE DEPARTMENT OF ADMINISTRATION MAY PRIORITIZE THE FUNDING, DESIGN, AND CONSTRUCTION BETWEEN</u> | |
| 21 | <u>EACH OF THE BUNKHOUSES AND OFFICE ADDITIONS AS NECESSARY TO MEET THE INTENT OF SECTIONS 3(8)(C) AND 3(9)</u> | |
| 22 | <u>subsections (7)(c) and (8)].</u> | |
| 23 | DOA Capitol Complex Roof Replacements | |
| 24 | 4,100,000 | 4,100,000 |
| 25 | MUS UM Selected Roof Replacements | |
| 26 | 3,000,000 | 3,000,000 |
| 27 | MUS MT Tech Highlands College Roof Replacement | |
| 28 | 5,000,000 | 5,000,000 |

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| | | | | |
|----|---------------|---|-----------|------------------|
| 1 | MUS | MSUB Cisel Hall HVAC and Plumbing System Upgrades | | |
| 2 | | 4,000,000 | | 4,000,000 |
| 3 | | DOA Capitol Complex Elevator System Upgrades | | |
| 4 | | 5,700,000 | | 5,700,000 |
| 5 | | MSDB Vocational Building Renovation <u>DEMOLITION AND NEW CONSTRUCTION</u> | | |
| 6 | | 5,120,000 | | 5,120,000 |
| 7 | | <u>4,000,000</u> | | <u>4,000,000</u> |
| 8 | MUS | MSU Lewis Hall New Elevator and ADA Upgrades | | |
| 9 | | 4,600,000 | | 4,600,000 |
| 10 | MUS | UM Music Building Renovation | | |
| 11 | | 7,250,000 | 7,250,000 | 14,500,000 |
| 12 | DOA | 1227 11th Avenue Renovation | | |
| 13 | | 3,600,000 | | 3,600,000 |
| 14 | DOA | 1300 11th Avenue Renovation | | |
| 15 | | 4,150,000 | | 4,150,000 |
| 16 | MUS | UM Mansfield Library Renovation | | |
| 17 | | 9,000,000 | 9,000,000 | 18,000,000 |
| 18 | MUS | MSU Hamilton Hall 3rd and 4th Floor Renovation | | |
| 19 | | 5,230,000 | | 5,230,000 |
| 20 | DOA | 5 South Last Chance Gulch Building Renovation | | |
| 21 | | 17,300,000 | | 17,300,000 |
| 22 | DMA | SMART Deferred Maintenance Program, Statewide | | |
| 23 | | 1,500,000 | 4,500,000 | 6,000,000 |
| 24 | DOC | MSP Construction Education Program Building Renovation <u>AND OLD TERRITORIAL PRISON</u> | | |
| 25 | <u>REPAIR</u> | | | |
| 26 | | 4,000,000 | | 4,000,000 |
| 27 | | <u>4,200,000</u> | | <u>4,200,000</u> |
| 28 | DMA | Billings Limited Army Aviation Support Facility, Phase 2 | | |

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| | | | |
|----|--|--|------------|
| 1 | | 23,100,000 | 23,100,000 |
| 2 | DMA | MTANG New Training Drop Zone | |
| 3 | | 1,800,000 | 1,800,000 |
| 4 | DOJ | MLEA New Indoor Firing Range | |
| 5 | | 10,000,000 | 10,000,000 |
| 6 | DMA | MT State Veterans' Cemetery, New Interment Processing Center | |
| 7 | | 1,925,000 | 1,925,000 |
| 8 | | 600,000 | 600,000 |
| 9 | FWP | Central Services Site Upgrades Phase 2 | |
| 10 | | 13,350,000 | 13,350,000 |
| 11 | FWP | Central Services Site Upgrades Phase 3 | |
| 12 | | 16,680,000 | 16,680,000 |
| 13 | FWP | Region 5 Cooney State Park Storage Building | |
| 14 | | 220,000 | 220,000 |
| 15 | FWP | Region 5 Deadman's Basin FAS Storage Building | |
| 16 | | 340,000 | 340,000 |
| 17 | FWP | STATE PARK STORAGE BUILDING AT COONEY PARK AND DEADMAN BASIN FAS | |
| 18 | | 375,000 | 375,000 |
| 19 | THE DEPARTMENT OF ADMINISTRATION MAY PRIORITIZE THE FUNDING, DESIGN, AND CONSTRUCTION BETWEEN | | |
| 20 | EACH OF THE STORAGE BUILDINGS AS NECESSARY TO MEET THE INTENT OF SECTIONS 3(8)(C) AND 3(10) subsections | | |
| 21 | (7)(c) and (9). | | |
| 22 | MDT | Three Forks Equipment Storage Building | |
| 23 | | 3,000,000 | 3,000,000 |
| 24 | MDT | Wolf Creek Equipment Storage Building | |
| 25 | | 2,400,000 | 2,400,000 |
| 26 | MDT | Lodge Grass Equipment Storage Building | |
| 27 | | 2,400,000 | 2,400,000 |
| 28 | MDT | Conrad Equipment Storage Building | |

