



AN ACT APPROPRIATING MONEY FOR MAJOR REPAIR AND CAPITAL DEVELOPMENT PROJECTS FOR THE BIENNIUM ENDING JUNE 30, 2025; PROVIDING FOR OTHER MATTERS RELATING TO THE APPROPRIATIONS; PROVIDING FOR A TRANSFER OF FUNDS FROM THE CAPITAL DEVELOPMENTS LONG-RANGE BUILDING PROGRAM ACCOUNT TO THE MAJOR REPAIR LONG-RANGE BUILDING PROGRAM ACCOUNT AND FOR A TRANSFER OF FUNDS FROM THE STATE GENERAL FUND TO THE CAPITAL DEVELOPMENTS LONG-RANGE BUILDING PROGRAM ACCOUNT; PROVIDING FUNDING FOR RATE INCREASES TO ALLOW CONSTRUCTION; AMENDING THE DEFINITION OF AN LRBP-ELIGIBLE BUILDING; PROVIDING FOR AN EMERGENCY SHELTER FACILITY INFRASTRUCTURE GRANT PROGRAM AND CRITERIA; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 15-65-121 AND 17-7-201, MCA; AMENDING SECTION 1(4), CHAPTER 468, LAWS OF 2021, AND SECTION 2(1), CHAPTER 461, LAWS OF 2021; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.

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

**Section 1. Definitions.** As used in [sections 1 through 11], unless the context clearly indicates otherwise, 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" means capital projects provided for 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 11].
- (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" or "LRBP MR" means the long-range building program major repair account in the capital projects fund type provided for in 17-7-221.

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

(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) "SBCEP" 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 and capital development projects.

**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 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	
DPHHS Supplemental MSH Wastewater Treatment					
	1,400,000				1,400,000
Inflationary adjustment funding is provided for the project in section 9, Chapter 476, Laws of 2019.					
DPHHS Supplemental MSH Hospital Roof					
	800,000				800,000
Inflationary adjustment funding is provided for the project in section 2, Chapter 461, Laws of 2021.					
DPHHS Supplemental MMHNCC Roof Replacement					
	1,500,000				1,500,000

Inflationary adjustment funding is provided for the project in section 2, Chapter 461, Laws of 2021.

DOC Supplemental MSP/MWP/PHYCF/Xanthopolous Door Control Systems

450,000 450,000

Inflationary adjustment funding is provided for the project in section 2, Chapter 461, Laws of 2021.

MSDB Supplemental Mustang Center Fire Sprinkler System

830,854 830,854

Inflationary adjustment funding is provided for the project in section 2, Chapter 461, Laws of 2021.

MUS UM Supplemental FLBS Sewer Treatment Plant

1,100,000 1,100,000

Inflationary adjustment funding is provided for the project in section 2, Chapter 461, Laws of 2021.

MUS UM Supplemental Mansfield Library Roof Repair

500,000 500,000

Inflationary adjustment funding is provided for the project in section 2, Chapter 461, Laws of 2021.

MUS MSU-N Supplemental Vande Bogart Library Roof Replacement

675,000 675,000

Inflationary adjustment funding is provided for the project in section 2, Chapter 461, Laws of 2021.

DPHHS Supplemental MVH Roof Replacement

1,600,000 1,600,000

State special revenue funds consist of cigarette taxes provided for in 16-11-119. Inflationary adjustment funding is provided for the project in section 2, Chapter 461, Laws of 2021.

MUS MSU Supplemental Reid Hall Fire System Upgrades

1,000,000 1,000,000

Inflationary adjustment funding is provided for the project in section 2, Chapter 461, Laws of 2021.

MUS MSU-N Supplemental Brockmann Center HVAC Upgrade

1,907,320 1,907,320

Inflationary adjustment funding is provided for the project in section 2, Chapter 461, Laws of 2021.

MUS UM Supplemental Clapp Building Elevator

500,000 500,000

Inflationary adjustment funding is provided for the project in section 2, Chapter 461, Laws of 2021.

MUS UM Supplemental Stone Hall Roof Replacement

800,000	800,000
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Inflationary adjustment funding is provided for the project in section 2, Chapter 461, Laws of 2021.

DNRC Supplemental Swan Lake Office Siding

187,687	187,687
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Inflationary adjustment funding is provided for the project in section 2, Chapter 461, Laws of 2021.

DPHHS Supplemental MVH Courtyard Improvements

517,000	517,000
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State special revenue funds consist of cigarette taxes provided for in 16-11-119. Inflationary adjustment funding is provided for the project in section 2, Chapter 461, Laws of 2021.

DPHHS Supplemental MVH Flooring

367,000	367,000
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State special revenue funds consist of cigarette taxes provided for in 16-11-119. Inflationary adjustment funding is provided for the project in section 2, Chapter 461, Laws of 2021.

DPHHS Supplemental MVH ARPA HVAC

423,039	423,039
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State special revenue funds consist of cigarette taxes provided for in 16-11-119. Inflationary adjustment funding is provided for the project in section 20, Chapter 401, Laws of 2021.

MUS UM-HC Supplemental Donaldson Building HVAC

1,000,000	1,000,000
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Inflationary adjustment funding is provided for the project in section 2, Chapter 461, Laws of 2021.

MUS MSU Supplemental Montana Hall Fire System Upgrades

220,000	220,000
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DOA Parking Garage Repairs, 5 Last Chance Gulch

1,808,145	1,808,145
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DOC MSP Red Light/Emergency Notification System

1,000,000	1,000,000
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DOC MSP Perimeter Fence Enhancement	1,500,000	1,500,000
MSDB Campus Security Camera Install	300,000	300,000
MUS GFC Fire Suppression System Upgrades	500,000	500,000
DLI Billings UI Call Center Repairs	1,000,000	1,000,000
DOC Pine Hills Roof Replacement	1,000,000	1,000,000
DOC Eastmont HVAC System Repairs/Replacements	200,000	200,000
DPHHS MMHNCC Key Card Entry System	125,000	125,000
MSDB Create Bus Loop and Update Parking Lot	349,637	349,637
MUS MSU Barnard Hall Failed Chiller Replacement	1,750,000	1,750,000
DOC MWP Cooling System Upgrade	750,000	750,000
DOJ MLEA Boiler Replacement, Admin Building	830,000	830,000
DOA Original Governor's Mansion Repairs	600,000	600,000
DOJ MHP Roof Replacements & Upgrades, Boulder Campus	1,860,000	1,860,000
MUS UM Priority 1 Campuswide Roof Replacements	2,425,000	2,425,000

