

1 HOUSE BILL NO. 5

2 INTRODUCED BY J. FITZPATRICK

3 BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING MONEY FOR MAJOR REPAIR AND CAPITAL  
6 DEVELOPMENT PROJECTS FOR THE BIENNIUM ENDING JUNE 30, 2027; PROVIDING FOR OTHER  
7 MATTERS RELATING TO THE APPROPRIATIONS; PROVIDING FOR A TRANSFER OF FUNDS FROM THE  
8 GENERAL FUND TO THE CAPITAL DEVELOPMENTS LONG-RANGE BUILDING PROGRAM ACCOUNT  
9 AND A TRANSFER OF FUNDS FROM THE GENERAL FUND TO A STATE SPECIAL REVENUE FUND;  
10 PROVIDING FOR A MODIFICATION TO THE LONG-RANGE BUILDING PROGRAM; INCREASING CERTAIN  
11 VALUE THRESHOLDS FROM \$150,000 TO \$300,000; ESTABLISHING REPORTING REQUIREMENTS;  
12 ALLOWING A COMBINATION OF PREVIOUSLY APPROVED APPROPRIATIONS FOR THE CLAPP  
13 BUILDING; AMENDING SECTIONS 17-7-201, 17-7-202, 17-7-210, AND 17-7-223, MCA; AMENDING  
14 SECTION 1, CHAPTER 468, LAWS OF 2021, SECTION 9(1), CHAPTER 739, LAWS OF 2023, SECTION  
15 14(1), CHAPTER 762, LAWS OF 2023, AND SECTION 3, CHAPTER 763, LAWS OF 2023; AND PROVIDING  
16 AN IMMEDIATE EFFECTIVE DATE."

17  
18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

19  
20 NEW SECTION. Section 1. Definitions. For the purposes of [sections 1 through 10], unless  
21 otherwise stated, the following definitions apply:

22 (1) "Authority only" means approval provided by the legislature to expend money that does not  
23 require an appropriation, including grants, donations, auxiliary funds, proprietary funds, nonstate funds, and  
24 university funds.

25 (2) "Capital development" has the same meaning as provided in 17-7-201(2).

26 (3) "Capital project" means the planning, design, renovation, construction, alteration, replacement,  
27 furnishing, repair, improvement, site, utility, or land acquisition project provided for in [sections 1 through 10].

28 (4) "LRBP capital development" means the long-range building program capital developments

1 account in the capital projects fund type provided for in 17-7-209.

2 (5) "LRBP major repair" means the long-range building program major repair account in the capital  
3 projects fund type provided for in 17-7-221.

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

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

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

9

10 **NEW SECTION. Section 2. Major repair projects appropriations and authorizations.** (1) The  
11 following money is appropriated to the department of administration for the indicated major repair projects from  
12 the indicated sources. Funds not requiring legislative appropriation are included for the purpose of  
13 authorization. The department of administration is authorized to adjust capital project amounts within the  
14 legislative intent of the major repair account-funded projects, subject to available revenues, if approved by the  
15 office of budget and program planning, and to transfer the appropriations, authority, or both among the  
16 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				

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

1		1,725,000	1,725,000
2	DPHHS EMVH Water Infiltration and Exterior Envelope Repairs		
3		1,900,000	1,900,000
4	MUS MSU-N Automotive Technology Building Roof Replacement		
5		460,000	460,000
6	MUS UM HC Donaldson Campus Roofing Replacement		
7		2,400,000	2,400,000
8	DOC MSP MCE Roof Replacements		
9		1,350,000	1,350,000
10	DOA Aviation Support Fac Hangar Door Reconstruction and Replacement		
11		320,000	320,000
12	MUS UM Montana Tech Campus-wide Building Electrical System Upgrades		
13		1,300,000	1,300,000
14	MSDB Completion of Parking Lot Improvements		
15		780,000	780,000
16	MUS UM-W Selected Sewer Main Repairs and Replacement		
17		690,000	690,000
18	<del>DOC MWP Completion of Perimeter Security Upgrades</del>		
19	<del>————— 600,000 —————</del>		<del>600,000</del>
20	OPI Montana Learning Center Site Infrastructure Upgrades		
21		700,000	700,000
22	MUS UM-W Steam Distribution System Upgrades		
23		475,000	475,000
24	DOC PHYCF Utility Tunnel and Heating System Repairs		
25		1,200,000	1,200,000
26	MUS UM Selected Building Electrical System Upgrades		
27		1,100,000	1,100,000
28	MUS MSU South Campus Primary Electrical Distribution Upgrades		

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

1		500,000		500,000
2	<u>MUS</u>	<u>MSU REPLACE FAILED DATA CENTER COOLING SYSTEMS</u>		
3		1,000,000	300,000	1,300,000

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

8           (3)     The following money is appropriated to the department of military affairs for the indicated major  
9 repair projects from the indicated sources. Funds not requiring legislative appropriation are included for the  
10 purpose of authorization and are subject to the provisions of 18-2-103.

