

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; 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.

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

(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

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

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

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

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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.

(3) The following money is appropriated to the department of military affairs for the indicated major repair 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
MR	Special	Special	Only		
Fund	Revenue	Revenue	Sources		
DMA	Statewide Indoor Firing Range Remediation		2,450,000		2,450,000
DMA	MTARNG Buildings MEP Repairs		1,970,000		1,970,000
DMA	FTH Building 1009 New Generator		255,000		255,000
DMA	Helena AFRC New Underground Stormwater Piping System		230,000		230,000
DMA	FTH New Powered Fire Department Access Gate		225,000		225,000
DMA	FTH Range Operations Center Site Work		380,000		380,000
DMA	FTH Building 1017 New Shower Rooms		110,000		110,000
DMA	MTARNG Buildings New PV Solar Arrays and Repairs		690,000		690,000

(4) The department shall bundle requests for the purchase and installation of the electrical generators into a single project for bid.

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

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

5	Agency/Project	LRBP	State	Federal	Authority	Total
6		CD	Special	Special	Only	
7		Fund	Revenue	Revenue	Sources	
8	DOC	MSP Low-Side Housing Expansion				
9		150,000,000				150,000,000

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

13	DOC	MSP Site Infrastructure Upgrades				
14		21,000,000				21,000,000

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

18	DPHHS	MSH Comprehensive Mechanical System Replacement				
19		11,200,000				11,200,000

20	DOC	MSP Comprehensive Mechanical System Replacement				
21		4,750,000				4,750,000

22	DPHHS	MSH Spratt Building Upgrades for Licensure <u>and Facility Fences</u>				
23		<u>4,000,000</u>				<u>4,000,000</u>
24		<u>4,500,000</u>				<u>4,500,000</u>

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

27		<u>DPHHS MMHNCC Unit D</u>				
28		<u>Remodel for Licensure</u>				<u>700,000</u>

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1	MUS	UM Selected Classrooms and Teaching Labs Modernization		
2		11,600,000		11,600,000
3		DNRC Missoula New Forestry and Trust Lands Office Building		
4		3,000,000		3,000,000
5		2,000,000		2,000,000
6		DNRC Helena Wildland Firefighter Bunkhouses		
7		3,860,000		3,860,000
8		DNRC Libby Wildland Firefighter Bunkhouses and Office Addition		
9		3,600,000	600,000	4,200,000
10		DNRC Plains Wildland Firefighter Bunkhouse		
11		1,930,000		1,930,000
12		DNRC Bunkhouses in Helena, Libby, and Plains and Office Addition		
13		1,500,000	600,000	2,100,000
14		DOA Capitol Complex Roof Replacements		
15		4,100,000		4,100,000
16	MUS	UM Selected Roof Replacements		
17		3,000,000		3,000,000
18	MUS	MT Tech Highlands College Roof Replacement		
19		5,000,000		5,000,000
20	MUS	MSUB Cisel Hall HVAC and Plumbing System Upgrades		
21		4,000,000		4,000,000
22		DOA Capitol Complex Elevator System Upgrades		
23		5,700,000		5,700,000
24		MSDB Vocational Building Renovation <u>Demolition and New Construction</u>		
25		5,120,000		5,120,000
26		4,000,000		4,000,000
27	MUS	MSU Lewis Hall New Elevator and ADA Upgrades		
28		4,600,000		4,600,000

