

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 FUNDS; CREATING THE BETTER LOCAL BRIDGE FUND ACCOUNT; PROVIDING FOR A MODIFICATION TO THE LONG-RANGE BUILDING PROGRAM; INCREASING CERTAIN VALUE THRESHOLDS FROM \$150,000 TO \$300,000; PROVIDING RULEMAKING AUTHORITY; 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.

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

**NEW SECTION. Section 16. Better local bridge fund state special revenue account --**

**rulemaking.** (1) There is an account in the state special revenue fund provided for in 17-2-102 to be known as the better local bridge fund account.

(2) There must be deposited in the account money received pursuant to 61-3-321.

(3) The money in the account may be used for:

(a) grants to local government for the costs associated with engineering and construction of local, off-system bridges; and

(b) administrative costs for the department, not to exceed 5% of revenue received.

(4) Grants to local governments must include no less than 20% local matching funds.

(5) The department shall enact rules for distribution of annual grants to local governments.

**NEW SECTION. Section 17. Transfer of funds.** (1) By June 30, 2027, the department of

administration shall transfer \$150 million from the general fund to the capital developments long-range building program account established in 17-7-209.

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

(3) By July 1, 2025, the state treasurer shall transfer \$50 million from the general fund to the better local bridge fund account established in [section 16].

**NEW SECTION. Section 18. Codification instruction.** [Section 16] is intended to be codified as an integral part of Title 60, chapter 2, part 2, and the provisions of Title 60, chapter 2, part 2, apply to [section 16].

**COORDINATION SECTION. Section 19. 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 20. 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."

**NEW SECTION. Section 21. 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 22. Effective date.** [This act] is effective on passage and approval.

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