11	Agency/Project	LRBP	State	Federal	Authority	Total
12		MR	Special	Special	Only	
13		Fund	Revenue	Revenue	Sources	
14	DMA	Statewide Indoor Firing Range Remediation				
15				2,450,000		2,450,000
16	DMA	MTARNG Buildings MEP Repairs				
17				1,970,000		1,970,000
18	DMA	FTH Building 1009 New Generator				
19				255,000		255,000
20	DMA	Helena AFRC New Underground Stormwater Piping System				
21				230,000		230,000
22	DMA	FTH New Powered Fire Department Access Gate				
23				225,000		225,000
24	DMA	FTH Range Operations Center Site Work				
25				380,000		380,000
26	DMA	FTH Building 1017 New Shower Rooms				
27				110,000		110,000
28	DMA	MTARNG Buildings New PV Solar Arrays and Repairs				

1 690,000 690,000

2 DMA FTH MIST/MINER FACILITY UPGRADE

3 1,900,000 1,900,000

4 (4) THE DEPARTMENT OF ADMINISTRATION SHALL BUNDLE REQUESTS FOR THE PURCHASE AND  
5 INSTALLATION OF THE ELECTRICAL GENERATORS INTO A SINGLE PROJECT FOR BID.

6

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

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

12	Agency/Project	LRBP	State	Federal	Authority	Total
13		CD	Special	Special	Only	
14		Fund	Revenue	Revenue	Sources	

15	DOC	MSP Low-Side Housing Expansion				
16		150,000,000				150,000,000

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

20	DOC	MSP Site Infrastructure Upgrades				
21		21,000,000				21,000,000

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

25	DPHHS	MSH Comprehensive Mechanical System Replacement				
26		11,200,000				11,200,000

27	DOC	MSP Comprehensive Mechanical System Replacement				
28		4,750,000				4,750,000

1	DPHHS MSH Spratt Building Upgrades for Licensure <u>AND FACILITY FENCES</u>		
2		4,000,000	4,000,000
3		<u>14,660,000</u>	<u>14,660,000</u>

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

6 DPHHS MMHNCC UNIT D

7 REMODEL FOR LICENSURE

8		<u>700,000</u>	<u>700,000</u>
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9	MUS UM Selected Classrooms and Teaching Labs Modernization		
10		11,600,000	11,600,000

11	DNRC Missoula New Forestry and Trust Lands Office Building		
12		3,000,000	3,000,000

13		<u>2,000,000</u>	<u>2,000,000</u>
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14	DNRC Helena Wildland Firefighter Bunkhouses		
15		3,860,000	3,860,000

16	DNRC Libby Wildland Firefighter Bunkhouses and Office Addition		
17		3,600,000 600,000	4,200,000

18	DNRC Plains Wildland Firefighter Bunkhouse		
19		1,930,000	1,930,000

20	<u>DNRC BUNKHOUSES IN HELENA, LIBBY, AND PLAINS AND OFFICE ADDITION</u>		
21		<u>1,500,000 600,000</u>	<u>2,100,000</u>

22 THE DEPARTMENT OF ADMINISTRATION MAY PRIORITIZE THE FUNDING, DESIGN, AND CONSTRUCTION BETWEEN  
23 EACH OF THE BUNKHOUSES AND OFFICE ADDITIONS AS NECESSARY TO MEET THE INTENT OF [SECTIONS 3(8)(C) AND  
24 3(9)].

25	DOA Capitol Complex Roof Replacements		
26		4,100,000	4,100,000

27	MUS UM Selected Roof Replacements		
28		3,000,000	3,000,000

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

1		<u>4,200,000</u>	<u>4,200,000</u>
2	DMA	Billings Limited Army Aviation Support Facility, Phase 2	
3		23,100,000	23,100,000
4	DMA	MTANG New Training Drop Zone	
5		1,800,000	1,800,000
6	DOJ	MLEA New Indoor Firing Range	
7		10,000,000	10,000,000
8	DMA	MT State Veterans' Cemetery, New Interment Processing Center	
9		<u>1,925,000</u>	<u>1,925,000</u>
10		<u>600,000</u>	<u>600,000</u>
11	FWP	Central Services Site Upgrades Phase 2	
12		13,350,000	13,350,000
13	FWP	Central Services Site Upgrades Phase 3	
14		16,680,000	16,680,000
15	<del>FWP</del>	<del>Region 5 Cooney State Park Storage Building</del>	
16		<del>220,000</del>	<del>220,000</del>
17	<del>FWP</del>	<del>Region 5 Deadman's Basin FAS Storage Building</del>	
18		<del>340,000</del>	<del>340,000</del>
19		<u>FWP STATE PARK STORAGE BUILDING AT COONEY PARK AND DEADMAN BASIN FAS</u>	
20		<u>375,000</u>	<u>375,000</u>
21		<u>THE DEPARTMENT OF ADMINISTRATION MAY PRIORITIZE THE FUNDING, DESIGN, AND CONSTRUCTION BETWEEN</u>	
22		<u>EACH OF THE STORAGE BUILDINGS AS NECESSARY TO MEET THE INTENT OF [SECTIONS 3(8)(C) AND 3(10)].</u>	
23	<del>MDT</del>	<del>Three Forks Equipment Storage Building</del>	
24		<del>3,000,000</del>	<del>3,000,000</del>
25	<del>MDT</del>	<del>Wolf Creek Equipment Storage Building</del>	
26		<del>2,400,000</del>	<del>2,400,000</del>
27	<del>MDT</del>	<del>Lodge Grass Equipment Storage Building</del>	
28		<del>2,400,000</del>	<del>2,400,000</del>

1 MDT ~~Conrad Equipment Storage Building~~  
2 ~~3,500,000 3,500,000~~

3 MDT ~~Miles City Equipment Storage Building~~  
4 ~~4,200,000 4,200,000~~

5 MDT EQUIPMENT STORAGE BUILDINGS AT THREE FORKS, WOLF CREEK, LODGE GRASS, CONRAD, AND  
6 MILES CITY  
7 5,300,000 5,300,000

8 THE DEPARTMENT OF ADMINISTRATION MAY PRIORITIZE THE FUNDING, DESIGN, AND CONSTRUCTION BETWEEN  
9 EACH OF THE EQUIPMENT STORAGE BUILDINGS AS NECESSARY TO MEET THE INTENT OF [SECTIONS 3(8)(C) AND 3(11)].

