



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

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

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

- (1) "Authority only" means approval provided by the legislature to expend money that does not require an appropriation, including grants, donations, auxiliary funds, proprietary funds, nonstate funds, and university funds.
- (2) "Capital development" has the same meaning as provided in 17-7-201(2).
- (3) "Capital project" means the planning, design, renovation, construction, alteration, replacement, furnishing, repair, improvement, site, utility, or land acquisition project provided for in [sections 1 through 10].
- (4) "LRBP capital development" means the long-range building program capital developments

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

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

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

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

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

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

Agency/Project	LRBP	State	Federal	Authority	Total
	MR	Special	Special	Only	
	Fund	Revenue	Revenue	Sources	
MUS	MSU Completion of Montana Hall Life Safety Improvements				
	2,100,000				2,100,000
DPHHS	MMHNCC Completion of Door Access Controls				
	130,000				130,000
MUS	UM Missoula College Mechanical, Electrical, and Accessibility Upgrades				
	2,200,000				2,200,000
MUS	UM Montana Tech Selected Upgrades Exterior Steps, Stairs, Ramps				
	710,000				710,000
DPHHS	MMHNCC Additional Security Cameras				

		300,000	300,000
MUS	UM-W Selected Fire Alarm Upgrades		
		500,000	500,000
DOC	MSP MCE New Emergency Generators		
		200,000	200,000
DOA	Aviation Support Facility Shop Building New Fire Suppression System		
		950,000	950,000
MUS	UM Montana Tech Campus Heating Plant Boiler System Upgrade		
		2,400,000	2,400,000
DOAg	State Grain Lab Heating System Upgrades		
		150,000	150,000
MUS	MSU GFC Campus Heating and Domestic Hot Water Upgrades		
		400,000	400,000
DOJ	MHP Boulder MHP/IBC Campus Heating System Upgrades		
		2,350,000	2,350,000
MUS	UM Helena College Donaldson/Airport Boiler System Replacement		
		150,000	150,000
DOA	Original Governor's Mansion Heating and Fire Alarm Systems		
		300,000	300,000
MUS	UM-W Swysgood Tech Center HVAC Cooling System Replacement		
		370,000	370,000
DOC	Continuation of Xanthopoulos Building Repairs		
		2,200,000	2,200,000
MUS	MSU Linfield Hall Roof Replacement		
		850,000	850,000
DOA	State Print and Mail Building Roof Replacement		
		825,000	825,000
MUS	MSU-N Cowan Hall Exterior Envelope Upgrades		

	1,725,000	1,725,000
	DPHHS EMVH Water Infiltration and Exterior Envelope Repairs	
	1,900,000	1,900,000
MUS	MSU-N Automotive Technology Building Roof Replacement	
	460,000	460,000
MUS	UM HC Donaldson Campus Roofing Replacement	
	2,400,000	2,400,000
DOC	MSP MCE Roof Replacements	
	1,350,000	1,350,000
DOA	Aviation Support Fac Hangar Door Reconstruction and Replacement	
	320,000	320,000
MUS	UM Montana Tech Campus-wide Building Electrical System Upgrades	
	1,300,000	1,300,000
MSDB	Completion of Parking Lot Improvements	
	780,000	780,000
MUS	UM-W Selected Sewer Main Repairs and Replacement	
	690,000	690,000
DOC	MWP Completion of Perimeter Security Upgrades	
	600,000	600,000
OPI	Montana Learning Center Site Infrastructure Upgrades	
	700,000	700,000
MUS	UM-W Steam Distribution System Upgrades	
	475,000	475,000
DOC	PHYCF Utility Tunnel and Heating System Repairs	
	1,200,000	1,200,000
MUS	UM Selected Building Electrical System Upgrades	
	1,100,000	1,100,000
MUS	MSU South Campus Primary Electrical Distribution Upgrades	