DOC Facility-Specific Program & Master Plan	600,000		600,000
MUS MSU-B P.E. Building Roof Replacement	2,400,000		2,400,000
MUS UMW Repair/Replace Sewer Mains	125,000		125,000
MUS UM Upgrade/Replace Elevators	2,498,650		2,498,650
MUS UM FLBS Roof Replacements	262,000		262,000
DOC MWP Heating System Upgrade	1,500,000		1,500,000
DOJ Missoula Crime Lab Expansion Feasibility Study	75,000		75,000
MUS MT Tech Electrical Distribution Upgrades	650,000		650,000
MUS MSU-B Campus Water Distribution System Upgrades	2,000,000	400,000	2,400,000
MUS MSU Lewis Hall ADA Upgrades	2,400,000		2,400,000
MUS UM Replace Fire Alarms, Clapp Building	780,000		780,000
Funding must be reallocated by the department to other major repair projects if funding is appropriated in [section 3] for MUS UM Clapp Building Renovation.			
MUS MSU Tietz Hall Roof Replacement	1,300,000		1,300,000
DOC MWP Perimeter Fence/Dog Yard	1,000,000		1,000,000

DOC Pine Hills Unit F Sewer Line Replacement	500,000		500,000
DOC MSP Unit F Water Supply Upgrade	600,000		600,000
DMA Gallatin Readiness Center Roof Replacement	741,455	741,455	1,482,910
DOC MSP Site Infrastructure Study	300,000		300,000
MUS MSU Cobleigh Hall Parapet Structural Repair	2,400,000		2,400,000
MUS MT Tech Restroom Renovations	1,200,000		1,200,000

Portions of this funding must be reallocated by the department to other major repair projects if funding is appropriated in [section 3] for either or both MUS MT Tech Engineering Hall Renovation and MUS MT Tech Main Hall Renovation.

MUS MSU Campus Heating Plant Boiler Controls Upgrade	1,600,000	800,000	2,400,000
MUS MSU Emergency Water System & Fixture Upgrades	2,400,000		2,400,000
MUS MT Tech Masonry Repairs	455,000		455,000
MUS UMW Elevator Repairs/Replacements	325,000		325,000
DNRC Stillwater Unit Shop Replacement	1,214,837		1,214,837
MUS MAES WARC Shop Renovation & Safety Upgrades	600,000		600,000
DOA Statewide FCA Baseline Assessments			

1,500,000		1,500,000
MUS MSU-N Campus EMS Building Controls Upgrade Project		
400,000		400,000
MUS UM Campus Building Envelope Repairs		
415,000		415,000
MUS UM Replace Electrical Equipment		
325,000		325,000
MUS MSU-N Electronics Tech. HVAC & Lighting Upgrade		
800,000		800,000
MUS MAES Lambing Barn Renovation & Safety Upgrades		
200,000		200,000
MUS MSU Hamilton Hall Life-Safety System Improvements		
2,400,000		2,400,000
MUS MSU-N Pershing Hall Renovation		
2,400,000		2,400,000
MUS MSU-N Metals Technology Building Roof Project		
400,000		400,000
MUS MAES BART Demolition Project		
400,000		400,000
DOC MSP MCE Industries Repairs		
700,000		700,000
DMA Gallatin RC & FMS HVAC & Controls Repairs		
320,747	962,241	1,282,988
DMA FTH HAFRC Lighting and Control Modifications		
26,768	324,947	351,715
DMA Statewide SMART Deferred Maintenance Program		
1,500,000		1,500,000

Funding may only be used by the department upon receipt of federal special revenue matching funds.

DOJ MHP Boulder Dorm Renovations		
	250,000	250,000
MDT/FWP Clearwater Junction RV Dump Station System Repair and Renovation		
	1,600,000	1,600,000
DOA Boiler & Chiller Replacement - Walt Sullivan		
	473,707	473,707
State special revenue funds consist of capitol land grant funds provided for in 18-2-107.		
DOA Elevator Modifications - Cogswell Building		
	768,757	768,757
State special revenue funds consist of capitol land grant funds provided for in 18-2-107.		
DOA Elevator Modifications - Walt Sullivan Building		
	379,763	379,763
State special revenue funds consist of capitol land grant funds provided for in 18-2-107.		
DOA Roof & Mechanical - DPHHS 111 N. Sanders		
	1,309,099	1,309,099
State special revenue funds consist of capitol land grant funds provided for in 18-2-107.		
DOA Roof Replacement - FWP Headquarters		
	289,695	289,695
State special revenue funds consist of capitol land grant funds provided for in 18-2-107.		
DOA State of Montana Data Center Roof Replacement		
	700,000	700,000
State special revenue funds consist of capitol land grant funds provided for in 18-2-107.		
MUS HC Cosmetology Program Renovation		
	2,495,000	2,495,000
DOC MCE Food Factory Emergency Generator		
	100,000	100,000

(2) State special revenue fund appropriations to the department of administration from the capitol land grant fund may be adjusted among the indicated capital projects within the legislative intent, subject to

available revenue, if approved by the office of budget and program planning.

(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.

Agency/Project	LRBP	State	Federal	Authority	Total
	MR	Special	Special	Only	
	Fund	Revenue	Revenue	Sources	
DMA FTH Aviation Support Facility Energy Improvements			1,067,500		1,067,500
DMA FTH Building 1005 Expansion and Compound Upgrades			713,700		713,700
DMA FTH Building 530 Compound Improvements			526,125		526,125
DMA FTH Crew Proficiency Course Tower Improvements			396,934		396,934
DMA FTH Energy Improvements and Generator Backup			320,250		320,250
DMA FTH Facility LED Lighting Retrofit			238,816		238,816
DMA FTH Fort Harrison Lighting Upgrades			564,250		564,250
DMA FTH Maintenance Shop HVAC & Controls Upgrade			1,486,733		1,486,733
DMA FTH Training Equipment Site Retro-Commissioning			569,969		569,969

(4) (a) There is appropriated \$30,000 from the general fund for the biennium beginning July 1, 2023, to the legislative fiscal division to support the activities of the select committee on corrections facility capacity and system development established in subsection (4)(b).

- (b) There is a select committee on corrections capacity and system development. The committee is composed of nine members:
- (i) three members from the judicial branch, law enforcement, and justice interim budget committee appointed by the presiding officer of the legislative finance committee in consultation with the vice presiding officer of the legislative finance committee;
  - (ii) three members from the long-range planning interim budget committee appointed by the presiding officer of the legislative finance committee in consultation with the vice presiding officer of the legislative finance committee; and
  - (iii) three members from the law and justice interim committee appointed by the presiding officer of the law and justice interim committee in consultation with the vice presiding officer of the law and justice interim committee.
- (c) Committee members are entitled to receive compensation and expenses as provided in 5-2-302.
- (d) The committee shall meet quarterly in coordination with the legislative finance committee schedule.
- (e) The legislative services division and the legislative fiscal division shall provide staff assistance to the committee.
- (f) The committee shall focus on establishing an overall framework and implementation plan for long-term facility needs and immediate improvements for department of corrections facilities.
- (g) The committee shall prepare a final report of its findings and recommendations, and draft legislation if appropriate. The committee shall submit the final report to the legislative finance committee and the law and justice interim committee for approval prior to submission to the governor and the 69th legislature.