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1	MUS	UM Music Building Renovation			
2		7,250,000	7,250,000	14,500,000	
3	DOA	1227 11th Avenue Renovation			
4		3,600,000		3,600,000	
5	DOA	1300 11th Avenue Renovation			
6		4,150,000		4,150,000	
7	MUS	UM Mansfield Library Renovation			
8		9,000,000	9,000,000	18,000,000	
9	MUS	MSU Hamilton Hall 3rd and 4th Floor Renovation			
10		5,230,000		5,230,000	
11	DOA	5 South Last Chance Gulch Building Renovation			
12		17,300,000		17,300,000	
13	DMA	SMART Deferred Maintenance Program, Statewide			
14		1,500,000	4,500,000	6,000,000	
15	DOC	MSP Construction Education Program Building Renovation and Old Territorial Prison Repair			
16		4,000,000		4,000,000	
17		4,200,000		4,200,000	
18	DMA	Billings Limited Army Aviation Support Facility, Phase 2			
19		23,100,000		23,100,000	
20	DMA	MTANG New Training Drop Zone			
21		1,800,000		1,800,000	
22	DOJ	MLEA New Indoor Firing Range			
23		10,000,000		10,000,000	
24	DMA	MT State Veterans' Cemetery, New Interment Processing Center			
25		1,925,000		1,925,000	
26		600,000		600,000	
27	FWP	Central Services Site Upgrades Phase 2			
28		13,350,000		13,350,000	

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1	FWP	Central Services Site Upgrades Phase 3		
2			16,680,000	16,680,000
3	FWP	Region 5 Cooney State Park Storage Building		
4			220,000	220,000
5	FWP	Region 5 Deadman's Basin FAS Storage Building		
6			340,000	340,000
7	FWP	State Park Storage Building at Cooney Park and Deadman Basin FAS		
8			375,000	375,000
9	MDT	Three Forks Equipment Storage Building		
10			3,000,000	3,000,000
11	MDT	Wolf Creek Equipment Storage Building		
12			2,400,000	2,400,000
13	MDT	Lodge Grass Equipment Storage Building		
14			2,400,000	2,400,000
15	MDT	Conrad Equipment Storage Building		
16			3,500,000	3,500,000
17	MDT	Miles City Equipment Storage Building		
18			4,200,000	4,200,000
19	MDT	Equipment Storage Buildings at Three Forks, Wolf Creek, Lodge Grass, Conrad, and Miles City		
20			5,300,000	5,300,000
21	MUS	MSUB New Art Building		
22			13,400,000	13,400,000
23	MUS	UM New Bandy Ranch Field Research Housing		
24			2,000,000	2,000,000
25	MUS	UM Bio Research Building Addition		
26			8,000,000	8,000,000
27	MUS	MSU Instructional Space Modernization		
28			4,000,000	4,000,000

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1 MUS UM Law School Interior Remodel

2 3,000,000 3,000,000

3 MUS UM McGill Hall Addition

4 2,000,000 2,000,000

5 Authority-only increase is provided for the project in Section 3, Chapter 763, Laws of 2023.

6 MUS MSU Nopper Building Purchase

7 6,500,000 6,500,000

8 MUS UM Undergraduate Research Lab Upgrades and Improvements

9 10,000,000 10,000,000

10 MUS UM South Campus Tennis Court Complex

11 8,300,000 8,300,000

12 MUS MSU Visual Communications Building Classroom Addition

13 2,500,000 2,500,000

14 Authority-only increase is provided for the project in Section 2, Chapter 422, Laws of 2019, and Section
15 3, Chapter 763, Laws of 2023.16 MUS Women's Soccer Locker Room Remodel and Lighting17 400,000 400,00018 MUS Montana Tech Campus Expansion and Upgrades 50,000,000 50,000,000

19

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

23 Agency/Project LRBP State Federal Authority Total

24 CD Special Special Only

25 Fund Revenue Revenue Sources

26 DMA Fort Harrison Open Bay Barracks

27 18,120,000 18,120,000

28 10,500,000 10,500,000

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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

4,000,000 4,000,000

DMA MTARNG Vehicle Maintenance Shop Construction

40,600,000 40,600,000

20,000,000 20,000,000

DMA Limestone Hills Target Storage Building Replacement

385,000 385,000

60,000 60,000

DMA Veterans' Cemetery Expansions, Statewide

1,000,000 1,000,000

DMA Capital Reserve Fund 31,505,000 31,505,000

(3) (a) The capital reserve fund may be used by the department of military affairs to fund major repair projects subsequently identified after the passage of [this act].