10 MDT PURCHASE OF EQUIPMENT REPAIR SHOP AND PROPERTY  
11 8,500,000 8,500,000

12 MUS MSUB New Art Building  
13 13,400,000 13,400,000

14 MUS UM New Bandy Ranch Field Research Housing  
15 2,000,000 2,000,000

16 MUS UM Bio Research Building Addition  
17 8,000,000 8,000,000

18 MUS MSU Instructional Space Modernization  
19 4,000,000 4,000,000

20 MUS UM Law School Interior Remodel  
21 3,000,000 3,000,000

22 MUS UM McGill Hall Addition  
23 2,000,000 2,000,000

24 3,000,000 3,000,000  
25 Authority-only increase is provided for the project in Section 3, Chapter 763, Laws of 2023.

26 MUS MSU Nopper Building Purchase  
27 6,500,000 6,500,000

28 MUS UM Undergraduate Research Lab Upgrades and Improvements

1			10,000,000	10,000,000
2	MUS	UM South Campus Tennis Court Complex		
3			8,300,000	8,300,000
4	MUS	MSU Visual Communications Building Classroom Addition		
5			2,500,000	2,500,000
6			<u>11,500,000</u>	<u>11,500,000</u>

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

9	<u>MUS</u>	<u>WOMEN'S SOCCER LOCKER ROOM REMODEL AND LIGHTING</u>		
10			<u>400,000</u>	<u>400,000</u>
11	<u>MUS</u>	<u>MONTANA TECH CAMPUS EXPANSION AND UPGRADES</u>	<u>50,000,000</u>	<u>50,000,000</u>

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

15	Agency/Project	LRBP	State	Federal	Authority	Total
16		CD	Special	Special	Only	
17		Fund	Revenue	Revenue	Sources	
18	DMA	Fort Harrison Open Bay Barracks				
19				18,120,000		18,120,000
20				<u>10,500,000</u>		<u>10,500,000</u>

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

24	DMA	Fort Harrison Vehicle Paint Shop Construction				
25				6,960,000		6,960,000
26				<u>4,000,000</u>		<u>4,000,000</u>
27	DMA	MTARNG Vehicle Maintenance Shop Construction				
28				40,600,000		40,600,000

1		<u>20,000,000</u>	<u>20,000,000</u>
2	DMA Limestone Hills Target Storage Building Replacement		
3		<u>385,000</u>	<u>385,000</u>
4		<u>60,000</u>	<u>60,000</u>
5	DMA Veterans' Cemetery Expansions, Statewide		
6		1,000,000	1,000,000
7	<u>DMA CAPITAL RESERVE FUND</u>	<u>31,505,000</u>	<u>31,505,000</u>

8 (3) (A) THE CAPITAL RESERVE FUND MAY BE USED BY THE DEPARTMENT OF MILITARY AFFAIRS TO FUND  
 9 PROJECTS IN [SECTION 3] SUBSEQUENTLY IDENTIFIED AFTER THE PASSAGE OF [THIS ACT].

10 (B) A PROJECT MUST BE PREPARED THAT DESCRIBES EACH TASK TO BE COMPLETED WITH A BUDGET FOR  
 11 EACH PROPOSED PROJECT. THE PROJECT DESCRIPTION MUST BE SUBMITTED BY THE DEPARTMENT OF MILITARY AFFAIRS  
 12 THROUGH THE DEPARTMENT OF ADMINISTRATION TO THE GENERAL GOVERNMENT BUDGET COMMITTEE AND THE LONG-  
 13 RANGE PLANNING BUDGET COMMITTEE. AFTER THE PROJECT DESCRIPTION HAS BEEN SUBMITTED TO THOSE  
 14 COMMITTEES, THE BUDGET DIRECTOR MAY APPROVE, MODIFY, OR DENY THE PROPOSED PROJECT.

15 ~~(3)~~(4) (a) The following money is appropriated to the office of budget and program planning for the  
 16 indicated capital development project from the indicated source for the purpose of major repairs and capital  
 17 projects on the Capitol complex:

18	Agency/Project	LRBP	State	Federal	Authority	Total
19		CD	Special	Special	Only	
20		Fund	Revenue	Revenue	Sources	
21	OBPP	Capitol Complex Deferred Maintenance and Renewal				
22		50,000,000				50,000,000

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

28 (c) The funds may be used in conjunction with projects appropriated in Section 14, Subsection 4,

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

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

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

8	Agency/Project	LRBP	State	Federal	Authority	Total
9		CD	Special	Special	Only	
10		Fund	Revenue	Revenue	Sources	
11	DOA	Capital Development Projects Planning Studies				
12		2,000,000				2,000,000