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

Agency/Project LRBP	State	Federal	Authority	Total
CD	Special	Special	Only	
Fund	Revenue	Revenue	Sources	
Agriculture Supplemental Ag Analytical Lab (combined with Vet Diagnostic Lab and MSU Wool Lab)				
3,858,000				3,858,000
Inflationary adjustment funding is provided for the project in section 1, Chapter 468, Laws of 2021.				
MUS MSU Supplemental Wool Lab (combined with Vet Diagnostic Lab and Ag Analytical Lab)				
4,700,000				4,700,000
Inflationary adjustment funding is provided for the project in section 1, Chapter 468, Laws of 2021.				
Livestock Supplemental Vet Diagnostic Lab (combined with Ag Analytical Lab and MSU Wool Lab)				
2,200,000				2,200,000
Inflationary adjustment funding is provided for the project in section 1, Chapter 468, Laws of 2021.				
DPHHS DOA Supplemental State Health Lab Renovation				
	7,000,000			7,000,000
Funding may be utilized by the department for project completion in the event federal grant funding expenditure deadlines are not extended for the project in section 3, Chapter 461, Laws of 2021.				
Revenue Supplemental Liquor Warehouse Expansion				
	15,515,750			15,515,750
Inflationary adjustment funding is provided for the project in section 1, Chapter 468, Laws of 2021.				
DPHHS Supplemental SWMVH Cottage Connectors				
5,250,000				5,250,000
Inflationary adjustment funding is provided for the project in section 1, Chapter 468, Laws of 2021.				
MUS MT Tech Supplemental Heating Systems Upgrade				
2,750,000				2,750,000
Inflationary adjustment funding is provided for the project in section 3, Chapter 461, Laws of 2021.				
MUS UMW Supplemental Block Hall Renovation				
3,600,000				3,600,000
Inflationary adjustment funding is provided for the project in section 1, Chapter 468, Laws of 2021.				

MDT Supplemental West Yellowstone Airport Terminal

9,000,000		9,000,000
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Funding may be utilized on a prorated basis by the department for project completion in the event additional federal grant funding is not received for inflationary and scope adjustments for the project in section 2, Chapter 422, Laws of 2019, and section 3, Chapter 461, Laws of 2021, up to an aggregate of \$41,500,000 from all sources. This aggregate amount does not limit or restrict 17-7-211.

DMA Supplemental Silver Bow Readiness Center

5,491,795	8,221,254	13,713,049
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Inflationary adjustment funding is provided for the project in section 9, Chapter 476, Laws of 2019, and section 3, Chapter 461, Laws of 2021.

MUS MAES Supplemental MAES Research Labs

4,396,000		4,396,000
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Inflationary adjustment funding is provided for the project in section 1, Chapter 468, Laws of 2021.

DOA Supplemental Mazurek Building Renovation

5,000,000		5,000,000
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Inflationary adjustment funding is provided for the project in section 3, Chapter 461, Laws of 2021.

DNRC Supplemental ELO Facilities & Shop

3,003,553		3,003,553
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Inflationary adjustment funding is provided for the project in section 1, Chapter 468, Laws of 2021.

MUS MSU Supplemental Haynes Hall Ventilation Upgrades

3,400,000		3,400,000
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Inflationary and scope adjustment funding is provided for the project in section 2, Chapter 461, Laws of 2021.

MDT Supplemental Lincoln Airport SRE Building

	250,000	250,000
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Inflationary adjustment funding is provided for the project in section 3, Chapter 461, Laws of 2021.

FWP Supplemental Havre Area Office

2,199,600	620,400	2,820,000
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Inflationary and scope adjustment funding is provided for the project in section 3, Chapter 461, Laws of 2021.

DOJ MLEA Supplemental Scenario Building

2,600,000		2,600,000
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Inflationary adjustment funding is provided for the project in section 3, Chapter 461, Laws of 2021.

FWP Supplemental Glasgow Headquarters

3,100,000		3,100,000
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Inflationary and scope adjustment funding is provided for the project in section 2, Chapter 422, Laws of 2019.

FWP Supplemental Lewistown Area Office

4,000,000		4,000,000
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Inflationary and scope adjustment funding is provided for the project in section 2, Chapter 422, Laws of 2019.

FWP Supplemental MT Wild Avian Rehab Building

550,000		550,000
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Inflationary and scope adjustment funding is provided for the project in section 2, Chapter 461, Laws of 2021.

DMA Supplemental Billings AFRC Unheated Storage

46,208	46,208	92,416
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Inflationary adjustment funding is provided for the project in section 3, Chapter 461, Laws of 2021.

DMA Supplemental Havre Unheated Building

63,318	63,318	126,636
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Inflationary adjustment funding is provided for the project in section 3, Chapter 461, Laws of 2021.

DPHHS MSH Compliance Upgrades for Recertification & Deferred Maintenance

15,903,000		15,903,000
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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.

DOC MSP Replace Low-Side Housing	156,000,000	156,000,000	
DOC MSP Unit D Renovation	18,840,831	18,840,831	
DOC Flathead County Prerelease Center	7,000,000	7,000,000	
DNRC Seedling Nursery Improvements	2,797,320	2,797,320	
DOC MSP Water Line Replacement	3,000,000	3,000,000	
DOC MSP Entry/Staff Services Addition to Wallace Building	12,800,000	12,800,000	
DOC MSP Replace Roofs	5,600,000	5,600,000	
DOC MSP Xanthopoulos Building Repairs	2,950,000	2,950,000	
DOC MSP New Multi-Purpose Programs Building	9,000,000	9,000,000	
DLI Job Service Great Falls Building Renovation	5,767,880	5,767,880	
MUS UM FLBS Water and Sewer Systems	2,500,000	2,500,000	
DOC MWP Roof Replacement	5,000,000	5,000,000	
DMA Billings Readiness and Innovation Campus	26,840,000	52,000,000	78,840,000
DNRC Clearwater Replacement Bunkhouse	1,189,178	1,189,178	

DNRC Anaconda Bunkhouse			
	1,180,962		1,180,962
DNRC NELO Fire Ready Room			
	445,491		445,491
DNRC CLO Dispatch Center Expansion			
	545,000		545,000
DPHHS MMHNCC Heated Storage Unit			
	360,000		360,000
DPHHS Southwest Montana Veterans Home Sixth Cottage			
	6,000,000		6,000,000
Federal funds must be obligated prior to project initiation.			
DOA Old Board of Health Renovation (Legislative Staff Space)			
	3,500,000		3,500,000
DOC MSP Check Point Bldg / Wallace Entry Security Enhancements			
	3,000,000		3,000,000
DMA Helena Readiness HVAC & Temp Control Upgrade			
	798,420	2,542,248	3,340,668
MUS HC Acquire and Renovate Airport Hangar			
	3,600,000		3,600,000
DMA DES State Emergency Coordination Center Expansion			
	6,581,000		6,581,000
MUS UM Clapp Building Renovation			
	27,000,000	10,000,000	37,000,000
MUS MT Tech Engineering Hall Renovation			
	8,000,000		8,000,000
MUS MT Tech Main Hall Renovation			
	30,000,000		30,000,000
MUS MAES BART Life-Safety & Programmatic Improvements			

10,000,000		10,000,000
DMA DES State Disaster Warehouse		
5,704,000		5,704,000
MUS UMW Campus Storage/Warehouse Building		
1,250,000		1,250,000
MUS MSU-N Health and Recreation Complex		
25,000,000		25,000,000
FWP Makoshika Campground Improvement & Addition		
2,500,000	2,500,000	5,000,000
FWP Agency Staff Housing		
7,500,000		7,500,000
FWP Miles City Train Depot Renovation		
2,000,000		2,000,000
Up to \$1.5 million of state special revenue funds consist of funds from 15-65-121(2)(e). Up to \$500,000		
of state special revenue funds consist of funds from the account established in 23-1-105.		
FWP Central Services Site Upgrades		
10,343,330		10,343,330
MDT Combination Facility Great Falls		
12,600,000		12,600,000
MDT Combination Facility Kalispell		
11,000,000		11,000,000
MDT Combination Facility Missoula		
10,500,000		10,500,000
MUS MSU Supplemental Facilities Yard Relocation		
	8,000,000	8,000,000

Inflationary and scope adjustment funding is provided for the project in section 2, Chapter 422, Laws of 2019.