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| | | | |
|----|---|--|------------|
| 1 | | 3,500,000 | 3,500,000 |
| 2 | MDT | Miles City Equipment Storage Building | |
| 3 | | 4,200,000 | 4,200,000 |
| 4 | MDT | EQUIPMENT STORAGE BUILDINGS AT THREE FORKS, WOLF CREEK, LODGE GRASS, CONRAD, AND | |
| 5 | MILES CITY | | |
| 6 | | 5,300,000 | 5,300,000 |
| 7 | THE DEPARTMENT OF ADMINISTRATION MAY PRIORITIZE THE FUNDING, DESIGN, AND CONSTRUCTION BETWEEN | | |
| 8 | EACH OF THE EQUIPMENT STORAGE BUILDINGS AS NECESSARY TO MEET THE INTENT OF SECTIONS 3(8)(C) AND 3(11)) | | |
| 9 | subsections (7)(c) and (10). | | |
| 10 | MDT | PURCHASE OF EQUIPMENT REPAIR SHOP AND PROPERTY | |
| 11 | | 8,500,000 | 8,500,000 |
| 12 | MUS | MSUB New Art Building | |
| 13 | | 13,400,000 | 13,400,000 |
| 14 | MUS | UM New Bandy Ranch Field Research Housing | |
| 15 | | 2,000,000 | 2,000,000 |
| 16 | MUS | UM Bio Research Building Addition | |
| 17 | | 8,000,000 | 8,000,000 |
| 18 | MUS | MSU Instructional Space Modernization | |
| 19 | | 4,000,000 | 4,000,000 |
| 20 | MUS | UM Law School Interior Remodel | |
| 21 | | 3,000,000 | 3,000,000 |
| 22 | MUS | UM McGill Hall Addition | |
| 23 | | 2,000,000 | 2,000,000 |
| 24 | | 3,000,000 | 3,000,000 |
| 25 | Authority-only increase is provided for the project in Section 3, Chapter 763, Laws of 2023. | | |
| 26 | MUS | MSU Nopper Building Purchase | |
| 27 | | 6,500,000 | 6,500,000 |
| 28 | MUS | UM Undergraduate Research Lab Upgrades and Improvements | |

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1 10,000,000 10,000,000

2 MUS UM South Campus Tennis Court Complex

3 8,300,000 8,300,000

4 MUS MSU Visual Communications Building Classroom Addition

5 2,500,000 2,500,000

6 11,500,000 11,500,000

7 Authority-only increase is provided for the project in Section 2, Chapter 422, Laws of 2019, and Section
8 3, Chapter 763, Laws of 2023.

9 MUS WOMEN'S SOCCER LOCKER ROOM REMODEL AND LIGHTING

10 400,000 400,000

11 MUS MONTANA TECH CAMPUS EXPANSION AND UPGRADES 50,000,000 50,000,000

12 (2) The following money is appropriated to the department of military affairs for the indicated
13 capital development projects from the indicated sources. Funds not requiring legislative appropriation are
14 included for the purpose of authorization and are subject to the provisions of 18-2-103.

| 15 | Agency/Project | LRBP | State | Federal | Authority | Total |
|----|----------------|------|---------|---------|-----------|-------|
| 16 | | CD | Special | Special | Only | |
| 17 | | Fund | Revenue | Revenue | Sources | |

18 DMA Fort Harrison Open Bay Barracks

19 18,120,000 18,120,000

20 10,500,000 10,500,000

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

24 DMA Fort Harrison Vehicle Paint Shop Construction

25 6,960,000 6,960,000

26 4,000,000 4,000,000

27 DMA MTARNG Vehicle Maintenance Shop Construction

28 40,600,000 40,600,000

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1 Chapter 762, Laws of 2023. The department may also extend existing design, construction, and other contracts
2 at its sole discretion.