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

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

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

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

24	Agency/Project	LRBP	State	Federal	Authority	Total
25		CD	Special	Special	Only	
26		Fund	Revenue	Revenue	Sources	
27	DOA	Reserve Funds for Market, Supply Chain, and Inflationary Impacts				
28		10,000,000				10,000,000

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

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

5 ~~(6)(7)~~ (a) Pursuant to 17-7-210, if construction or acquisition of a new facility requires an immediate  
6 or future increase in state funding for program expansion or operations and maintenance, the legislature may  
7 not authorize the new facility unless it also appropriates funds for the increase in state funding for program  
8 expansion and operations and maintenance. To the extent allowed by law, at the end of each fiscal year  
9 following approval of a new facility but prior to receipt of its certificate of occupancy, the appropriation made in  
10 this subsection reverts to its originating fund. The appropriation is not subject to the provisions of 17-7-304.

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

Agency/Project	General Fund	State Special Revenue	Federal Special Revenue	Authority Only Sources	Total
<del>DOC MSP Low-Side Housing Expansion</del>	<del>1,300,000</del>				<del>1,300,000</del>
DNRC Missoula New Forestry and Trust Lands Office Building		50,876			50,876
DNRC Helena Wildland Firefighter Bunkhouses		66,360			66,360
DNRC Libby Wildland Firefighter Bunkhouses and Office Addition		33,180			33,180
DNRC Plains Wildland Firefighter Bunkhouse		33,180			33,180
MUS MSU Lewis Hall New Elevator and ADA Upgrades		37,800			37,800

1	DOA	5 South Last Chance Gulch Building Renovation		
2		173,550		173,550
3	DMA	Billings Limited Army Aviation Support Facility, Phase 2		
4		107,400	_____	107,400
5			<u>107,400</u>	<u>107,400</u>
6	DOJ	MLEA New Indoor Firing Range		
7		150,000	_____	150,000
8		150,000	_____	150,000
9	DMA	MT State Veterans' Cemetery, New Interment Processing Center		
10		9,625		9,625
11	FWP	Central Services Site Upgrades Phase 2		
12		133,468		133,468
13	FWP	Central Services Site Upgrades Phase 3		
14		208,545		208,545
15	FWP	Region 5 Cooney State Park Storage Building		
16		2,778		2,778
17	FWP	Region 5 Deadman's Basin FAS Storage Building		
18		4,250		4,250
19	MDT	Three Forks Equipment Storage Building		
20		48,150		48,150
21	MDT	Wolf Creek Equipment Storage Building		
22		33,400		33,400
23	MDT	Lodge Grass Equipment Storage Building		
24		33,400		33,400
25	MDT	Conrad Equipment Storage Building		
26		41,650		41,650
27	MDT	Miles City Equipment Storage Building		
28		44,750		44,750

1	MUS	MSUB New Art Building		
2			257,680	257,680
3	MUS	UM New Bandy Ranch Field Research Housing		
4			108,705	108,705
5	MUS	UM Bio Research Building Addition		
6			246,050	246,050
7	MUS	UM McGill Hall Addition		
8			71,968	71,968
9	MUS	MSU Nopper Building Purchase		
10			1,252,186	1,252,186
11	MUS	UM South Campus Tennis Court Complex		
12			359,086	359,086
13	MUS	MSU Visual Communications Building Classroom Addition		
14			59,286	59,286
15			59,286	140,403
16	DMA	Fort Harrison Open Bay Barracks		
17			204,800	204,800
18	DMA	Fort Harrison Vehicle Paint Shop Construction		
19			42,100	42,100
20	DMA	MTARNG Vehicle Maintenance Shop Construction		
21			134,800	134,800
22	DMA	Fort Harrison Facility Maintenance Shop #3 (FMS #3) Acquisition		
23			31,000	31,000
24	MUS	<u>MONTANA TECH CAMPUS EXPANSION AND UPGRADES</u>		
25			2,543,693	2,543,693

26 Funds for operations and maintenance are provided upon completion of the transfer of the facility from  
 27 federal to state ownership. The department of administration may utilize the FMS #3 to construct either or both  
 28 the capital projects DMA DES State Emergency Coordination Center Expansion and DMA DES State Disaster

1 Warehouse in Section 3, Chapter 763, Laws of 2023. If constructed within the FMS #3, the operations and  
 2 maintenance funding for either or both the projects in Section 3, Chapter 763, Laws of 2023, shall transfer to  
 3 the acquired FMS #3.

4 DMA Billings Readiness Center and Innovation Campus (BRIC)  
 5 98,500 (General Fund) 98,500 (Federal Special Revenue) 197,000 (Total)

6 Funds for operations and maintenance are provided for the project in Section 3, Chapter 763, Laws of  
 7 2023, and are contingent on the sale of the existing Billings Armed Forces Reserve Center (BAFRC). After the  
 8 sale, operations and maintenance funding currently appropriated to the department of military affairs for the  
 9 existing Billings Armed Forces Reserve Center shall then be added to and utilized for the new Billings  
 10 Readiness Center operations and maintenance.