MUS UM Supplemental Mansfield Library Remodel

4,000,000 4,000,000

Inflationary and scope adjustment funding is provided for the project in section 3.4, Chapter 461, Laws of 2021.

MUS MSU Supplemental Visual Communications Building

4,000,000 4,000,000

Inflationary and scope adjustment funding is provided for the project in section 2, Chapter 422, Laws of 2019.

MUS MSU Mark and Robyn Jones MSU College of Nursing (5 locations)

92,000,000 92,000,000

MUS MSU Gianforte Hall, School of Computing

50,000,000 50,000,000

MUS UM Adams Center - Student Athlete Locker Rooms

6,000,000 6,000,000

MUS UM Campuswide Classroom Upgrades

6,000,000 6,000,000

MUS UM Liberal Arts Building / Eck Hall

4,000,000 4,000,000

MUS MSU Indoor Practice Facility

15,000,000 15,000,000

MUS MT Tech Highlands College Indoor Pole Barn

2,000,000 2,000,000

DOA Statewide Federal Spending Authority

5,000,000 5,000,000

DOC Motor Vehicle Ventilation & Paint/Sandblasting Booths

590,000 590,000

MUS UM McGill Hall Expansion

3,000,000 3,000,000

(2) (a) For the biennium beginning July 1, 2023, there is appropriated to the department of

administration \$4 million of state special revenue for the department of fish, wildlife, and parks beartooth WMA facilities upgrade capital development project.

(b) For the biennium beginning July 1, 2023, an additional \$4 million of state special revenue is appropriated to the department of administration for the department of fish, wildlife, and parks beartooth WMA facilities upgrade capital development project contingent on the department of administration providing written confirmation to the governor that the project is under contract.

(c) The department of fish, wildlife, and parks shall provide a quarterly report on the status of the project and its associated expenditures in digital format to the legislative fiscal analyst. The report must be distributed by the legislative fiscal analyst to members of the legislative finance committee and the long-range planning budget committee provided for in 5-12-501.

(3) (a) Except as provided in subsection (3)(b), funds appropriated for the DOC Flathead County Prerelease Center may not be expended until the department has received all necessary authorizations for the proposed prerelease center.

(b) To secure acquisition of the facility, the department of corrections may enter into a purchase option agreement with the owner not to exceed 18 months in length. The option fee must be fully credited to the purchase price if the department of corrections purchases the facility. The option fee may not exceed 1% of the purchase price.

(4) The following money is appropriated to the department of military affairs for the indicated capital development projects from the indicated sources. Funds not requiring legislative appropriation are included for the purpose of authorization.

Agency/Project	State Special Revenue	Federal Special Revenue	Authority Only Sources	Total
DMA FTH Aviation Facility HVAC & Temperature Control Upgrade		3,580,365		3,580,365
DMA FTH Collective Training Housing Facility		3,000,000		3,000,000
DMA FTH Ready Building Addition				

4,700,000 4,700,000

DMA FTH Training Site HVAC and Controls Upgrade

2,574,002 2,574,002

(5) (a) Pursuant to 17-7-210, if construction 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 (5) reverts to its originating fund. The appropriation is not subject to the provisions of 17-7-304.

(b) It is the legislature’s intent that the appropriations in this subsection (5) become part of the respective agency’s base budget for the biennium beginning July 1, 2025.

(c) The following money is appropriated for the biennium beginning July 1, 2023, 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
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Department of Corrections

BSB Re-Entry Services, Acadia Facility

563,536 563,536

Operations and maintenance funding is appropriated in accordance with section 7(13), Chapter 401, Laws of 2021.

DOC MSP Replace Low-Side Housing

176,560 176,560

DOC MSP Entry/Staff Services Addition to Wallace Building

184,000 184,000

DOC MSP New Multi-Purpose Programs Building

103,040 103,040

DOC Flathead County Prerelease Center

3,388,560

3,388,560

The appropriation for the DOC Flathead County Prerelease Center is for the fiscal year beginning July 1, 2024.

DOC Motor Vehicle Ventilation & Paint/Sandblasting Booths

40,000

40,000

Department of Fish, Wildlife, and Parks

FWP Beartooth WMA Facilities Upgrade

80,000

80,000

FWP Agency Staff Housing

225,000

225,000

FWP Central Services Site Upgrades

128,762

128,762

FWP Miles City Train Depot Operations and Maintenance

73,000

73,000

Operations and maintenance are from FWP state special revenue funds.

Department of Military Affairs

DMA Billings LAASF

200,000

200,000

Operations and maintenance funding is appropriated in accordance with section 7(13), Chapter 401, Laws of 2021.

DMA DES State Emergency Coordination Center Expansion

54,012

54,012

DMA FTH Collective Training Housing Facility

34,000

34,000

DMA FTH Ready Building Addition

26,472

26,472

Department of Natural Resources and Conservation

DNRC Clearwater Replacement Bunkhouse		
	27,650	27,650
DNRC Anaconda Bunkhouse		
	33,180	33,180
DNRC NELO Fire Ready Room		
	17,696	17,696
DNRC CLO Dispatch Center Expansion		
	10,700	10,700
Department of Public Health and Human Services		
DPHHS MMHNCC Heated Storage Unit		
	21,312	21,312
DMA DES State Disaster Warehouse		
	62,000	62,000
Montana Department of Transportation		
MDT Combination Facility Great Falls		
	53,900	53,900
MDT Combination Facility Kalispell		
	42,400	42,400
MDT Combination Facility Missoula		
	41,800	41,800
Montana University System		
MUS MSU Supplemental Wool Lab (combined with Vet Diagnostic Lab and Ag Analytical Lab)		
	520,695	520,695
MUS HC Acquire and Renovate Airport Hangar		
	188,133	188,133
MUS UMW Campus Storage/Warehouse Building		
	63,975	63,975
MUS MSU Mark and Robyn Jones MSU College of Nursing (5 locations)		

	4,000,154	4,000,154
MUS MSU Gianforte Hall, School of Computing		
	1,730,858	1,730,858
MUS MSU Indoor Practice Facility		
		athletics/auxiliaries funds only
MUS MT Tech Highlands College Indoor Pole Barn		
	42,671	42,671
MUS UM McGill Hall Expansion		
	62,256	62,256
MUS MSU-N Health and Recreation Complex		
	585,240	585,240

(d) After receipt of a certificate of occupancy, funding appropriated in subsection (5)(c) to the Montana university system Wool Lab and in section 1(4)(c), Ch. 468, L. 2021, to the department of agriculture Ag Analytical Lab shall be transferred each biennium to the department of livestock.