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

5 ~~(4)(5)~~ (a) The following money is appropriated to the department of administration for the purpose of
6 capital development projects planning studies for agencies, including the university system, on capital projects
7 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 |

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

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

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

22 ~~(5)(6) (a) The following money is appropriated to the department of administration as reserve funding~~
23 ~~on major repair type and capital development type capital projects:~~

| Agency/Project | LRBP | State | Federal | Authority | Total |
|----------------|--|---------|---------|-----------|------------|
| | CD | Special | Special | Only | |
| | Fund | Revenue | Revenue | Sources | |
| DOA | Reserve Funds for Market, Supply Chain, and Inflationary Impacts | | | | |
| | 10,000,000 | | | | 10,000,000 |

~~(b) — Prior to usage of the funds, the department shall submit a recommendation with sufficient justification for approval to the office of budget and program planning.~~

~~(c) — Funding may not be used to expand beyond the scope of a project authorized by the legislature. This aggregate amount does not limit or restrict 17-7-211.~~

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

(b) Subject to subsection ~~(6)(d)~~ ~~(7)(e)~~ ~~(6)(e)~~, the following money is appropriated for the biennium beginning July 1, 2025, to the indicated agency from the indicated sources for program expansion or operations and maintenance for the indicated new facility:

| Agency/Project | General Fund | State Special Revenue | Federal Special Revenue | Authority Only Sources | Total |
|--|--------------|-----------------------|-------------------------|------------------------|-----------|
| DOC MSP Low-Side Housing Expansion | 1,300,000 | | | | 1,300,000 |
| DNRC Missoula New Forestry and Trust Lands Office Building | | 50,876 | | | 50,876 |
| DNRC Helena Wildland Firefighter Bunkhouses | | 66,360 | | | 66,360 |
| DNRC Libby Wildland Firefighter Bunkhouses and Office Addition | | 33,180 | | | 33,180 |
| DNRC Plains Wildland Firefighter Bunkhouse | | 33,180 | | | 33,180 |
| MUS MSU Lewis Hall New Elevator and ADA Upgrades | | | | | |

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

- 2025

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Drafter: Julie Johnson,

HB0005.002.001

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

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

- 2025

69th Legislature 2025

Drafter: Julie Johnson,

HB0005.002.001

| | | | |
|----|-----|---|-----------|
| 1 | | 44,750 | 44,750 |
| 2 | MUS | MSUB New Art Building | |
| 3 | | 257,680 | 257,680 |
| 4 | MUS | UM New Bandy Ranch Field Research Housing | |
| 5 | | 108,705 | 108,705 |
| 6 | MUS | UM Bio Research Building Addition | |
| 7 | | 246,050 | 246,050 |
| 8 | MUS | UM McGill Hall Addition | |
| 9 | | 71,968 | 71,968 |
| 10 | MUS | MSU Nopper Building Purchase | |
| 11 | | 1,252,186 | 1,252,186 |
| 12 | MUS | UM South Campus Tennis Court Complex | |
| 13 | | 359,086 | 359,086 |
| 14 | MUS | MSU Visual Communications Building Classroom Addition | |
| 15 | | 59,286 | 59,286 |
| 16 | | 59,286 | 140,403 |
| 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 | MUS | <u>MONTANA TECH CAMPUS EXPANSION AND UPGRADES</u> | |
| 26 | | 2,543,693 | 2,543,693 |

27 Funds for operations and maintenance are provided upon completion of the transfer of the facility from
28 federal to state ownership. The department of administration may utilize the FMS #3 to construct either or both

the capital projects DMA DES State Emergency Coordination Center Expansion and DMA DES State Disaster Warehouse in Section 3, Chapter 763, Laws of 2023. If constructed within the FMS #3, the operations and maintenance funding for either or both the projects in Section 3, Chapter 763, Laws of 2023, shall transfer to the acquired FMS #3.