		1,750,000		1,750,000
DOC	MSP Gravel Pit Equipment Generator Replacement			
		180,000		180,000
DLI	Kalispell Job Service Renovations			
		325,000		325,000
MUS	UM Selected Elevator System Upgrades			
		1,675,000		1,675,000
MUS	MT Tech Science and Engineering, and ELC Building Elevator Upgrades			
		400,000		400,000
DOL	New Laboratory Casework and Fixed Equipment, Combined Labs Building			
		1,000,000		1,000,000
MSDB	Selected HVAC Systems Upgrades			
		2,000,000		2,000,000
MUS	MSU McCall Hall Demolition			
		1,100,000	300,000	1,400,000
DOA	Capitol Building Interior Lighting Restoration			
		125,000		125,000
DOA	Capitol Complex Restroom Renovations			
		625,000		625,000
DOC	MSP MCE Restroom Repairs			
		200,000		200,000
DOJ	MLEA Air Conditioning Installation			
		300,000		300,000
MUS	MT Tech Mining and Geology Building Temp Controls System			
		300,000		300,000
DOA	Statewide Facility Condition Assessment Services for Agencies			
		750,000		750,000
DOA	Statewide Selected Feasibility Studies for Agencies			

	500,000		500,000
<u>MUS</u>	<u>MSU Replace Failed Data Center Cooling Systems</u>		
	1,000,000	300,000	1,300,000

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

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

Agency/Project	LRBP	State	Federal	Authority	Total
	MR	Special	Special	Only	
	Fund	Revenue	Revenue	Sources	
DMA	Statewide Indoor Firing Range Remediation				
			2,450,000		2,450,000
DMA	MTARNG Buildings MEP Repairs				
			1,970,000		1,970,000
DMA	FTH Building 1009 New Generator				
			255,000		255,000
DMA	Helena AFRC New Underground Stormwater Piping System				
			230,000		230,000
DMA	FTH New Powered Fire Department Access Gate				
			225,000		225,000
DMA	FTH Range Operations Center Site Work				
			380,000		380,000
DMA	FTH Building 1017 New Shower Rooms				
			110,000		110,000
DMA	MTARNG Buildings New PV Solar Arrays and Repairs				

690,000 690,000

DMA FTH MIST/MINER Facility Upgrade

1,900,000 1,900,000

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

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	

DOC MSP Low-Side Housing Expansion

150,000,000 150,000,000

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

DOC MSP Site Infrastructure Upgrades

21,000,000 21,000,000

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

DPHHS MSH Comprehensive Mechanical System Replacement

11,200,000 11,200,000

DOC MSP Comprehensive Mechanical System Replacement

4,750,000 4,750,000

DPHHS MSH Spratt Building Upgrades for Licensure and Facility Fences

4,000,000	4,000,000
<u>14,660,000</u>	<u>14,660,000</u>

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

DPHHS MMHNCC Unit D

Remodel for Licensure

<u>700,000</u>	<u>700,000</u>
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MUS UM Selected Classrooms and Teaching Labs Modernization

11,600,000	11,600,000
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DNRC Missoula New Forestry and Trust Lands Office Building

3,000,000	3,000,000
<u>2,000,000</u>	<u>2,000,000</u>

~~DNRC Helena Wildland Firefighter Bunkhouses~~

3,860,000	3,860,000
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~~DNRC Libby Wildland Firefighter Bunkhouses and Office Addition~~

3,600,000	600,000	4,200,000
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~~DNRC Plains Wildland Firefighter Bunkhouse~~

1,930,000	1,930,000
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DNRC Bunkhouses in Helena, Libby, and Plains and Office Addition

<u>1,500,000</u>	<u>600,000</u>	<u>2,100,000</u>
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The department of administration may prioritize the funding, design, and construction between each of the bunkhouses and office additions as necessary to meet the intent of [sections 3(8)(c) and 3(9)].