(b) A project must be prepared that describes each task to be completed with a budget for each proposed project. The project description must be submitted by the department of military affairs through the department of administration to the general government budget committee and the long-range planning budget committee. After the project description has been submitted to those committees, the budget director may approve, modify, or deny the proposed project.

(3)(4) (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	

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1 OBPP Capitol Complex Deferred Maintenance and Renewal

2 50,000,000

50,000,000

3 (b) The office of budget and program planning is authorized to transfer any or all of the
4 appropriation to the department of administration. The department of administration is authorized to adjust
5 major repair or capital development project amounts within the legislative intent, if approved by the office of
6 budget and program planning, and to transfer the appropriations, authority, or both among the necessary fund
7 types.

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

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

13 ~~(4)(5)~~ (a) The following money is appropriated to the department of administration for the purpose of
14 capital development projects planning studies for agencies, including the university system, on capital projects
15 that are anticipated to be greater than a total project cost of \$10 million:

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

19 DOA Capital Development Projects Planning Studies

20 2,000,000

2,000,000

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

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

28 (d) Subject to 17-7-211, agencies, including the university system, may utilize other funding

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1 sources to initiate or participate in a capital projects planning study.

2 ~~(5)(6)~~ (a) The following money is appropriated to the department of administration as reserve funding
3 on major repair-type and capital development-type capital projects:

4	Agency/Project	LRBP	State	Federal	Authority	Total
5		CD	Special	Special	Only	
6		Fund	Revenue	Revenue	Sources	
7	DOA	Reserve Funds for Market, Supply Chain, and Inflationary Impacts				
8		10,000,000				10,000,000

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

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

13 ~~(6)(7)~~ (a) Pursuant to 17-7-210, if construction or acquisition of a new facility requires an immediate
14 or future increase in state funding for program expansion or operations and maintenance, the legislature may
15 not authorize the new facility unless it also appropriates funds for the increase in state funding for program
16 expansion and operations and maintenance. To the extent allowed by law, at the end of each fiscal year
17 following approval of a new facility but prior to receipt of its certificate of occupancy, the appropriation made in
18 this subsection reverts to its originating fund. The appropriation is not subject to the provisions of 17-7-304.

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

22	Agency/Project	General	State	Federal	Authority	Total
23		Fund	Special	Special	Only	
24			Revenue	Revenue	Sources	
25	DOC	MSP Low-Side Housing Expansion				
26		1,300,000				1,300,000
27	DNRC	Missoula New Forestry and Trust Lands Office Building				
28			50,876			50,876

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1	DNRC	Helena Wildland Firefighter Bunkhouses		
2			66,360	66,360
3	DNRC	Libby Wildland Firefighter Bunkhouses and Office Addition		
4			33,180	33,180
5	DNRC	Plains Wildland Firefighter Bunkhouse		
6			33,180	33,180
7	MUS	MSU Lewis Hall New Elevator and ADA Upgrades		
8			37,800	37,800
9	DOA	5 South Last Chance Gulch Building Renovation		
10			173,550	173,550
11	DMA	Billings Limited Army Aviation Support Facility, Phase 2		
12			107,400	107,400
13	DOJ	MLEA New Indoor Firing Range		
14			150,000	150,000
15	DMA	MT State Veterans' Cemetery, New Interment Processing Center		
16			9,625	9,625
17	FWP	Central Services Site Upgrades Phase 2		
18			133,468	133,468
19	FWP	Central Services Site Upgrades Phase 3		
20			208,545	208,545
21	FWP	Region 5 Cooney State Park Storage Building		
22			2,778	2,778
23	FWP	Region 5 Deadman's Basin FAS Storage Building		
24			4,250	4,250
25	MDT	Three Forks Equipment Storage Building		
26			48,150	48,150
27	MDT	Wolf Creek Equipment Storage Building		
28			33,400	33,400