**Section 4. Project priority.** (1) The department of administration shall prioritize the following projects at the Montana state prison as first and shall move at all deliberate speed to have each project under contract by September 30, 2023:

- DOC MSP Replace Low-Side Housing
- DOC MSP Perimeter Fence Enhancement
- DOC MSP Unit F Water Supply Upgrade
- DOC MSP Water Line Replacement
- DOC MSP Entry/Staff Services Addition to Wallace Building
- DOC MSP Replace Roofs
- DOC MSP Xanthopoulos Building Repairs
- DOC MSP New Multi-Purpose Programs Building

(2) To expedite construction of new low-side housing units at Montana state prison, the department of administration, in consultation with the department of corrections, is authorized to purchase plans

for prison housing that were constructed in another state, provided those plans can be made to comply with the professional services requirements of Title 18, chapter 2, and Title 37, chapters 65 and 67.

**Section 5. Capital improvements projects.** (1) The following money is appropriated 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	Federal	Authority	Total
	Special	Special	Only	
	Revenue	Revenue	Source	
FWP Statewide Admin Facilities Major Maintenance				
	1,991,500		5,000,000	6,991,500

Up to \$60,000 of state special revenue funding must be used for construction of a warming hut at Bannack state park.

FWP Signage & Wayfinding Updates				
	1,250,000			1,250,000
FWP Erosion Control				
	2,673,000			2,673,000
FWP Community Ponds				
	200,000			200,000
FWP Forest Management				
	100,000	300,000		400,000
FWP Site Maintenance Upgrades & Improvements				
	4,572,450	1,770,750	1,193,000	7,536,200
FWP Shooting Range Development				
	1,000,000	3,000,000		4,000,000
FWP Wildlife Habitat Improvement Program Renewal				

		2,000,000		2,000,000
FWP Wildlife Habitat Management & Maintenance				
	1,140,000	2,765,000		3,905,000
FWP Upland Game Bird Enhancement Program				
	1,908,000	600,000		2,508,000
FWP Migratory Bird Wetland Program				
	500,000			500,000
FWP Future Fisheries				
	2,000,000			2,000,000
FWP Hatcheries Maintenance				
	2,000,000			2,000,000
FWP POR Grant Programs				
	5,000,000	6,000,000		11,000,000
FWP Fish Connectivity				
	548,454	1,278,992	140,234	1,967,680
FWP PALA Access Program				
	1,000,000			1,000,000

(2) Authority is granted to the Montana university system for the purpose of making capital improvements to campus facilities statewide. Use of authority-only funds may be allocated at not more than \$2,500,000 per project and a project may not be segregated to circumvent this limitation. 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:

Agency/Project	State	Federal	Authority	Total
	Special	Special	Only	
	Revenue	Revenue	Sources	
General Spending Authority, MUS			20,000,000	20,000,000

(3) 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. 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	State	Federal	Authority	Total
	Special	Special	Only	
	Revenue	Revenue	Sources	
DMA Federal Spending Authority		3,000,000		3,000,000

(4) 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:

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

(5) The following money is appropriated to the department of environmental quality in the indicated amount from state building energy conservation funds for the purposes of making capital improvements, and is authorized to transfer the appropriation, authority, or both among the necessary fund types.

Agency/Project	State	Federal	Authority	Total
	Special	Special	Only	
	Revenue	Revenue	Sources	
DEQ Energy Improvements, Statewide			3,700,000	3,700,000

(6) The following money is appropriated to the department of commerce in the indicated amount for grants to the Chippewa Cree tribe for the purpose of the following projects:

Agency/Project	State	Federal	Authority	Other	Total
	Special	Special	Only	Funding	
	Revenue	Revenue	Sources	Sources	
Chippewa Cree Cultural Ceremony Building Repair				1,000,000	1,000,000
Chippewa Cree Language Immersion School				1,000,000	1,000,000

Other Funding Sources consist of one-time-only state general fund money.

(7) The following money is appropriated to the department of transportation in the indicated amount for the purpose of constructing new public sidewalks along U.S. highway 2, from the intersection of meadowlark drive to the intersection of Terry road, and from the intersection of east evergreen drive to the intersection of Poplar road.

Agency/Project	State	Federal	Authority	Other	Total
	Special	Special	Only	Funding	
	Revenue	Revenue	Sources	Sources	
MDT US Highway 2 Sidewalks Project				1,000,000	1,000,000

Other Funding Sources consist of one-time-only state general fund money.

(8) The following money is appropriated to the department of commerce in the indicated amount for a grant to the city of Missoula for the purpose of the following project:

Agency/Project	State	Federal	Authority	Other	Total
	Special	Special	Only	Funding	
	Revenue	Revenue	Sources	Sources	
City of Missoula Riverfront Trail Public Plaza				250,000	250,000

Other Funding Sources consist of one-time-only state general fund money.

(9) The following money is appropriated to the department of revenue in the indicated amount for the purpose of a state line survey project to be conducted by the U.S. bureau of land management in Mineral County.

Agency/Project	State	Federal	Authority	Other	Total
	Special	Special	Only	Funding	
	Revenue	Revenue	Sources	Sources	
Department of revenue/Mineral County state line survey				76,000	76,000

Other funding sources consist of one-time-only state general fund money.

(10) The following money is appropriated to the department of environmental quality in the indicated amounts for grants that reduce exposure to lead in drinking water at school facilities:

Agency/Project	State	Federal	Authority	Other	Total
	Special	Special	Only	Funding	

Revenue	Revenue	Sources	
DEQ School Lead Remediation			
		3,700,000	3,700,000

Other funding sources consist of one-time-only state general fund money.

(11) The following money is appropriated to the department of natural resources and conservation in the indicated amount for a grant to the Yellowstone Conservation District and the City of Billings for construction for the Yellowstone Conservation Area.

Agency/Project	State	Federal	Authority	Other	Total
	Special	Special	Only	Funding	
	Revenue	Revenue	Sources	Sources	
DNRC Yellowstone Conservation Area				8,000,000	8,000,000

Other funding sources consist of one-time-only state general fund money.

(12) The following money is appropriated to the department of commerce in the indicated amount for a grant to the city of Columbus for a grant for water and sewer system upgrades and repairs:

Agency/Project	State	Federal	Authority	Other	Total
	Special	Special	Only	Funding	
	Revenue	Revenue	Sources	Sources	
Department of Commerce/City of Columbus water and sewer system upgrades and repairs				1,000,000	1,000,000

Other funding sources consist of one-time-only state general fund money.

(13) The following money is appropriated to the department of commerce in the indicated amount for grants to local governments as defined in 90-6-701 for local park facility improvements.