DOA Capitol Complex Roof Replacements

4,100,000	4,100,000
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MUS UM Selected Roof Replacements

3,000,000	3,000,000
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MUS MT Tech Highlands College Roof Replacement

	5,000,000		5,000,000
MUS	MSUB Cisel Hall HVAC and Plumbing System Upgrades		
	4,000,000		4,000,000
DOA	Capitol Complex Elevator System Upgrades		
	5,700,000		5,700,000
MSDB	Vocational Building Renovation Demolition and New Construction		
	5,120,000		5,120,000
	4,000,000		4,000,000
MUS	MSU Lewis Hall New Elevator and ADA Upgrades		
	4,600,000		4,600,000
MUS	UM Music Building Renovation		
	7,250,000	7,250,000	14,500,000
DOA	1227 11th Avenue Renovation		
	3,600,000		3,600,000
DOA	1300 11th Avenue Renovation		
	4,150,000		4,150,000
MUS	UM Mansfield Library Renovation		
	9,000,000	9,000,000	18,000,000
MUS	MSU Hamilton Hall 3rd and 4th Floor Renovation		
	5,230,000		5,230,000
DOA	5 South Last Chance Gulch Building Renovation		
	17,300,000		17,300,000
DMA	SMART Deferred Maintenance Program, Statewide		
	1,500,000	4,500,000	6,000,000
DOC	MSP Construction Education Program Building Renovation and Old Territorial Prison Repair		
	4,000,000		4,000,000
	4,200,000		4,200,000
DMA	Billings Limited Army Aviation Support Facility, Phase 2		

	23,100,000	23,100,000
DMA	MTANG New Training Drop Zone	
	1,800,000	1,800,000
DOJ	MLEA New Indoor Firing Range	
	10,000,000	10,000,000
DMA	MT State Veterans' Cemetery, New Interment Processing Center	
	1,925,000	1,925,000
	600,000	600,000
FWP	Central Services Site Upgrades Phase 2	
	13,350,000	13,350,000
FWP	Central Services Site Upgrades Phase 3	
	16,680,000	16,680,000
FWP	Region 5 Cooney State Park Storage Building	
	220,000	220,000
FWP	Region 5 Deadman's Basin FAS Storage Building	
	340,000	340,000
FWP	State Park Storage Building at Cooney Park and Deadman Basin FAS	
	375,000	375,000

The department of administration may prioritize the funding, design, and construction between each of the storage buildings as necessary to meet the intent of [sections 3(8)(c) and 3(10)].

MDT	Three Forks Equipment Storage Building	
	3,000,000	3,000,000
MDT	Wolf Creek Equipment Storage Building	
	2,400,000	2,400,000
MDT	Lodge Grass Equipment Storage Building	
	2,400,000	2,400,000
MDT	Conrad Equipment Storage Building	
	3,500,000	3,500,000

~~MDT — Miles City Equipment Storage Building~~

~~4,200,000 4,200,000~~

MDT — Equipment Storage Buildings at Three Forks, Wolf Creek, Lodge Grass, Conrad, and Miles City

5,300,000 5,300,000

The department of administration may prioritize the funding, design, and construction between each of the equipment storage buildings as necessary to meet the intent of [sections 3(8)(c) and 3(11)].

MDT — Purchase of Equipment Repair Shop and Property

8,500,000 8,500,000

MUS MSUB New Art Building

13,400,000 13,400,000

MUS UM New Bandy Ranch Field Research Housing

2,000,000 2,000,000

MUS UM Bio Research Building Addition

8,000,000 8,000,000

MUS MSU Instructional Space Modernization

4,000,000 4,000,000

MUS UM Law School Interior Remodel

3,000,000 3,000,000

MUS UM McGill Hall Addition

~~2,000,000 2,000,000~~

3,000,000 3,000,000

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

MUS MSU Nopper Building Purchase

6,500,000 6,500,000

MUS UM Undergraduate Research Lab Upgrades and Improvements

10,000,000 10,000,000

MUS UM South Campus Tennis Court Complex

8,300,000 8,300,000

MUS MSU Visual Communications Building Classroom Addition

~~2,500,000~~ ~~2,500,000~~

11,500,000 11,500,000

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

MUS Women's Soccer Locker Room Remodel and Lighting

400,000 400,000

MUS Montana Tech Campus Expansion and Upgrades 50,000,000 50,000,000

(2) 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 and are subject to the provisions of 18-2-103.