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1	MDT	Lodge Grass Equipment Storage Building		
2			33,400	33,400
3	MDT	Conrad Equipment Storage Building		
4			41,650	41,650
5	MDT	Miles City Equipment Storage Building		
6			44,750	44,750
7	MUS	MSUB New Art Building		
8			257,680	257,680
9	MUS	UM New Bandy Ranch Field Research Housing		
10			108,705	108,705
11	MUS	UM Bio Research Building Addition		
12			246,050	246,050
13	MUS	UM McGill Hall Addition		
14			71,968	71,968
15	MUS	MSU Nopper Building Purchase		
16			1,252,186	1,252,186
17	MUS	UM South Campus Tennis Court Complex		
18			359,086	359,086
19	MUS	MSU Visual Communications Building Classroom Addition		
20			59,286	59,286
21	DMA	Fort Harrison Open Bay Barracks		
22			204,800	204,800
23	DMA	Fort Harrison Vehicle Paint Shop Construction		
24			42,100	42,100
25	DMA	MTARNG Vehicle Maintenance Shop Construction		
26			134,800	134,800
27	DMA	Fort Harrison Facility Maintenance Shop #3 (FMS #3) Acquisition		
28			31,000	31,000

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Funds for operations and maintenance are provided upon completion of the transfer of the facility from 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)
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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 Madison Avenue

270,250 (General Fund)	270,250 (Total)
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Funds for operations and maintenance are provided upon completion of the transfer of the real property to the department of administration.

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

(e) 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) 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

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Comprehensive Mechanical System Replacement, DPHHS MSH Spratt Building Upgrades for Licensure, 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;

(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) 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 for the bunkhouse design.

(10) The department shall develop standardized designs for storage sheds used by all state agencies differentiated only by the size of the shed. Only one architectural fee may be paid for the storage shed design.

(11) The department shall develop standardized designs for department of transportation equipment storage buildings differentiated only by the number of equipment bays in the structure. Only one architectural fee may be paid for the equipment storage building design.

NEW SECTION. Section 4. Capital improvement projects. (1) The following money is appropriated

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to the department of fish, wildlife, and parks in the indicated amounts for the purpose of making capital improvements to statewide facilities. Funds not requiring legislative appropriation are included for the purpose of authorization. The department of fish, wildlife, and parks is authorized to transfer the appropriations, authority, or both among the necessary fund types for these projects:

Agency/Project	State Special Revenue	Federal Special Revenue	Authority Only Source	Total
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
FWP Fishing Access Site Noxious Weed Control	250,000			250,000
FWP Wildlife Management Area Maintenance	3,380,000			3,380,000
FWP State Parks Major Maintenance	4,500,000			4,500,000
FWP State Parks Noxious Weed Control	250,000			250,000
FWP Statewide Wildlife Habitat Management Areas Improvements	680,000			680,000
FWP Future Fisheries	2,000,000			2,000,000
FWP Contract Programs	2,250,000			2,250,000
FWP Fish Connectivity				

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1		1,635,000	1,775,000	3,410,000
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2	FWP	Lewis and Clark Caverns State Park Water System		
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3		692,500	692,500	1,385,000
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4	FWP	Community Fishing Ponds		
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5		200,000		200,000
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6	FWP	Parks and Outdoor Recreation Site Development and Upgrades		
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7		2,300,000	510,000	2,810,000
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8		4,509,680	510,000	5,019,680
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9 For the Judith Landing Site, noxious weed control must be performed with a portion of the funds
10 appropriated for the location.