Agency/Project	State	Federal	Authority	Other	Total
	Special	Special	Only	Funding	
	Revenue	Revenue	Sources	Sources	
Department of Commerce/local park facility improvement grants				2,000,000	2,000,000

Other funding sources consist of one-time-only state general fund money.

**Section 6. Land acquisition appropriations.** The following money is appropriated to the department of fish, wildlife, and parks in the indicated amounts for 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	Federal	Authority	Total
	Special	Special	Only	
	Revenue	Revenue	Sources	
FWP Habitat Montana	9,650,000	2,350,000		12,000,000

**Section 7. 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.

**Section 8. Capital projects -- contingent funds.** (1) If a capital project is financed, in whole or in part, with appropriations contingent upon 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 68th legislature.

(2) This section does not limit or restrict 17-7-211.

**Section 9. 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 (SBCEP) 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 SBCEP. 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 SBCEP funding, if available.

**Section 10. Legislative consent.** The appropriations authorized in [sections 1 through 27] constitute legislative consent for the capital projects contained in [sections 1 through 27] within the meaning of 18-2-102.

**Section 11. 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 68th legislature, the new facility in [section 3] is not appropriated or authorized as provided in 17-7-210.

**Section 12. Transfer of funds.** By August 15, 2023, the department of administration shall make the following transfers:

- (1) \$41,420,091 from the capital developments long-range building program account established in 17-7-209 to the major repair long-range building program account established in 17-7-221.
- (2) \$2,000,000 from the capital developments long-range building program account established in 17-7-209 to the capitol projects land grant fund provided for in 18-2-107.
- (3) \$6,000,000 from the general fund to the capital developments long-range building program account established in 17-7-209.

**Section 13.** Section 15-65-121, MCA, is amended to read:

**"15-65-121. (Temporary) Distribution of tax proceeds.** (1) The proceeds of the tax imposed by 15-65-111 must, in accordance with the provisions of 17-2-124, be deposited in an account in the state special revenue fund to the credit of the department. The department may spend from that account in accordance with

an expenditure appropriation by the legislature based on an estimate of the costs of collecting and disbursing the proceeds of the tax. Before allocating the balance of the tax proceeds in accordance with the provisions of 17-2-124 and as provided in subsections (2)(a) through (2)(i) of this section, the department shall determine the expenditures by state agencies for in-state lodging for each reporting period and deduct 4% of that amount from the tax proceeds received each reporting period. The department shall distribute the portion of the 4% that was paid with federal funds to the agency that made the in-state lodging expenditure and deposit 30% of the amount deducted less the portion paid with federal funds in the state general fund.

(2) The balance of the tax proceeds received each reporting period and not deducted pursuant to the expenditure appropriation, deposited in the state general fund, distributed to agencies that paid the tax with federal funds, or deposited in the heritage preservation and development account must be transferred to an account in the state special revenue fund to the credit of the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials, to the Montana historical interpretation state special revenue account, to the Montana historical society, to the university system, to the state-tribal economic development commission, and to the department of fish, wildlife, and parks, as follows:

- (a) 1% to the Montana historical society to be used for the installation or maintenance of roadside historical signs and historic sites;
- (b) 2.5% to the university system for the establishment and maintenance of a Montana travel research program;
- (c) 6.5% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks that have both resident and nonresident use;
- (d) 1.4% to the invasive species state special revenue account established in 80-7-1004;
- (e) 60.3% to be used directly by the department of commerce, in part to renovate the Miles City train depot;
- (f) (i) except as provided in subsection (2)(f)(ii), 22.5% to be distributed by the department to regional nonprofit tourism corporations in the ratio of the proceeds collected in each tourism region to the total proceeds collected statewide; and
  - (ii) if 22.5% of the proceeds collected annually within the limits of a city, consolidated city-county,

resort area, or resort area district exceeds \$35,000, 50% of the amount available for distribution to the regional nonprofit tourism corporation in the region where the city, consolidated city-county, resort area, or resort area district is located, to be distributed to the nonprofit convention and visitors bureau in that city, consolidated city-county, resort area, or resort area district;

(g) 0.5% to the state special revenue account provided for in 90-1-135 for use by the state-tribal economic development commission established in 90-1-131 for activities in the Indian tourism region;

(h) 2.6% to the Montana historical interpretation state special revenue account established in 22-3-115; and

(i) 2.7% or \$1 million, whichever is less, to the Montana heritage preservation and development account provided for in 22-3-1004. The Montana heritage preservation and development commission shall report on the use of funds received pursuant to this subsection (2)(i) to the legislative finance committee on a semiannual basis, in accordance with 5-11-210.

(3) If a city, consolidated city-county, resort area, or resort area district qualifies under 15-68-820(5)(b)(iii) or this section for funds but fails to either recognize a nonprofit convention and visitors bureau or submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds must be allocated to the regional nonprofit tourism corporation in the region in which the city, consolidated city-county, resort area, or resort area district is located.

(4) If a regional nonprofit tourism corporation fails to submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds otherwise allocated to the regional nonprofit tourism corporation may be used by the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials.

(5) The tax proceeds received that are transferred to a state special revenue account pursuant to subsections (2)(a) through (2)(c), (2)(e), and (2)(f) are statutorily appropriated to the entities as provided in 17-7-502.

(6) The tax proceeds received that are transferred to the invasive species state special revenue account pursuant to subsection (2)(d), to the Montana historical interpretation state special revenue account pursuant to subsection (2)(h), and to the Montana heritage preservation and development account pursuant to subsection (2)(i) are subject to appropriation by the legislature. (Terminates June 30, 2027--sec. 12, Ch. 563, L.

2021.)

**15-65-121. (Effective July 1, 2027) Distribution of tax proceeds.** (1) The proceeds of the tax imposed by 15-65-111 must, in accordance with the provisions of 17-2-124, be deposited in an account in the state special revenue fund to the credit of the department. The department may spend from that account in accordance with an expenditure appropriation by the legislature based on an estimate of the costs of collecting and disbursing the proceeds of the tax. Before allocating the balance of the tax proceeds in accordance with the provisions of 17-2-124 and as provided in subsections (2)(a) through (2)(h) of this section, the department shall determine the expenditures by state agencies for in-state lodging for each reporting period and deduct 4% of that amount from the tax proceeds received each reporting period. The department shall distribute the portion of the 4% that was paid with federal funds to the agency that made the in-state lodging expenditure and deposit 30% of the amount deducted less the portion paid with federal funds in the state general fund. The amount of \$400,000 each year must be deposited in the Montana heritage preservation and development account provided for in 22-3-1004.