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

DMA Fort Harrison Open Bay Barracks

~~18,120,000~~ ~~18,120,000~~

10,500,000 10,500,000

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

DMA Fort Harrison Vehicle Paint Shop Construction

~~6,960,000~~ ~~6,960,000~~

4,000,000 4,000,000

DMA MTARNG Vehicle Maintenance Shop Construction

~~40,600,000~~ ~~40,600,000~~

20,000,000 20,000,000

DMA Limestone Hills Target Storage Building Replacement

~~385,000~~ ~~385,000~~

		60,000	60,000
DMA	Veterans' Cemetery Expansions, Statewide		
		1,000,000	1,000,000
DMA	Capital Reserve Fund	31,505,000	31,505,000

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

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

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

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

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

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

(d) The funds may not be utilized in or for space leased or to be leased by a state agency or to

construct or acquire additional state-owned square footage.

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

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

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

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

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

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

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

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

(c) Funding may not be used to expand beyond the scope of a project authorized by the

legislature. This aggregate amount does not limit or restrict 17-7-211.

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

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

Agency/Project	General Fund	State Special Revenue	Federal Special Revenue	Authority Only Sources	Total
DOC MSP Low Side Housing Expansion	1,300,000				1,300,000
DNRC Missoula New Forestry and Trust Lands Office Building		50,876			50,876
DNRC Helena Wildland Firefighter Bunkhouses		66,360			66,360
DNRC Libby Wildland Firefighter Bunkhouses and Office Addition		33,180			33,180
DNRC Plains Wildland Firefighter Bunkhouse		33,180			33,180
MUS MSU Lewis Hall New Elevator and ADA Upgrades	37,800				37,800
DOA 5 South Last Chance Gulch Building Renovation	173,550				173,550
DMA Billings Limited Army Aviation Support Facility, Phase 2					

		107,400	107,400
		<u>107,400</u>	<u>107,400</u>
DOJ	MLEA New Indoor Firing Range		
		150,000	150,000
		<u>150,000</u>	<u>150,000</u>
DMA	MT State Veterans' Cemetery, New Interment Processing Center		
	9,625		9,625
FWP	Central Services Site Upgrades Phase 2		
		133,468	133,468
FWP	Central Services Site Upgrades Phase 3		
		208,545	208,545
FWP	Region 5 Cooney State Park Storage Building		
		2,778	2,778
FWP	Region 5 Deadman's Basin FAS Storage Building		
		4,250	4,250
MDT	Three Forks Equipment Storage Building		
		48,150	48,150
MDT	Wolf Creek Equipment Storage Building		
		33,400	33,400
MDT	Lodge Grass Equipment Storage Building		
		33,400	33,400
MDT	Conrad Equipment Storage Building		
		41,650	41,650
MDT	Miles City Equipment Storage Building		
		44,750	44,750
MUS	MSUB New Art Building		
	257,680		257,680
MUS	UM New Bandy Ranch Field Research Housing		

		108,705	108,705
MUS	UM Bio Research Building Addition		
		246,050	246,050
MUS	UM McGill Hall Addition		
		71,968	71,968
MUS	MSU Nopper Building Purchase		
		1,252,186	1,252,186
MUS	UM South Campus Tennis Court Complex		
		359,086	359,086
MUS	MSU Visual Communications Building Classroom Addition		
		59,286	59,286
		59,286	140,403
			199,689
DMA	Fort Harrison Open Bay Barracks		
		204,800	204,800
DMA	Fort Harrison Vehicle Paint Shop Construction		
		42,100	42,100
DMA	MTARNG Vehicle Maintenance Shop Construction		
		134,800	134,800
DMA	Fort Harrison Facility Maintenance Shop #3 (FMS #3) Acquisition		
		31,000	31,000
MUS	<u>Montana Tech Campus Expansion and Upgrades</u>		
		<u>2,543,693</u>	<u>2,543,693</u>

Funds for operations and maintenance are provided upon completion of the transfer of the facility from federal to state ownership. The department of administration may utilize the FMS #3 to construct either or both the capital projects DMA DES State Emergency Coordination Center Expansion and DMA DES State Disaster Warehouse in Section 3, Chapter 763, Laws of 2023. If constructed within the FMS #3, the operations and maintenance funding for either or both the projects in Section 3, Chapter 763, Laws of 2023, shall transfer to the acquired FMS #3.