11	FWP	Upland Game Bird Enhancement Program		
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12		2,000,000		2,000,000
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13	FWP	Dam Maintenance		
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14		90,000		90,000
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15	FWP	Region 5 HQ Pemberton Lane Improvements		
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16		255,000		255,000
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17	FWP	Grants Programs		
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18		5,800,000	7,900,000	13,700,000
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19	FWP	Bannack State Park Historic Preservation		
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20		250,000		250,000
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21	FWP	Forest Management Program		
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22		250,000		250,000
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23	FWP	Tongue/Yellowstone/Muggli Fishery Infrastructure Improvements		
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24		1,430,000		1,430,000
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25 (2) Authority is granted to the Montana university system for the purpose of making capital
26 improvements to campus facilities statewide. Authority-only funds may include donations, grants, auxiliary
27 funds, proprietary funds, nonstate funds, and university funds. Use of authority-only funds may be allocated at
28 not more than \$2,500,000 per project and are subject to the provisions of 18-2-103. All costs for the operations

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and maintenance of any improvements constructed under this authorization must be paid by the Montana university system from nonstate sources:

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

Agency/Project	LRBP	State	Federal	Authority	Total
Fund	Special	Special	Only		
	Revenue	Revenue	Sources		
Maintenance, Repair, and Small Projects, Statewide					
		3,000,000			3,000,000

(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
Fund	Special	Special	Only		
	Revenue	Revenue	Sources		
Federal Spending Authority			3,000,000		3,000,000

(5) The following money is appropriated to the department of environmental quality in the indicated amount for the purpose of leaking petroleum tank remediation to address risks to human health or the environment at petroleum sites where there is no readily apparent potentially liable person or entity that is financially viable:

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

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	Revenue	Revenue	Sources
	<u>Remediation of Leaking Petroleum Tanks</u>		
	2,000,000		2,000,000

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

Agency/Project	State Special Revenue	Federal Special Revenue	Authority Only Sources	Total
FWP Habitat Montana	12,000,000			12,000,000
FWP Fishing Access Site Acquisition	500,000			500,000
FWP Habitat Montana -- Enhanced 701 Funding	18,000,000			18,000,000

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

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

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

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

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

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

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

(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 footage each agency uses or occupies;

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

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

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

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

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

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

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

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

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

(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;

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- 1 (b) projects that upgrade, repair, or replace:
- 2 (i) mechanical, plumbing, or control systems;
- 3 (ii) electrical systems;
- 4 (iii) fixed equipment;
- 5 (iv) an essential building component; or
- 6 (v) infrastructure, including a utility tunnel, water line, gas line, sewer line, roof, parking lot, or road;

7 or

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

10 (6) In prioritizing major repair projects, the division shall allocate no more than 20% of the funds

11 that the legislature appropriates for major repair to:

- 12 (a) remodeling and aesthetic upgrades to meet programmatic needs; or
- 13 (b) construct an addition to an existing building or facility."

14

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

16 The portion of section 3(1), Chapter 763, Laws of 2023, appropriating money from the capital

17 development account to the department of administration for the indicated capital project is amended to read:

18 "DPHHS MSH Compliance Upgrades for Recertification & Deferred Maintenance

19 15,903,000

15,903,000

20 Up to \$10,000,000 of funding for the project must be used for rebuilding a water line constructed by the

21 state serving the Montana State Hospital. The department is authorized to contract with Anaconda-Deer Lodge

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

23

24 NEW SECTION. **Section 16. Transfer of funds.** (1) By June 30, 2027, the department of

25 administration shall transfer \$150 million from the general fund to the capital developments long-range building

26 program account established in 17-7-209.

27 (2) By July 1, 2025, the state treasurer shall transfer \$2,000,000 from the general fund to a state

28 special account for the purpose of leaking petroleum tank remediation.

1
2 COORDINATION SECTION. **Section 17. Coordination instruction.** If both [LC0544] and [this act]
3 are passed and approved, then the reference to the department of environmental quality in [section 8 of this
4 act] must be changed to "the department of administration architecture and engineering division".
5

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

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

12 NEW SECTION. **Section 19. Severability.** If a part of [this act] is invalid, all valid parts that are
13 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,
14 the part remains in effect in all valid applications that are severable from the invalid applications.
15

16 NEW SECTION. **Section 20. Effective date.** [This act] is effective on passage and approval.
17

- END -