(2) The balance of the tax proceeds received each reporting period and not deducted pursuant to the expenditure appropriation, deposited in the state general fund, distributed to agencies that paid the tax with federal funds, or deposited in the heritage preservation and development account must be transferred to an account in the state special revenue fund to the credit of the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials, to the Montana historical interpretation state special revenue account, to the Montana historical society, to the university system, to the state-tribal economic development commission, and to the department of fish, wildlife, and parks, as follows:

- (a) 1% to the Montana historical society to be used for the installation or maintenance of roadside historical signs and historic sites;
- (b) 2.5% to the university system for the establishment and maintenance of a Montana travel research program;
- (c) 6.5% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks that have both resident and nonresident use;
- (d) 1.4% to the invasive species state special revenue account established in 80-7-1004;

- (e) 63% to be used directly by the department of commerce;
  - (f) (i) except as provided in subsection (2)(f)(ii), 22.5% to be distributed by the department to regional nonprofit tourism corporations in the ratio of the proceeds collected in each tourism region to the total proceeds collected statewide; and
    - (ii) if 22.5% of the proceeds collected annually within the limits of a city, consolidated city-county, resort area, or resort area district exceeds \$35,000, 50% of the amount available for distribution to the regional nonprofit tourism corporation in the region where the city, consolidated city-county, resort area, or resort area district is located, to be distributed to the nonprofit convention and visitors bureau in that city, consolidated city-county, resort area, or resort area district;
  - (g) 0.5% to the state special revenue account provided for in 90-1-135 for use by the state-tribal economic development commission established in 90-1-131 for activities in the Indian tourism region; and
  - (h) 2.6% to the Montana historical interpretation state special revenue account established in 22-3-115.
- (3) If a city, consolidated city-county, resort area, or resort area district qualifies under 15-68-820(5)(b)(iii) or this section for funds but fails to either recognize a nonprofit convention and visitors bureau or submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds must be allocated to the regional nonprofit tourism corporation in the region in which the city, consolidated city-county, resort area, or resort area district is located.
- (4) If a regional nonprofit tourism corporation fails to submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds otherwise allocated to the regional nonprofit tourism corporation may be used by the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials.
- (5) The tax proceeds received that are transferred to a state special revenue account pursuant to subsections (2)(a) through (2)(c), (2)(e), and (2)(f) are statutorily appropriated to the entities as provided in 17-7-502.
- (6) The tax proceeds received that are transferred to the invasive species state special revenue account pursuant to subsection (2)(d) and to the Montana historical interpretation state special revenue account pursuant to subsection (2)(h) are subject to appropriation by the legislature."

**Section 14.** 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) ~~that~~ 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 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 15. Project management and supervision.** Up to \$2,000,000 is appropriated from the major repair long-range building program account to the architecture and engineering division for the purposes of contracted services or modified positions, and associated operating expenses, to expeditiously implement [sections 1 through 11]. The division is authorized to transfer the appropriation among the necessary fund types for supervision and project management.

**Section 16. Appropriation for Gallatin college -- process.** (1) For the biennium beginning July 1, 2023, there is appropriated to the department of administration \$23.5 million of capital development funds and \$22.5 million of authority only for construction of a facility for Gallatin college contingent on the following:

(a) The budget director shall adopt a plan for the development of Gallatin college through the process set forth in subsection (2).

(b) Funds must be raised for the \$22.5 million of authority only capital project funding. The value of any land donated for the capital project may not be considered as part of meeting the fundraising requirement.

(c) Plan development, delivery, and adoption must be coordinated through the department of administration. All plan development efforts, content, and costs are the responsibility of the Montana university system.

(d) No capital development funding or authority for the capital project may be used for plan development or for land acquisition.

(e) The department of administration may not proceed with capital project procurement, planning, or design until the conditions in subsections (1)(a) and (1)(b) have been met.

(2) The process for the budget director to adopt a plan for Gallatin college is as follows:

(a) The Montana university system's plan must be presented through the department of administration to the budget director by September 30, 2023.

(b) The budget director shall review the plan submitted in subsection (2)(a) and may:

(i) adopt the plan; or

(ii) not adopt the plan and provide the university system with information detailing the reason the plan was not adopted.

(c) If the plan is not adopted pursuant to subsection (2)(b)(ii), the Montana university system has

60 days to respond to the budget director with amendments to the plan. The process in subsection (2)(b) will then be repeated until plan adoption or the budget director directs the department of administration to terminate the plan development effort.

(d) If the budget director directs the department of administration to terminate the plan development effort, the appropriation for capital development funds in subsection (1) will revert to the capital development fund and the appropriation for authority in subsection (1) will revert to its originating source.

(3) (a) Pursuant to 17-7-210, if construction 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 (3) reverts to its originating fund. The appropriation is not subject to the provisions of 17-7-304.

(b) It is the legislature's intent that the appropriations in this subsection (3) become part of the respective agency's base budget for the biennium beginning July 1, 2025.

(c) For the biennium beginning July 1, 2023, \$1,540,000 of general funds are appropriated to the Montana university system for the Gallatin college facility, provided the conditions of subsections (1) and (2) are met.

(d) If the budget director directs the department of administration to terminate the plan development effort under the provisions of subsection (2)(c), the appropriation of general fund for program expansion or operations and maintenance is reverted to the general fund and will not be included in the respective agency's base budget.

**Section 17. Definitions.** For the purposes of [sections 17 through 24], unless otherwise provided, the following definitions apply:

(1) "Emergency shelter" means any facility, the primary purpose of which is to provide a temporary shelter for the homeless in general or for specific populations of the homeless and which does not require occupants to sign leases or occupancy agreements.

(2) "Nonprofit corporation" means a domestic corporation, as designated in accordance with 35-2-

126, that provides emergency shelter for the homeless.

**Section 18. Emergency shelter facility infrastructure account -- use.** (1) There is within the state special revenue fund provided for in 17-2-102 an account called the emergency shelter facility infrastructure account to provide grant funding to nonprofit corporations that provide emergency shelter for the homeless and for administrative costs related to administering the grants. The department of commerce shall administer the account.

(2) Up to 3% of the funds appropriated in [section 24] may be allocated for the department's administrative costs.

**Section 19. Emergency shelter facility infrastructure grants authorization.** (1) The department of commerce is authorized to make up to \$5 million in grants to nonprofit corporations for emergency shelter, property acquisition, construction, shelter space acquisition, or general capital improvement projects. The grants authorized in this section are subject to the conditions set forth in [section 21].

(2) The department of commerce must receive proposals from nonprofit corporations for emergency shelter facility infrastructure projects.

(3) Funding for projects may be provided only as long as there are sufficient funds available from the amount that was deposited or transferred into the emergency shelter facility infrastructure account for grants established in [section 18(1)]. Funding for these projects must be made available in the order that the grant recipients satisfy the conditions described in [section 21].

**Section 20. Eligibility -- submission deadline -- priority -- rulemaking authority.** (1) A nonprofit corporation may apply to the department of commerce for emergency shelter facility infrastructure grants under [section 19].

(2) Nonprofit corporations shall submit grant applications to the department in order to be eligible for funding under [section 19].

(3) The department is authorized to adopt rules or guidelines necessary to implement [sections 17 through 24].

**Section 21. Condition of grants -- disbursement of funds.** (1) The disbursement of grant funds for the projects chosen by the department of commerce pursuant to [section 19] is subject to completion of the following conditions:

(a) For grants in an amount of \$25,000 or more, the grant recipient shall document the availability of matching funds or in-kind contributions of assets with an appraised value from private sources representing at least \$1 in value for each \$1 of the grant.