DMA Billings Readiness Center and Innovation Campus (BRIC)

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

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

DOA Governor's Office, 710-720 Madison Avenue

| | |
|------------------------|-----------------|
| 270,250 (General Fund) | 270,250 (Total) |
|------------------------|-----------------|

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

(C) SUBJECT TO SUBSECTION ~~(7)(E)~~ (6)(e), THE FOLLOWING MONEY IS APPROPRIATED FOR FISCAL YEAR 2027 TO THE INDICATED AGENCY FROM THE INDICATED SOURCES FOR PROGRAM EXPANSION OR OPERATIONS AND MAINTENANCE FOR THE INDICATED NEW FACILITY:

| <u>AGENCY/PROJECT</u> | <u>GENERAL</u> | <u>STATE</u> | <u>FEDERAL</u> | <u>AUTHORITY</u> | <u>TOTAL</u> |
|-----------------------|----------------|----------------|----------------|------------------|--------------|
| | <u>FUND</u> | <u>SPECIAL</u> | <u>SPECIAL</u> | <u>ONLY</u> | |
| | | <u>REVENUE</u> | <u>REVENUE</u> | <u>SOURCES</u> | |

DOC MSP LOW-SIDE HOUSING EXPANSION

| | |
|-----------|-----------|
| 6,950,000 | 6,950,000 |
|-----------|-----------|

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

~~(d)(E)~~ Appropriations in ~~subsection~~ SUBSECTIONS ~~(6)(b)~~ ~~(7)(B)~~ AND ~~(7)(C)~~ (6)(b) and (6)(c) are contingent on the passage and approval of a bill that includes an appropriation for the construction of the indicated projects in ~~subsection~~ SUBSECTIONS ~~(6)(b)~~ ~~(7)(B)~~ AND ~~(7)(C)~~ (6)(b) and (6)(c).

(F) FUNDS APPROPRIATED IN [THIS ACT] AND PRIOR APPROPRIATIONS, INCLUDING HOUSE BILL 2, HOUSE BILL 5, AND HOUSE BILL 872 FROM THE 2023 SESSION, MAY NOT BE USED TO CONSTRUCT OR STAFF A GUARD HOUSE AT THE MONTANA STATE HOSPITAL.

~~(8)(7)~~ THE DEPARTMENT OF ADMINISTRATION SHALL PRIORITIZE THE PROJECT MANAGEMENT AND CONTRACTING FOR DESIGN AND CONSTRUCTION OF CAPITAL PROJECTS CONTAINED IN [THIS ACT] AND MAY COMBINE OR BUNDLE PROJECTS AT ITS DISCRETION, IN THE FOLLOWING ORDER:

(A) (I) PROJECTS FOR THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES, SPECIFICALLY DPHHS MSH COMPREHENSIVE MECHANICAL SYSTEM REPLACEMENT, DPHHS MSH SPRATT BUILDING UPGRADES FOR LICENSURE AND FACILITY FENCES, AND THE DPHHS MMHNCC D-WING REMODEL FOR LICENSURE;

(II) PROJECTS FOR THE DEPARTMENT OF CORRECTIONS, SPECIFICALLY DOC MSP LOW-SIDE HOUSING EXPANSION, DOC MSP SITE INFRASTRUCTURE UPGRADES, DOC MSP COMPREHENSIVE MECHANICAL SYSTEM REPLACEMENT, AND THE DOC MSP CONSTRUCTION EDUCATION PROGRAM BUILDING RENOVATION AND OLD TERRITORIAL PRISON REPAIR;

(III) REMAINING PROJECTS IN [THIS ACT] AS DETERMINED BY THE DEPARTMENT IN ACCORDANCE WITH 18-2-104 AND TAKING INTO CONSIDERATION PRIOR APPROPRIATED CAPITAL PROJECTS.