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

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

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

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

(c) Subject to subsection (7)(e), the following money is appropriated for fiscal year 2027 to the indicated agency from the indicated sources for program expansion or operations and maintenance for the indicated new facility:

Agency/Project	General State		Federal Authority		Total
	Fund	Special	Special	Special	Only
			Revenue	Revenue	Sources
DOC MSP Low-Side Housing Expansion					
	6,950,000				6,950,000

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

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

(f) Funds appropriated in [this act] and prior appropriations, including House Bill 2, House Bill 5, and House Bill 872 from the 2023 session, may not be used to construct or staff a guard house at the Montana state hospital.

(8) The department of administration shall prioritize the project management and contracting for

design and construction of capital projects contained in [this act] and may combine or bundle projects at its discretion, in the following order:

(a) (i) projects for the department of public health and human services, specifically DPHHS MSH Comprehensive Mechanical System Replacement, DPHHS MSH Spratt Building Upgrades for Licensure and Facility Fences, and the DPHHS MMHNCC D-Wing Remodel for Licensure;

(ii) projects for the department of corrections, specifically DOC MSP Low-Side Housing Expansion, DOC MSP Site Infrastructure Upgrades, DOC MSP Comprehensive Mechanical System Replacement, and the DOC MSP Construction Education Program Building Renovation and Old Territorial Prison Repair;

(iii) remaining projects in [this act] as determined by the department in accordance with 18-2-104 and taking into consideration prior appropriated capital projects.

(b) Based upon project type or location, the department may combine or bundle the procurement of design services, bidding, and construction contracting for the purposes of efficiently implementing capital projects in either [section 2] or [section 3] or both.

(c) The department may also extend existing design, construction, and other contracts for capital projects in either [section 2] or [section 3] or both at its sole discretion, in order to expedite the implementation, design, and construction of capital projects in [this act].

(d) Should funding in House Bill 3 be insufficient for the replacement of the security doors in the RHU and SAU facilities at the Montana State Prison, the department of administration is authorized to adjust prior capital project appropriations in House Bill 817 of the 68th session and appropriations in [this act] for the department of corrections to complete the replacement of the security doors.

(9) The department shall develop standardized designs for bunkhouses used by all state agencies differentiated only by the number of beds they contain. Only one architectural fee may be paid for the bunkhouse design.

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

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

fee may be paid for the equipment storage building design.

(12) The architecture and engineering division of the department of administration shall provide a written report on the progress in implementing the projects identified as priority projects in subsections (8)(a)(i) and (8)(a)(ii) and the work done to implement projects in subsection (8)(a)(iii) 5 days prior to a meeting of the following committees:

- (a) the legislative finance committee; and
- (b) the long-range planning budget committee.

Section 4. Capital improvement 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 Special Revenue	Federal Special Revenue	Authority Only Source	Total
FWP Statewide Administrative Facilities Major Maintenance	2,800,000			2,800,000
FWP Fishing Access Site Major Maintenance	1,590,000			1,590,000
FWP Statewide Hatchery Maintenance and Repairs	2,500,000			2,500,000
FWP Fishing Access Site Noxious Weed Control	250,000			250,000
FWP Wildlife Management Area Maintenance	3,380,000			3,380,000
FWP State Parks Major Maintenance	4,500,000			4,500,000

FWP	State Parks Noxious Weed Control			
		250,000		250,000
FWP	Statewide Wildlife Habitat Management Areas Improvements			
		680,000		680,000
FWP	Future Fisheries			
		2,000,000		2,000,000
FWP	Contract Programs			
		2,250,000		2,250,000
FWP	Fish Connectivity			
		1,635,000	1,775,000	3,410,000
FWP	Lewis and Clark Caverns State Park Water System			
		692,500	692,500	1,385,000
FWP	Community Fishing Ponds			
		200,000		200,000
FWP	Parks and Outdoor Recreation Site Development and Upgrades			
		2,300,000	510,000	2,810,000
		<u>4,509,680</u>	<u>510,000</u>	<u>5,019,680</u>

For the Judith Landing Site, noxious weed control must be performed with a portion of the funds appropriated for the location.

