

1 HOUSE BILL NO. 817  
2 INTRODUCED BY J. FITZPATRICK  
3 BY REQUEST OF THE (H) APPROPRIATIONS  
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR CAPITAL PROJECTS; PROVIDING  
6 APPROPRIATIONS; PROVIDING DEFINITIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

7  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
9

10 **NEW SECTION. Section 1. Definitions.** As used in [sections 1 through 5], unless the context clearly  
11 indicates otherwise, the following definitions apply:

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

15 (2) "Capital development" means capital projects provided for in 17-7-201(2).

16 (3) "Capital project" means the planning, design, renovation, construction, alteration, replacement,  
17 furnishing, repair, improvement, site, utility, or land acquisition project provided for in [sections 1 through 5].

18 (4) "LRBP capital development" or "LRBP CD" means the long-range building program capital  
19 developments account in the capital projects fund type provided for in 17-7-209.

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

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

23 (7) "Other funding sources" means money other than LRBP money, state special revenue, or  
24 federal special revenue that accrues to an agency under the provisions of law.  
25

26 **NEW SECTION. Section 2. Appropriations and project prioritization.** (1) (a) For the biennium  
27 beginning July 1, 2023, the following money is appropriated to the department of administration for the  
28 indicated major repair projects from the indicated sources. Funds not requiring legislative appropriation are

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1 included for the purpose of authorization. The department of administration is authorized to transfer the  
 2 appropriations, authority, or both among the necessary fund types for these projects:

3	Agency/Project LRBP	State	Federal	Authority	Total
4	MR	Special	Special	Only	
5	Fund	Revenue	Revenue	Sources	

6	DOC MSP Perimeter Fence <del>Enhance</del> <u>Enhancement</u>				
7	1,500,000				1,500,000

8	DOC MSP Red/Light Emergency <del>Notifications</del> <u>Notification</u> System				
9	1,000,000				1,000,000

10 (b) For the biennium beginning July 1, 2023, the following money is appropriated to the  
 11 department of administration for the indicated capital development projects from the indicated sources. Funds  
 12 not requiring legislative appropriation are included for the purpose of authorization. The department of  
 13 administration is authorized to transfer the appropriations, authority, or both among the necessary fund types  
 14 for these projects:

15	Agency/Project LRBP	State	Federal	Authority	Total
16	CD	Special	Special	Only	
17	Fund	Revenue	Revenue	Sources	
18	DOC MSP Replace Low-Side Housing				
19	156,000,000				156,000,000
20	DOC MSP Water Line Replacement				
21	3,000,000				3,000,000
22	DOC MSP Unit F Water <del>Line</del> <u>Supply</u> Upgrade				
23	600,000				600,000

24 (c) The department of administration shall prioritize the ~~following~~ projects in this section at the  
 25 Montana state prison as first to priority and shall move at all deliberate speed to have each project under  
 26 contract by September 30, 2023.

27 (d) The department of administration may adjust the funding among these projects within the  
 28 legislative intent on approval of the office of budget and program planning.

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1 (2) To expedite construction of new low-side housing units at the Montana state prison, the  
2 department of administration, in consultation with the department of corrections, is authorized to purchase plans  
3 for prison housing that was constructed in another state, provided the plans can be made to comply with the  
4 professional services requirements of Title 18, chapter 2, and Title 37, chapters 65 and 67.

5 (3) (a) Pursuant to 17-7-210, if construction of a new facility requires an immediate or future  
6 increase in state funding for program expansion or operations and maintenance, the legislature may not  
7 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 (3) reverts to its originating fund. The appropriation is not subject to the provisions of 17-7-304.

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

13 (c) The following money is appropriated for the biennium beginning July 1, 2023, to the  
14 department of corrections from the indicated sources for program expansion or operations and maintenance for  
15 the indicated new facility:

Agency/Project	General Fund	State Special Revenue	Federal Special Revenue	Authority Only Sources	Total
DOC MSP Replace Low-Side Housing	176,560				176,560

22 **NEW SECTION. Section 3. Planning and design.** The department of administration may proceed  
23 with the planning and design of capital projects in [section 2] prior to the receipt of other funding sources. The  
24 department may use interentity loans in accordance with 17-2-107 to pay planning and design costs incurred  
25 before the receipt of other funding sources.

27 **NEW SECTION. Section 4. Capital projects -- contingent funds.** (1) If a capital project is financed  
28 in whole or in part with appropriations contingent on the receipt of other funding sources, the department of

1 administration may not let the project for bid until a financial plan and agreement with the agency has been  
2 approved by the director of the department of administration. A financial plan and agreement may not be  
3 approved by the director if:

- 4 (a) the level of funding and authorization provided under the financial plan and agreement deviates  
5 substantially from the funding level provided in ~~either or both [sections 2 and 3]~~ [section 2] for that project; or  
6 (b) the scope of the project is substantially altered or revised from the concept and intent for that  
7 project as presented to the 68th legislature.

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

9  
10 NEW SECTION. Section 5. Review by department of environmental quality. The department of  
11 environmental quality shall review capital projects authorized in [section 2] for potential inclusion in the state  
12 building energy conservation program under Title 90, chapter 4, part 6. When a review shows that a capital  
13 project will result in energy or utility savings and improvements, that project must be submitted to the energy  
14 conservation program for funding consideration by the state building energy conservation program. Funding  
15 provided under the energy conservation program guidelines must be used to offset or add to the authorized  
16 funding for the project, and the amount must be dependent on the annual utility savings resulting from the  
17 capital project. Agencies must be notified of potential funding after the review and are obligated to utilize the  
18 state building energy conservation program funding, if available.

19  
20 NEW SECTION. Section 6. Legislative consent. The appropriations authorized in [sections 1  
21 through 5] constitute legislative consent for the capital projects contained in [sections 1 through 5] within the  
22 meaning of 18-2-102.

23  
24 COORDINATION SECTION. Section 7. Coordination instruction. If both House Bill No. 5 and [this  
25 act] are passed and approved and any project in [this act] is also fully funded by an appropriation in House Bill  
26 No. 5, then the appropriation for the project in House Bill No. 5 is void.

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28 NEW SECTION. Section 8. Severability. If a part of [this act] is invalid, all valid parts that are

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1 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,  
2 the part remains in effect in all valid applications that are severable from the invalid applications.

3

4 NEW SECTION. **Section 9. Effective date.** [This act] is effective on passage and approval.

5

- END -

AMEND