(B) BASED UPON PROJECT TYPE OR LOCATION, THE DEPARTMENT MAY COMBINE OR BUNDLE THE PROCUREMENT OF DESIGN SERVICES, BIDDING, AND CONSTRUCTION CONTRACTING FOR THE PURPOSES OF EFFICIENTLY IMPLEMENTING CAPITAL PROJECTS IN EITHER [SECTION 2] OR [SECTION 3] OR BOTH.

(C) THE DEPARTMENT MAY ALSO EXTEND EXISTING DESIGN, CONSTRUCTION, AND OTHER CONTRACTS FOR CAPITAL PROJECTS IN EITHER [SECTION 2] OR [SECTION 3] OR BOTH AT ITS SOLE DISCRETION, IN ORDER TO EXPEDITE THE IMPLEMENTATION, DESIGN, AND CONSTRUCTION OF CAPITAL PROJECTS IN [THIS ACT].

(D) SHOULD FUNDING IN HOUSE BILL 3 BE INSUFFICIENT FOR THE REPLACEMENT OF THE SECURITY DOORS IN THE RHU AND SAU FACILITIES AT THE MONTANA STATE PRISON, THE DEPARTMENT OF ADMINISTRATION IS AUTHORIZED TO ADJUST PRIOR CAPITAL PROJECT APPROPRIATIONS IN HOUSE BILL 817 OF THE 68TH SESSION AND APPROPRIATIONS IN [THIS ACT] FOR THE DEPARTMENT OF CORRECTIONS TO COMPLETE THE REPLACEMENT OF THE SECURITY DOORS.

~~(9)(8)~~ THE DEPARTMENT SHALL DEVELOP STANDARDIZED DESIGNS FOR BUNKHOUSES USED BY ALL STATE AGENCIES DIFFERENTIATED ONLY BY THE NUMBER OF BEDS THEY CONTAIN. ONLY ONE ARCHITECTURAL FEE MAY BE PAID

1 FOR THE BUNKHOUSE DESIGN.

2 ~~(10)(9)~~ THE DEPARTMENT SHALL DEVELOP STANDARDIZED DESIGNS FOR STORAGE SHEDS USED BY ALL
 3 STATE AGENCIES DIFFERENTIATED ONLY BY THE SIZE OF THE SHED. ONLY ONE ARCHITECTURAL FEE MAY BE PAID FOR
 4 THE STORAGE SHED DESIGN.

5 ~~(11)(10)~~ THE DEPARTMENT SHALL DEVELOP STANDARDIZED DESIGNS FOR DEPARTMENT OF TRANSPORTATION
 6 EQUIPMENT STORAGE BUILDINGS DIFFERENTIATED ONLY BY THE NUMBER OF EQUIPMENT BAYS IN THE STRUCTURE.
 7 ONLY ONE ARCHITECTURAL FEE MAY BE PAID FOR THE EQUIPMENT STORAGE BUILDING DESIGN.

8 ~~(12)(11)~~ THE ARCHITECTURE AND ENGINEERING DIVISION OF THE DEPARTMENT OF ADMINISTRATION SHALL
 9 PROVIDE A WRITTEN REPORT ON THE PROGRESS IN IMPLEMENTING THE PROJECTS IDENTIFIED AS PRIORITY PROJECTS IN
 10 SUBSECTIONS ~~(8)(A)(I) AND (8)(A)(II)~~ (7)(a)(i) and (7)(a)(ii) AND THE WORK DONE TO IMPLEMENT PROJECTS IN
 11 SUBSECTION ~~(8)(A)(III)~~ (7)(a)(iii) 5 DAYS PRIOR TO A MEETING OF THE FOLLOWING COMMITTEES:

12 (A) THE LEGISLATIVE FINANCE COMMITTEE; AND

13 (B) THE LONG-RANGE PLANNING BUDGET COMMITTEE.