FWP	Upland Game Bird Enhancement Program			
		2,000,000		2,000,000
FWP	Dam Maintenance			
		90,000		90,000
FWP	Region 5 HQ Pemberton Lane Improvements			
		255,000		255,000
FWP	Grants Programs			
		5,800,000	7,900,000	13,700,000
FWP	Bannack State Park Historic Preservation			

		250,000	250,000
FWP	Forest Management Program		
		250,000	250,000
FWP	Tongue/Yellowstone/Muggli Fishery Infrastructure Improvements		
		1,430,000	1,430,000

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

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

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

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

(4) The following money is appropriated to the department of military affairs in the indicated amount for the purpose of making capital improvements to statewide facilities. The capital improvements are subject to the provisions of 18-2-103. All costs for the operation and maintenance of any improvements constructed with these funds must be paid by the department of military affairs from nonstate sources:

Agency/Project LRBP	State	Federal	Authority	Total
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Fund	Special Revenue	Special Revenue	Only Sources	
Federal Spending Authority		3,000,000		3,000,000

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

<u>Agency/Project</u>	<u>LRBP</u>	<u>State</u>	<u>Federal</u>	<u>Authority</u>	<u>Total</u>	
		<u>Fund</u>	<u>Special Revenue</u>	<u>Special Revenue</u>	<u>Only Sources</u>	<u>Revenue</u>
<u>Remediation of Leaking Petroleum Tanks</u>						
			<u>2,000,000</u>			<u>2,000,000</u>

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

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

Section 6. Planning and design. The department of administration may proceed with the planning

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

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

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

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

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

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

Section 8. Review by department of environmental quality. The department of environmental quality shall review capital projects authorized in either or both [sections 2 and 3] for potential inclusion in the state building energy conservation program (SBECP) under Title 90, chapter 4, part 6. When a review shows that a capital project will result in energy or utility savings and improvements, that project must be submitted to the energy conservation program for funding consideration by the SBECP. Funding provided under the energy

conservation program guidelines must be used to offset or add to the authorized funding for the project, and the amount will be dependent on the annual utility savings resulting from the capital project. Agencies must be notified of potential funding after the review and are obligated to utilize the SBECF funding, if available, on the terms and conditions specified by the department.

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

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

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

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

- (1) (a) "Building" includes a:
 - (i) building, facility, or structure constructed or purchased wholly or in part with state money;
 - (ii) building, facility, or structure at a state institution;
 - (iii) building, facility, or structure owned or to be owned by a state agency, including the department of transportation.
- (b) The term does not include a:
 - (i) building, facility, or structure owned or to be owned by a county, city, town, school district, or special improvement district;
 - (ii) facility or structure used as a component part of a highway or water conservation project.
- (2) "Capital development" means a:
 - (a) renovation, construction, alteration, site, or utility project with a total cost of \$2.5 million or more;

- (b) new facility with a construction cost of \$250,000 or more; or
- (c) purchase of real property for which an appropriation is required to fund the purchase.
- (3) "Construction" includes construction, repair, alteration, renovation, and equipping and furnishing during construction, repair, or alteration.
- (4) "Division" means the architecture and engineering division of the department of administration.
- (5) "High-performance building" means a building that integrates and optimizes all major high-performance building attributes, including but not limited to:
 - (a) energy efficiency;
 - (b) durability;
 - (c) life-cycle performance; and
 - (d) occupant productivity.
- (6) (a) "Long-range building program-eligible building" means a building, facility, or structure eligible for major repair account funding that:
 - (i) is owned or fully operated by a state agency and for which the operation and maintenance are funded with state general fund money; or
 - (ii) supports academic missions of the university system and for which the operation and maintenance are funded with current unrestricted university funds.
- (b) The term does not include a building, facility, or structure:
 - (i) owned or operated by a state agency and for which the operation and maintenance are entirely funded with state special revenue, federal special revenue, or proprietary funds; or
 - (ii) that supports nonacademic functions of the university system and for which the operation and maintenance are funded from nonstate and nontuition sources.
- (7) (a) "Major repair" means:
 - (i) a renovation, alteration, replacement, or repair project with a total cost of less than \$2.5 million;
 - (ii) a site or utility improvement with a total cost of less than \$2.5 million; or
 - (iii) a new facility with a total construction cost of less than \$250,000.
- (b) The term does not include operations and maintenance as defined in this section.
- (8) (a) "New facility" means the construction or acquisition of a new building on state property

regardless of funding source and includes:

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

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

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

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

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

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

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

- (i) for each state-owned building:

- (A) identifies its location and total square footage;
 - (B) identifies the agency or agencies using or occupying the building and how much square footage each agency uses or occupies;
 - (C) lists the current replacement value of the building in its entirety and each agency's portion of the building; and
 - (D) identifies whether the building is a long-range building program-eligible building; and
 - (ii) for each long-range building program-eligible building:
 - (A) includes a facility condition assessment of the building and an itemized list of the building's deficiencies; and
 - (B) compares the building's current building deficiency ratio to its deficiency ratio in the previous biennium.
 - (b) The division may contract with a private vendor to collect, analyze, and compile the building information required in this subsection (2).
 - (c) The facility inventory and condition assessment must be updated as determined by the division.
 - (d) The division may incorporate in the statewide facility inventory and condition assessment any facility condition assessment or similar document compiled by an agency.
 - (e) The division shall provide the statewide facility inventory and condition assessment, including a calculation of the deferred maintenance backlog and overall building deficiency ratio of the long-range building program-eligible buildings, to the office of budget and program planning and the legislative finance committee by September 1 of the year preceding a regular legislative session in an electronic format. The division shall provide a copy of the report to the legislature in accordance with 5-11-210.
- (3) The division is not required to include a state-owned building that has a current replacement value of ~~\$150,000~~ \$300,000 or less in the facility inventory and condition assessment.
- (4) The division shall examine the information furnished by each agency and institution and shall gather whatever additional information is necessary and conduct whatever surveys are necessary in order to provide a factual basis for determining the need for and the feasibility of major repair projects and capital developments. The information compiled by the division shall be submitted to the governor before October 1 of the year preceding a regular legislative session."

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

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

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

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

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

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

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

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

(b) multiple projects within a single building or facility that collectively cost more than ~~\$150,000~~ \$300,000; and

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

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

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

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

- (a) projects that address:
 - (i) any issue that impacts health and safety;
 - (ii) failing building envelopes;
 - (iii) structural deficiencies;
 - (iv) energy, utility, or water savings;
- (b) projects that upgrade, repair, or replace:
 - (i) mechanical, plumbing, or control systems;
 - (ii) electrical systems;
 - (iii) fixed equipment;
 - (iv) an essential building component; or
 - (v) infrastructure, including a utility tunnel, water line, gas line, sewer line, roof, parking lot, or road;

or

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

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

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

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

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

"DPHHS MSH Compliance Upgrades for Recertification & Deferred Maintenance

15,903,000

15,903,000

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

(2) By July 1, 2025, the state treasurer shall transfer \$2 million from the general fund to a state special account within the department of environmental quality for the purpose of leaking petroleum tank remediation.

Section 17. Transfer of funds -- plan and reporting. (1) By June 30, 2026, the state treasurer shall transfer \$26.5 million from the capital developments long-range building program account established in 17-7-209 to the board of investments for the purposes of building a behavioral health facility.

(2) Prior to the transfer in subsection (1) taking place, the budget director shall adopt a plan from the board of investments and the department of public health and human services on the facility type and location. The board of investments and the department of public health and human services shall report to the health and human services interim budget committee established in 5-12-501 on the progress of choosing the facility type and location. Once a plan is adopted by the budget director, the board of investments and the department of public health and human services shall provide a progress report at each subsequent meeting of the health and human services interim budget committee and each subsequent meeting of the long-range planning budget committee that are held prior to December 31, 2026.

(3) Any unspent funds must revert to the capital developments long-range building program account.