11 DOA Governor's Office, 740-720 Madison Avenue  
 12 270,250 (General Fund) 270,250 (Total)

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

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

18	AGENCY/PROJECT	GENERAL	STATE	FEDERAL	AUTHORITY	TOTAL
19		FUND	SPECIAL	SPECIAL	ONLY	
20			REVENUE	REVENUE	SOURCES	
21	DOC MSP LOW-SIDE HOUSING EXPANSION					
22		6,950,000				6,950,000

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

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

28 (F) FUNDS APPROPRIATED IN [THIS ACT] AND PRIOR APPROPRIATIONS, INCLUDING HOUSE BILL 2, HOUSE

1 BILL 5, AND HOUSE BILL 872 FROM THE 2023 SESSION, MAY NOT BE USED TO CONSTRUCT OR STAFF A GUARD HOUSE  
2 AT THE MONTANA STATE HOSPITAL.

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

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

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

13 (III) REMAINING PROJECTS IN [THIS ACT] AS DETERMINED BY THE DEPARTMENT IN ACCORDANCE WITH 18-2-  
14 104 AND TAKING INTO CONSIDERATION PRIOR APPROPRIATED CAPITAL PROJECTS.

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

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

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

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

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

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

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

11           (A) THE LEGISLATIVE FINANCE COMMITTEE; AND

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

13  
14           NEW SECTION. Section 4. Capital improvement projects. (1) The following money is appropriated  
15 to the department of fish, wildlife, and parks in the indicated amounts for the purpose of making capital  
16 improvements to statewide facilities. Funds not requiring legislative appropriation are included for the purpose  
17 of authorization. The department of fish, wildlife, and parks is authorized to transfer the appropriations,  
18 authority, or both among the necessary fund types for these projects:

Agency/Project	State	Federal	Authority	Total
	Special	Special	Only	
	Revenue	Revenue	Source	
FWP Statewide Administrative Facilities Major Maintenance	2,800,000			2,800,000
FWP Fishing Access Site Major Maintenance	1,590,000			1,590,000
FWP Statewide Hatchery Maintenance and Repairs	2,500,000			2,500,000
FWP Fishing Access Site Noxious Weed Control				

1			250,000		250,000
2	FWP	Wildlife Management Area Maintenance			
3			3,380,000		3,380,000
4	FWP	State Parks Major Maintenance			
5			4,500,000		4,500,000
6	FWP	State Parks Noxious Weed Control			
7			250,000		250,000
8	FWP	Statewide Wildlife Habitat Management Areas Improvements			
9			680,000		680,000
10	FWP	Future Fisheries			
11			2,000,000		2,000,000
12	FWP	Contract Programs			
13			2,250,000		2,250,000
14	FWP	Fish Connectivity			
15			1,635,000	1,775,000	3,410,000
16	FWP	Lewis and Clark Caverns State Park Water System			
17			692,500	692,500	1,385,000
18	FWP	Community Fishing Ponds			
19			200,000		200,000
20	FWP	Parks and Outdoor Recreation Site Development and Upgrades			
21			2,300,000	510,000	2,810,000
22			<u>4,509,680</u>	<u>510,000</u>	<u>5,019,680</u>
23		<u>FOR THE JUDITH LANDING SITE, NOXIOUS WEED CONTROL MUST BE PERFORMED WITH A PORTION OF THE</u>			
24		<u>FUNDS APPROPRIATED FOR THE LOCATION.</u>			
25	FWP	Upland Game Bird Enhancement Program			
26			2,000,000		2,000,000
27	FWP	Dam Maintenance			
28			90,000		90,000

1	FWP	Region 5 HQ Pemberton Lane Improvements			
2			255,000		255,000
3	FWP	Grants Programs			
4			5,800,000	7,900,000	13,700,000
5	FWP	Bannack State Park Historic Preservation			
6			250,000		250,000
7	FWP	Forest Management Program			
8			250,000		250,000
9	FWP	Tongue/Yellowstone/Muggli Fishery Infrastructure Improvements			
10			1,430,000		1,430,000

11 (2) Authority is granted to the Montana university system for the purpose of making capital  
 12 improvements to campus facilities statewide. Authority-only funds may include donations, grants, auxiliary  
 13 funds, proprietary funds, nonstate funds, and university funds. Use of authority-only funds may be allocated at  
 14 not more than \$2,500,000 per project and are subject to the provisions of 18-2-103. All costs for the operations  
 15 and maintenance of any improvements constructed under this authorization must be paid by the Montana  
 16 university system from nonstate sources:

17	Agency/Project	LRBP	State	Federal	Authority	Total
18		Fund	Special	Special	Only	
19			Revenue	Revenue	Sources	
20	General Spending Authority, MUS All Campuses				20,000,000	20,000,000

21 (3) The following money is appropriated to the department of transportation in the indicated  
 22 amount for the purpose of making capital improvements to statewide facilities as indicated and are subject to  
 23 the provisions of 18-2-103:

24	Agency/Project	LRBP	State	Federal	Authority	Total
25		Fund	Special	Special	Only	
26			Revenue	Revenue	Sources	
27	Maintenance, Repair, and Small Projects, Statewide					
28			3,000,000			3,000,000

1 (4) The following money is appropriated to the department of military affairs in the indicated  
 2 amount for the purpose of making capital improvements to statewide facilities. The capital improvements are  
 3 subject to the provisions of 18-2-103. All costs for the operation and maintenance of any improvements  
 4 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