14
 15 NEW SECTION. Section 4. Capital improvement projects. (1) The following money is appropriated
 16 to the department of fish, wildlife, and parks in the indicated amounts for the purpose of making capital
 17 improvements to statewide facilities. Funds not requiring legislative appropriation are included for the purpose
 18 of authorization. The department of fish, wildlife, and parks is authorized to transfer the appropriations,
 19 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 |
| FWP Fishing Access Site Major Maintenance | | | | |
| | 1,590,000 | | | 1,590,000 |
| FWP Statewide Hatchery Maintenance and Repairs | | | | |
| | 2,500,000 | | | 2,500,000 |

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

- 2025

69th Legislature 2025

Drafter: Julie Johnson,

HB0005.002.001

| | | | | |
|-----|-----|--|-----------|-----------|
| 1 | FWP | Fishing Access Site Noxious Weed Control | | |
| 2 | | | 250,000 | 250,000 |
| 3 | FWP | Wildlife Management Area Maintenance | | |
| 4 | | | 3,380,000 | 3,380,000 |
| 5 | FWP | State Parks Major Maintenance | | |
| 6 | | | 4,500,000 | 4,500,000 |
| 7 | FWP | State Parks Noxious Weed Control | | |
| 8 | | | 250,000 | 250,000 |
| 9 | FWP | Statewide Wildlife Habitat Management Areas Improvements | | |
| 10 | | | 680,000 | 680,000 |
| 11 | FWP | Future Fisheries | | |
| 12 | | | 2,000,000 | 2,000,000 |
| 13 | FWP | Contract Programs | | |
| 14 | | | 2,250,000 | 2,250,000 |
| 15 | FWP | Fish Connectivity | | |
| 16 | | | 1,635,000 | 1,775,000 |
| 17 | FWP | Lewis and Clark Caverns State Park Water System | | |
| 18 | | | 692,500 | 692,500 |
| 19 | FWP | Community Fishing Ponds | | |
| 20 | | | 200,000 | 200,000 |
| 21 | FWP | Parks and Outdoor Recreation Site Development and Upgrades | | |
| 22 | | | 2,300,000 | 510,000 |
| 23 | | | 4,509,680 | 510,000 |
| 24 | | | | 2,810,000 |
| 25 | | | | 5,019,680 |
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Amendment - 2nd Reading-yellow - Requested by: Terry Falk - (H) Committee of the Whole

- 2025

69th Legislature 2025

Drafter: Julie Johnson,

HB0005.002.001

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

| | | | | | | |
|----|--|------|---------|---------|------------|------------|
| 18 | Agency/Project | LRBP | State | Federal | Authority | Total |
| 19 | | Fund | Special | Special | Only | |
| 20 | | | Revenue | Revenue | Sources | |
| 21 | 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:

| | | | | | | |
|----|----------------|------|---------|---------|-----------|-------|
| 25 | Agency/Project | LRBP | State | Federal | Authority | Total |
| 26 | | Fund | Special | Special | Only | |
| 27 | | | Revenue | Revenue | Sources | |

28 Maintenance, Repair, and Small Projects, Statewide

69th Legislature 2025

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(4) 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. The capital improvements are subject to the provisions of 18-2-103. 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:

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

10 (5) THE FOLLOWING MONEY IS APPROPRIATED TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY IN THE
11 INDICATED AMOUNT FOR THE PURPOSE OF LEAKING PETROLEUM TANK REMEDIATION TO ADDRESS RISKS TO HUMAN
12 HEALTH OR THE ENVIRONMENT AT PETROLEUM SITES WHERE THERE IS NO READILY APPARENT POTENTIALLY LIABLE
13 PERSON OR ENTITY THAT IS FINANCIALLY VIABLE:

| | | | | | | |
|----|---|-------------|----------------|----------------|------------------|----------------|
| 14 | <u>AGENCY/PROJECT</u> | <u>LRBP</u> | <u>STATE</u> | <u>FEDERAL</u> | <u>AUTHORITY</u> | <u>TOTAL</u> |
| 15 | | <u>FUND</u> | <u>SPECIAL</u> | <u>SPECIAL</u> | <u>ONLY</u> | <u>REVENUE</u> |
| 16 | | | <u>REVENUE</u> | <u>REVENUE</u> | <u>SOURCES</u> | |
| 17 | <u>REMEDIATION OF LEAKING PETROLEUM TANKS</u> | | | | | |
| 18 | | | 2,000,000 | | | 2,000,000 |