Section 18. Coordination instruction. If both House Bill No. 217 and [this act] are passed and approved, then the reference to the department of environmental quality in [section 8 of this act] must be changed to "the department of administration architecture and engineering division".

Section 19. Section 14(1), Chapter 762, Laws of 2023, is amended to read:

"Section 14. Appropriations. (1) There is appropriated ~~\$42.5~~ \$15 million from the account

established in [section 11] to the legislative branch for the biennium beginning July 1, 2023, for the purposes set forth in subsections (2) and (3). This appropriation is reappropriated for the purposes of the original appropriation until the funds are fully expended."

Section 20. Section 9(1), Chapter 739, Laws of 2023, is amended to read:

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

Section 21. Operations and maintenance appropriation. (1) The amount of \$10 million is appropriated from the general fund to the department of public health and human services for the fiscal year beginning July 1, 2026, for program expansion or operations and maintenance for the indicated new setting.

(2) It is the intent of the legislature that the appropriation in subsection (1) become part of the base budget for the department of public health and human services for the biennium beginning July 1, 2027.

SECTION 22. Section 1, Chapter 468, Laws of 2021, is amended to read:

The portion of section 1, Chapter 468, Laws of 2021, appropriating money from the capital development account to the department of administration for the indicated capital project is amended to read:

"MONTANA UNIVERSITY SYSTEM

~~UM Forestry Conservation & Science Lab~~

_____ 25,000,000 _____ ~~20,000,000~~ _____ ~~45,000,000~~"

Section 23. Section 3, Chapter 763, Laws of 2023, is amended to read:

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

"MUS UM Clapp Building ~~Renovation~~ Replacement

27,000,000	10,000,000	37,000,000
52,000,000	20,000,000	72,000,000"

Section 24. Combination of capital development appropriations. (1) The architecture and engineering division of the department of administration shall combine the UM Forestry Conservation & Science Lab capital project previously authorized in section 1, Chapter 468, Laws of 2021, with the Clapp Building Replacement capital project, previously authorized in section 3, Chapter 763, Laws of 2023. The combined appropriation must result in a single facility of not more than the gross square footage of the existing Clapp Building on the same site and may not expand existing programs into other UM facilities or result in any new programs.

(2) The architecture and engineering division of the department of administration may reutilize portions of the existing Clapp Building, including the basement, foundation, and utility systems, or other portions of the existing building, based on analysis of the existing facility taking into consideration existing asbestos containing materials, seismic and structural conditions, mechanical and electrical or plumbing systems, energy efficiency, functionality, UM program needs, and long-term operational and maintenance costs.

Section 25. 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 26. Effective date. [This act] is effective on passage and approval.

- END -

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

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2025.

President of the Senate

Signed this _____ day
of _____, 2025.

HOUSE BILL NO. 5

INTRODUCED BY 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, 2027; PROVIDING FOR OTHER MATTERS RELATING TO THE APPROPRIATIONS; PROVIDING FOR A TRANSFER OF FUNDS FROM THE GENERAL FUND TO THE CAPITAL DEVELOPMENTS LONG-RANGE BUILDING PROGRAM ACCOUNT AND A TRANSFER OF FUNDS FROM THE GENERAL FUND TO A STATE SPECIAL REVENUE FUND; PROVIDING FOR A MODIFICATION TO THE LONG-RANGE BUILDING PROGRAM; INCREASING CERTAIN VALUE THRESHOLDS FROM \$150,000 TO \$300,000; ESTABLISHING REPORTING REQUIREMENTS; ALLOWING A COMBINATION OF PREVIOUSLY APPROVED APPROPRIATIONS FOR THE CLAPP BUILDING; AMENDING SECTIONS 17-7-201, 17-7-202, 17-7-210, AND 17-7-223, MCA; AMENDING SECTION 1, CHAPTER 468, LAWS OF 2021, SECTION 9(1), CHAPTER 739, LAWS OF 2023, SECTION 14(1), CHAPTER 762, LAWS OF 2023, AND SECTION 3, CHAPTER 763, LAWS OF 2023; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.”