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

<u>AGENCY/PROJECT</u>	<u>LRBP</u>	<u>STATE</u>	<u>FEDERAL</u>	<u>AUTHORITY</u>	<u>TOTAL</u>
	<u>FUND</u>	<u>SPECIAL</u>	<u>SPECIAL</u>	<u>ONLY</u>	<u>REVENUE</u>
		<u>REVENUE</u>	<u>REVENUE</u>	<u>SOURCES</u>	
<u>REMEDICATION OF LEAKING PETROLEUM TANKS</u>					
			<u>2,000,000</u>		<u>2,000,000</u>

19 **NEW SECTION. Section 5. Land acquisition appropriations.** The following money is appropriated  
 20 to the department of fish, wildlife, and parks in the indicated amounts for the purposes of land acquisition, land  
 21 leasing, easement purchase, or development agreements. The department of fish, wildlife, and parks is  
 22 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				
		12,000,000		12,000,000
FWP Fishing Access Site Acquisition				

1		500,000	500,000
2	FWP	Habitat Montana -- Enhanced 701 Funding	
3		18,000,000	18,000,000
4			

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

9  
10           NEW SECTION. **Section 7. Capital projects -- contingent funds.** (1) If a capital project is financed,  
11 in whole or in part, with appropriations contingent on the receipt of other funding sources, the department of  
12 administration may not let the project for bid until a financial plan and agreement with the agency has been  
13 approved by the director of the department of administration. A financial plan and agreement may not be  
14 approved by the director if:

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

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

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

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

28

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

10  
11           **NEW SECTION. Section 9. Legislative intent.** The appropriations authorized in [sections 2 through  
12 5] constitute legislative consent for the capital projects contained in [sections 2 through 5] within the meaning of  
13 17-7-201 and 18-2-102.

14  
15           **NEW SECTION. Section 10. Increase in state funding for program expansion or operations and**  
16 **maintenance.** If an immediate or future increase in state funding for program expansion or operations and  
17 maintenance is required for a new facility in [section 3] but the increase is not appropriated by the 69th  
18 legislature, that new facility in [section 3] is not appropriated or authorized as provided in 17-7-210.

19  
20           **Section 11.** Section 17-7-201, MCA, is amended to read:

21           **"17-7-201. Definitions.** In this part, the following definitions apply:

- 22           (1)       (a) "Building" includes a:
- 23                   (i)       building, facility, or structure constructed or purchased wholly or in part with state money;
- 24                   (ii)       building, facility, or structure at a state institution;
- 25                   (iii)       building, facility, or structure owned or to be owned by a state agency, including the department
- 26 of transportation.
- 27           (b)       The term does not include a:
- 28                   (i)       building, facility, or structure owned or to be owned by a county, city, town, school district, or

- 1 special improvement district;
- 2 (ii) facility or structure used as a component part of a highway or water conservation project.
- 3 (2) "Capital development" means a:
- 4 (a) renovation, construction, alteration, site, or utility project with a total cost of \$2.5 million or
- 5 more;
- 6 (b) new facility with a construction cost of \$250,000 or more; or
- 7 (c) purchase of real property for which an appropriation is required to fund the purchase.
- 8 (3) "Construction" includes construction, repair, alteration, renovation, and equipping and
- 9 furnishing during construction, repair, or alteration.
- 10 (4) "Division" means the architecture and engineering division of the department of administration.
- 11 (5) "High-performance building" means a building that integrates and optimizes all major high-
- 12 performance building attributes, including but not limited to:
- 13 (a) energy efficiency;
- 14 (b) durability;
- 15 (c) life-cycle performance; and
- 16 (d) occupant productivity.
- 17 (6) (a) "Long-range building program-eligible building" means a building, facility, or structure
- 18 eligible for major repair account funding that:
- 19 (i) is owned or fully operated by a state agency and for which the operation and maintenance are
- 20 funded with state general fund money; or
- 21 (ii) supports academic missions of the university system and for which the operation and
- 22 maintenance are funded with current unrestricted university funds.
- 23 (b) The term does not include a building, facility, or structure:
- 24 (i) owned or operated by a state agency and for which the operation and maintenance are entirely
- 25 funded with state special revenue, federal special revenue, or proprietary funds; or
- 26 (ii) that supports nonacademic functions of the university system and for which the operation and
- 27 maintenance are funded from nonstate and nontuition sources.
- 28 (7) (a) "Major repair" means:

- 1 (i) a renovation, alteration, replacement, or repair project with a total cost of less than \$2.5 million;
- 2 (ii) a site or utility improvement with a total cost of less than \$2.5 million; or
- 3 (iii) a new facility with a total construction cost of less than \$250,000.

4 (b) The term does not include operations and maintenance as defined in this section.

5 (8) (a) "New facility" means the construction or acquisition of a new building on state property  
6 regardless of funding source and includes:

- 7 (i) an addition to an existing building; and
- 8 (ii) the enclosure of space that was not previously fully enclosed.

9 (b) The term does not include the replacement of state-owned space that is demolished or that is  
10 otherwise removed from state use if the total construction cost of the replacement space is less than \$2.5  
11 million.

12 (9) "Operations and maintenance" means operational costs and regular, ongoing, and routine  
13 repairs and maintenance funded in an agency operating budget that does not extend the capacity, function, or  
14 lifespan of a facility.

15 (10) "Replacement cost of existing long-range building program-eligible building" means the current  
16 replacement value of all long-range building program-eligible buildings included in the statewide facility  
17 inventory and condition assessment as provided in 17-7-202."