(b) The grant recipient shall execute a grant agreement with the department of commerce that includes a project management plan and reporting requirements to track the outcomes of allocated grants.

(c) The grant recipient shall satisfy other specific requirements considered necessary by the department of commerce to accomplish the purpose of the project as evidenced by the application to the department.

(2) Projects must adhere to the design standards required by applicable regulatory agencies. Recipients of program funds for projects that are not subject to any design standards must comply with generally accepted industry standards.

(3) If actual project expenses are lower than the projected expense of the project, the department shall reduce the amount of grant funds to be provided to grant recipients.

**Section 22. Maximum state funding available -- per project -- per county.** (1) The maximum amount of state funding allocated to entities within any individual county under [sections 17 through 24] may not exceed \$750,000.

(2) If total applications within a specific jurisdiction exceed the maximum amount allowed, the department shall include input from local elected officials in their ranking criteria for those applications.

**Section 23. Transfer of funds.** By July 1, 2023, the state treasurer shall transfer \$5 million from the general fund to the emergency shelter facility infrastructure account established in [section 18].

**Section 24. Appropriation.** There is appropriated \$5 million for the biennium beginning July 1, 2023,

from the emergency shelter facility infrastructure account established in [section 18] to the department of commerce for grants as authorized in [sections 17 through 24].

**Section 25. Montana public safety development center state special revenue account.** (1) There is a Montana public safety development center account in the state special revenue fund to be administered by the department of military affairs.

(2) The purpose of the account is to provide funding for sustainment of the Montana public safety development center.

(3) There must be deposited in the account:

(a) any revenue generated by use of the facility, including:

(i) classroom rental;

(ii) property rental;

(iii) site training packages; and

(iv) Montana public safety development center memberships;

(b) any legislative appropriations for operations and maintenance; and

(c) gifts, grants, or donations for the purpose of supporting the Montana public safety development center.

**Section 26. Capital development project appropriations and authorization.** (1) There is appropriated to the department of administration \$5 million of capital development funds and \$5 million of federal special revenue for the biennium beginning July 1, 2023, for construction of a facility for the department of military affairs Montana public safety development center, contingent on the following:

(a) The formation of a steering committee to decide the priorities of the Montana public safety development center. The committee will be made up of a representative from each of the following:

(i) Montana fire chiefs association;

(ii) Montana sheriffs and peace officers association;

(iii) department of military affairs, division of disaster and emergency services, who serves as the committee chair;

(iv) county attorney office; and

(v) Montana refinery representative.

(b) The budget director shall adopt a plan for the development and operations of the Montana public safety development center.

(c) Plan development, delivery, and adoption must be coordinated through the department of administration. All plan development efforts, content, and costs are the responsibility of the department of military affairs and the steering committee created under subsection (1)(a).

(d) The plan must be submitted to the legislative fiscal analyst. The documents must be provided in a digital format and must be distributed by the legislative fiscal analyst to legislative finance committee within 90 days of receipt of the plan documents. The department of military affairs shall make a presentation of the final plan documents to the members of the legislative finance committee.

(2) (a) Pursuant to 17-7-210, if construction 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 (2) reverts to its originating fund. The appropriation is not subject to the provisions of 17-7-304.

(b) It is the legislature's intent that the appropriations in this subsection (2) become part of the department of military affairs' base budget for the biennium beginning July 1, 2025.

(c) There is appropriated \$360,000 from the general fund and \$400,000 from the state special revenue account established in [section 25] for the biennium beginning July 1, 2025, to the department of military affairs for program expansion or operations and maintenance for the Montana public safety development center.

**Section 27. Appropriation.** For the fiscal year beginning July 1, 2024, there is appropriated \$7,169,257 from general fund to the department of corrections to increase provider rates to allow for the construction of a special services facility.

**Section 28.** Section 2, Chapter 461, Laws of 2021, is amended to read:

**Section 2. Major repair projects appropriations and authorizations.** The portion of section 2(1), Chapter 461, Laws of 2021, appropriating money from the major repair account to the department of administration for the indicated major repair project is amended to read:

"MSU BLGS Art Annex Safety and System Upgrades Demolition

1,200,000 500,000

1,200,000 500,000"

**Section 29. 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.

**Section 30.** Section 1, Chapter 468, Laws of 2021, is amended to read:

**Section 1. Authorizations of and appropriations for capital projects.** The portion of section 1(4)(c), Chapter 468, Laws of 2021, appropriating money from the general fund to the Montana university system for program expansion or operations and maintenance for the indicated new facility is amended to read:

"Montana University System

UM Forestry Conservation & Science Lab

\$798,659 from the general fund

MAES Research and Wood Laboratories

~~\$389,402~~ \$305,298 from the general fund"

**Section 31. Coordination instruction.** If House Bill No. 839 is not passed and approved, then [sections 25 and 26 of this act] are void.

**Section 32. Coordination instruction.** If House Bill No. 12 is passed and approved, then the following projects and applicants are authorized for historic preservation grants in the amounts indicated, and, if included in House Bill No. 12, the authorization for grants for those same projects in House Bill No. 12 is void:

Rank	Project/Applicant	Grant Amount
1	Harlowton Roundhouse City of Harlowton	\$375,000

49	Walkerville Community Market	
	Walkerville Market	\$25,000

**Section 33. Effective date.** [This act] is effective on passage and approval.

**Section 34. Termination.** [Section 13] terminates June 30, 2025.

- END -

I hereby certify that the within bill,  
HB 5, originated in the House.

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Chief Clerk of the House

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2023.

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2023.

HOUSE BILL NO. 5

INTRODUCED BY M. HOPKINS, J. FITZPATRICK

BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING

AN ACT APPROPRIATING MONEY FOR MAJOR REPAIR AND CAPITAL DEVELOPMENT PROJECTS FOR THE BIENNIUM ENDING JUNE 30, 2025; PROVIDING FOR OTHER MATTERS RELATING TO THE APPROPRIATIONS; PROVIDING FOR A TRANSFER OF FUNDS FROM THE CAPITAL DEVELOPMENTS LONG-RANGE BUILDING PROGRAM ACCOUNT TO THE MAJOR REPAIR LONG-RANGE BUILDING PROGRAM ACCOUNT AND FOR A TRANSFER OF FUNDS FROM THE STATE GENERAL FUND TO THE CAPITAL DEVELOPMENTS LONG-RANGE BUILDING PROGRAM ACCOUNT; PROVIDING FUNDING FOR RATE INCREASES TO ALLOW CONSTRUCTION; AMENDING THE DEFINITION OF AN LRBP-ELIGIBLE BUILDING; PROVIDING FOR AN EMERGENCY SHELTER FACILITY INFRASTRUCTURE GRANT PROGRAM AND CRITERIA; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 15-65-121 AND 17-7-201, MCA; AMENDING SECTION 1(4), CHAPTER 468, LAWS OF 2021, AND SECTION 2(1), CHAPTER 461, LAWS OF 2021; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.