20 NEW SECTION. Section 5. Land acquisition appropriations. The following money is appropriated
21 to the department of fish, wildlife, and parks in the indicated amounts for the purposes of land acquisition, land
22 leasing, easement purchase, or development agreements. The department of fish, wildlife, and parks is
23 authorized to transfer the appropriations, authority, or both among the necessary fund types for these projects:

| | | | | | | |
|----|----------------|-----------------|------------|---------|-----------|------------|
| 24 | Agency/Project | | State | Federal | Authority | Total |
| 25 | | | Special | Special | Only | |
| 26 | | | Revenue | Revenue | Sources | |
| 27 | FWP | Habitat Montana | | | | |
| 28 | | | 12,000,000 | | | 12,000,000 |

| | | | | |
|---|-----|---|------------|------------|
| 1 | FWP | Fishing Access Site Acquisition | | |
| 2 | | | 500,000 | 500,000 |
| 3 | FWP | Habitat Montana -- Enhanced 701 Funding | | |
| 4 | | | 18,000,000 | 18,000,000 |

5

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

10

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

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

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

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

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

1
2 **NEW SECTION. Section 8. Review by department of environmental quality.** The department of
3 environmental quality shall review capital projects authorized in either or both [sections 2 and 3] for potential
4 inclusion in the state building energy conservation program (SBECP) under Title 90, chapter 4, part 6. When a
5 review shows that a capital project will result in energy or utility savings and improvements, that project must be
6 submitted to the energy conservation program for funding consideration by the SBECP. Funding provided
7 under the energy conservation program guidelines must be used to offset or add to the authorized funding for
8 the project, and the amount will be dependent on the annual utility savings resulting from the capital project.
9 Agencies must be notified of potential funding after the review and are obligated to utilize the SBECP funding, if
10 available, on the terms and conditions specified by the department.
11

12 **NEW SECTION. Section 9. Legislative intent.** The appropriations authorized in [sections 2 through
13 5] constitute legislative consent for the capital projects contained in [sections 2 through 5] within the meaning of
14 17-7-201 and 18-2-102.
15

16 **NEW SECTION. Section 10. Increase in state funding for program expansion or operations and**
17 **maintenance.** If an immediate or future increase in state funding for program expansion or operations and
18 maintenance is required for a new facility in [section 3] but the increase is not appropriated by the 69th
19 legislature, that new facility in [section 3] is not appropriated or authorized as provided in 17-7-210.
20

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

22 **"17-7-201. Definitions.** In this part, the following definitions apply:

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

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

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

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

28 (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.

(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~~ APRIL 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

1 development facilities strategic plan, unless approved by the office of budget and program planning. Each
2 agency and institution shall furnish any additional information requested by the division relating to the utilization
3 of or need for major repair projects and capital developments.

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

6 (i) for each state-owned building:

7 (A) identifies its location and total square footage;

8 (B) identifies the agency or agencies using or occupying the building and how much square
9 footage each agency uses or occupies;

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

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

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

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

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

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

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

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

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

28 (3) The division is not required to include a state-owned building that has a current replacement

value of ~~\$150,000~~ \$300,000 or less in the facility inventory and condition assessment.

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

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

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

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

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

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

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

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

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

- (b) multiple projects within a single building or facility that collectively cost more than \$150,000
\$300,000; and
- (c) single projects that will be constructed in phases with an aggregate cost of more than \$150,000
\$300,000.
- (3) Unless otherwise directed by the legislature, the division shall execute major repair projects from the prioritized list submitted to the legislature up to the level of appropriation made by the legislature.
- (4) In prioritizing major repair projects, the division shall consider the results of the statewide facility inventory and condition assessment prepared pursuant to 17-7-202.
- (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."

1

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 COORDINATION SECTION. **Section 17. Coordination instruction.** If both [~~LC0544~~] HOUSE BILL NO.
19 217 and [this act] are passed and approved, then the reference to the department of environmental quality in
20 [section 8 of this act] must be changed to "the department of administration architecture and engineering
21 division".

22

23 **SECTION 18.** SECTION 14(1), CHAPTER 762, LAWS OF 2023, IS AMENDED TO READ:

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

28

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

4

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

6

- END -