18

19 **Section 12.** Section 17-7-202, MCA, is amended to read:

20 **"17-7-202. Preparation of building programs and submission to department of administration --**

21 **statewide facility inventory and condition assessment.** (1) Before ~~July 1~~APRIL 1 of the year preceding a  
22 legislative session, each state agency and institution shall submit to the architecture and engineering division of  
23 the department of administration, on forms furnished by the division, a proposed long-range building program  
24 for major repair projects and capital developments, if any, for the agency or institution along with the agency's  
25 or institution's 6-year capital development facilities strategic plan. Excluding major repair projects greater than  
26 \$2,500,000, the division may not include a capital development project request in the information provided  
27 pursuant to 17-7-202(4) without the project also being included in an agency's or institution's 6-year capital  
28 development facilities strategic plan, unless approved by the office of budget and program planning. Each

1 agency and institution shall furnish any additional information requested by the division relating to the utilization  
2 of or need for major repair projects and capital developments.

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

5 (i) for each state-owned building:

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

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

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

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

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

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

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

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

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

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

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

27 (3) The division is not required to include a state-owned building that has a current replacement  
28 value of ~~\$150,000~~ \$300,000 or less in the facility inventory and condition assessment.

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

6

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

8           **"17-7-210. Required funding for maintenance of newly authorized state buildings.** (1) If  
9 construction or acquisition of a new facility requires an immediate or future increase in state funding for  
10 program expansion or operations and maintenance, the legislature may not authorize the new facility unless it  
11 also appropriates funds for the increase in state funding for program expansion and operations and  
12 maintenance.

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

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

20

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

22           **"17-7-223. Major repair -- submission of list to legislature -- priorities.** (1) By November 15 of the  
23 year preceding a regular legislative session, the division shall, on behalf of all state agencies, submit a list of  
24 anticipated major repair projects to the governor. The governor shall review the list of anticipated long-range  
25 building program-eligible major repair projects recommended by the division and submit it to the legislature.

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

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

28           (b)     multiple projects within a single building or facility that collectively cost more than ~~\$150,000~~

1     \$300,000; and

2             (c)     single projects that will be constructed in phases with an aggregate cost of more than \$150,000  
3     \$300,000.

4             (3)     Unless otherwise directed by the legislature, the division shall execute major repair projects  
5 from the prioritized list submitted to the legislature up to the level of appropriation made by the legislature.

6             (4)     In prioritizing major repair projects, the division shall consider the results of the statewide  
7 facility inventory and condition assessment prepared pursuant to 17-7-202.

8             (5)     In prioritizing major repair projects, the division shall allocate at least 80% of the funds that the  
9 legislature appropriates for major repair to:

10            (a)     projects that address:

11            (i)     any issue that impacts health and safety;

12            (ii)    failing building envelopes;

13            (iii)   structural deficiencies;

14            (iv)   energy, utility, or water savings;

15            (b)     projects that upgrade, repair, or replace:

16            (i)     mechanical, plumbing, or control systems;

17            (ii)    electrical systems;

18            (iii)   fixed equipment;

19            (iv)   an essential building component; or

20            (v)    infrastructure, including a utility tunnel, water line, gas line, sewer line, roof, parking lot, or road;

21     or

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

24            (6)     In prioritizing major repair projects, the division shall allocate no more than 20% of the funds  
25 that the legislature appropriates for major repair to:

26            (a)     remodeling and aesthetic upgrades to meet programmatic needs; or

27            (b)     construct an addition to an existing building or facility."  
28

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

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

4           "DPHHS MSH Compliance Upgrades for Recertification & Deferred Maintenance

5                               15,903,000                               15,903,000

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

9

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

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

16

17           NEW SECTION. SECTION 17. TRANSFER OF FUNDS -- PLAN AND REPORTING. (1) BY JUNE 30, 2026, THE  
18 STATE TREASURER SHALL TRANSFER \$26.5 MILLION FROM THE CAPITAL DEVELOPMENTS LONG-RANGE BUILDING  
19 PROGRAM ACCOUNT ESTABLISHED IN 17-7-209 TO THE BOARD OF INVESTMENTS FOR THE PURPOSES OF BUILDING A  
20 BEHAVIORAL HEALTH FACILITY.

21           (2) PRIOR TO THE TRANSFER IN SUBSECTION (1) TAKING PLACE, THE BUDGET DIRECTOR SHALL ADOPT A  
22 PLAN FROM THE BOARD OF INVESTMENTS AND THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES ON THE  
23 FACILITY TYPE AND LOCATION. THE BOARD OF INVESTMENTS AND THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN  
24 SERVICES SHALL REPORT TO THE HEALTH AND HUMAN SERVICES INTERIM BUDGET COMMITTEE ESTABLISHED IN 5-12-501  
25 ON THE PROGRESS OF CHOOSING THE FACILITY TYPE AND LOCATION. ONCE A PLAN IS ADOPTED BY THE BUDGET  
26 DIRECTOR, THE BOARD OF INVESTMENTS AND THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES SHALL  
27 PROVIDE A PROGRESS REPORT AT EACH SUBSEQUENT MEETING OF THE HEALTH AND HUMAN SERVICES INTERIM BUDGET  
28 COMMITTEE AND EACH SUBSEQUENT MEETING OF THE LONG-RANGE PLANNING BUDGET COMMITTEE THAT ARE HELD

1 PRIOR TO DECEMBER 31, 2026.

2 (3) ANY UNSPENT FUNDS MUST REVERT TO THE CAPITAL DEVELOPMENTS LONG-RANGE BUILDING  
3 PROGRAM ACCOUNT.

4  
5 COORDINATION SECTION. Section 18. Coordination instruction. If both [~~LC0544~~] HOUSE BILL No.  
6 217 and [this act] are passed and approved, then the reference to the department of environmental quality in  
7 [section 8 of this act] must be changed to "the department of administration architecture and engineering  
8 division".

9  
10 SECTION 19. SECTION 14(1), CHAPTER 762, LAWS OF 2023, IS AMENDED TO READ:

11 **"Section 14. Appropriations.** (1) There is appropriated ~~\$12.5~~ \$15 million from the account  
12 established in [section 11] to the legislative branch for the biennium beginning July 1, 2023, for the purposes  
13 set forth in subsections (2) and (3). This appropriation is reappropriated for the purposes of the original  
14 appropriation until the funds are fully expended."

15  
16 SECTION 20. SECTION 9(1), CHAPTER 739, LAWS OF 2023, IS AMENDED TO READ:

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

23  
24 NEW SECTION. SECTION 21. OPERATIONS AND MAINTENANCE APPROPRIATION. (1) THE AMOUNT OF \$10  
25 MILLION IS APPROPRIATED FROM THE GENERAL FUND TO THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES  
26 FOR THE FISCAL YEAR BEGINNING JULY 1, 2026, FOR PROGRAM EXPANSION OR OPERATIONS AND MAINTENANCE FOR  
27 THE INDICATED NEW SETTING.

28 (2) IT IS THE INTENT OF THE LEGISLATURE THAT THE APPROPRIATION IN SUBSECTION (1) BECOME PART OF

1 THE BASE BUDGET FOR THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES FOR THE BIENNIUM BEGINNING JULY  
2 1, 2027.

3  
4 **Section 22.** Section 1, Chapter 468, Laws of 2021, is amended to read:  
5 The portion of section 1, Chapter 468, Laws of 2021, appropriating money from the capital  
6 development account to the department of administration for the indicated capital project is amended to read:

7 "MONTANA UNIVERSITY SYSTEM  
8 ~~UM Forestry Conservation & Science Lab~~  
9 ~~\_\_\_\_\_ 25,000,000 \_\_\_\_\_ 20,000,000 \_\_\_\_\_ 45,000,000"~~

10  
11 **Section 23.** Section 3, Chapter 763, Laws of 2023, is amended to read:  
12 The portion of section 3(1), Chapter 763, Laws of 2023, appropriating money from the capital  
13 development account to the department of administration for the indicated capital project is amended to read:

14 "~~MUS UM Clapp Building Renovation~~ Replacement  
15 ~~\_\_\_\_\_ 27,000,000 \_\_\_\_\_ 10,000,000 \_\_\_\_\_ 37,000,000~~  
16 ~~\_\_\_\_\_ 52,000,000 \_\_\_\_\_ 20,000,000 \_\_\_\_\_ 72,000,000"~~

17  
18 **NEW SECTION. SECTION 24. COMBINATION OF CAPITAL DEVELOPMENT APPROPRIATIONS. (1) THE**  
19 ARCHITECTURE AND ENGINEERING DIVISION OF THE DEPARTMENT OF ADMINISTRATION SHALL COMBINE THE UM  
20 FORESTRY CONSERVATION & SCIENCE LAB CAPITAL PROJECT PREVIOUSLY AUTHORIZED IN SECTION 1, CHAPTER 468,  
21 LAWS OF 2021, WITH THE CLAPP BUILDING REPLACEMENT CAPITAL PROJECT, PREVIOUSLY AUTHORIZED IN SECTION 3,  
22 CHAPTER 763, LAWS OF 2023. THE COMBINED APPROPRIATION MUST RESULT IN A SINGLE FACILITY OF NOT MORE THAN  
23 THE GROSS SQUARE FOOTAGE OF THE EXISTING CLAPP BUILDING ON THE SAME SITE AND MAY NOT EXPAND EXISTING  
24 PROGRAMS INTO OTHER UM FACILITIES OR RESULT IN ANY NEW PROGRAMS.

25 (2) THE ARCHITECTURE AND ENGINEERING DIVISION OF THE DEPARTMENT OF ADMINISTRATION MAY  
26 REUTILIZE PORTIONS OF THE EXISTING CLAPP BUILDING, INCLUDING THE BASEMENT, FOUNDATION, AND UTILITY  
27 SYSTEMS, OR OTHER PORTIONS OF THE EXISTING BUILDING, BASED ON ANALYSIS OF THE EXISTING FACILITY TAKING INTO  
28 CONSIDERATION EXISTING ASBESTOS CONTAINING MATERIALS, SEISMIC AND STRUCTURAL CONDITIONS, MECHANICAL AND

1 ELECTRICAL OR PLUMBING SYSTEMS, ENERGY EFFICIENCY, FUNCTIONALITY, UM PROGRAM NEEDS, AND LONG-TERM  
2 OPERATIONAL AND MAINTENANCE COSTS.

3  
4 NEW SECTION. Section 25. Severability. If a part of [this act] is invalid, all valid parts that are  
5 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,  
6 the part remains in effect in all valid applications that are severable from the invalid applications.

7  
8 NEW SECTION. Section 26. Effective date. [This act] is effective on passage and approval.

9 - END -