

HOUSE BILL NO. 87

INTRODUCED BY QUILICI

BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS

IN THE HOUSE

January 7, 1985	Introduced and referred to Committee on State Administration.
January 9, 1985	Committee recommend bill do pass. Report adopted.
January 10, 1985	Bill printed and placed on members' desks.
January 12, 1985	Second reading, do pass. Considered correctly engrossed.
January 14, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

January 15, 1985	Introduced and referred to Committee on State Administration.
January 24, 1985	Committee recommend bill be concurred in. Report adopted.
January 25, 1985	Second reading, concurred in.
January 28, 1985	Third reading, concurred in. Ayes, 49; Noes 0. Returned to House.

IN THE HOUSE

January 29, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

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 6 OF MILITARY AFFAIRS TO AUTHORIZE THE CONSTRUCTION OF FEDERAL
 7 FACILITIES TO BE USED BY THE STATE; TO ALLOW THE DEPARTMENT
 8 OF MILITARY AFFAIRS OR THE DEPARTMENT OF ADMINISTRATION TO
 9 ACT AS CONTRACTING AGENCY FOR THE CONSTRUCTION OF SUCH
 10 FACILITIES; AMENDING SECTIONS 18-2-101 THROUGH 18-2-103,
 11 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

14 Section 1. Section 18-2-101, MCA, is amended to read:
 15 "18-2-101. Definitions of building and construction.
 16 In part 1 of this chapter, with the exception of 18-2-104,
 17 18-2-107, 18-2-113, 18-2-114, and 18-2-122:

18 (1) "building" includes: a building, facility, or
 19 structure:

20 (a) ~~a-building, facility, or structure~~ constructed or
 21 purchased wholly or in part with state moneys;

22 (b) ~~a--building,--facility,--or--structure~~ at a state
 23 institution;

24 (c) ~~a-building, facility, or structure~~ owned or to be
 25 owned by a state agency, including the department of

1 highways;
 2 (d) constructed for the use or benefit of the state
 3 with federal or private moneys as provided in
 4 18-2-102(2)(d);

5 (2) "building" does not include: a building, facility,
 6 or structure:

7 (a) ~~a-building, facility, or structure~~ owned or to be
 8 owned by a county, city, town, school district, or special
 9 improvement district;

10 (b) ~~a-facility or structure~~ used as a component part
 11 of a highway or water conservation project;

12 (3) "construction" includes the construction,
 13 alteration, repair, maintenance, and remodeling of a
 14 building and the equipping and furnishing of a building
 15 during construction, alteration, repair, maintenance, and
 16 remodeling."

17 Section 2. Section 18-2-102, MCA, is amended to read:

18 "18-2-102. Authority to construct buildings. (1)
 19 Except as provided in subsection (2) of this section, a
 20 building costing more than \$25,000 may not be constructed
 21 without the consent of the legislature. When a building
 22 costing more than \$25,000 is to be financed in such a manner
 23 as not to require legislative appropriation of moneys, such
 24 consent may be in the form of a joint resolution.

25 (2) (a) The governor may authorize the emergency



1 repair or alteration of a building.

2 (b) The regents of the Montana university system may
3 authorize the construction of revenue-producing facilities
4 referred to in 20-25-302 if they are to be financed wholly
5 from the revenues therein described.

6 (c) The regents of the Montana university system, with
7 the consent of the governor, may authorize the construction
8 of a building that is financed wholly with federal or
9 private moneys if the construction of the building will not
10 result in any new programs.

11 (d) The department of military affairs, with the
12 consent of the governor, may authorize the construction of a
13 building that is financed wholly with federal or private
14 moneys on federal land for the use or benefit of the state."

15 Section 3. Section 18-2-103, MCA, is amended to read:

16 "18-2-103. Supervision of construction of buildings.

17 (1) For the construction of a building costing more than
18 \$25,000, the department of administration shall:

19 (a) review and approve all plans and working drawings
20 prepared by architects;

21 (b) approve all bond issues or other financial
22 arrangements and supervise and approve the expenditure of
23 all moneys;

24 (c) under the supervision and with the approval of the
25 board of examiners, solicit, accept, and reject bids and

1 award all contracts to the lowest qualified bidder
2 considering conformity with specifications and terms and
3 reasonableness of bid amount;

4 (d) review and, with the consent of the board of
5 examiners, approve all change orders;

6 (e) accept the building when completed according to
7 approved plans and specifications.

8 (2) For repair and maintenance projects, the
9 supervision, approval, and consent of the board of examiners
10 are not required.

11 (3) Before any contract under subsection (1) is
12 awarded, two formal bids must have been received, if
13 reasonably available.

14 (4) The department of administration is responsible
15 for concurring in construction projects where the proposed
16 cost is less than \$25,000 but more than \$5,000. Before any
17 contract under this subsection is approved for construction,
18 alteration, repair, maintenance, or improvement, at least
19 three informal bids, if reasonably available, shall be
20 procured from bona fide contractors duly licensed as such in
21 the state of Montana.

22 (5) The department need not require the provisions of
23 Montana law relating to advertising, bidding, or supervision
24 where proposed construction costs are less than \$5,000.

25 (6) For the construction of buildings owned or to be

1 owned by a school district, the department of administration
2 shall, upon request, provide inspection to insure compliance
3 with the plans and specifications for the construction of
4 such buildings. "Construction" shall include construction,
5 repair, alteration, equipping, and furnishing during
6 construction, repair, or alteration. These services shall be
7 provided at a cost to be contracted for between the
8 department of administration and the school district, with
9 the receipts to be deposited in the department of
10 administration's construction regulation account in a state
11 special revenue fund.

12 (7) It is the intent of the legislature that student
13 housing and other facilities constructed under the authority
14 of the regents of the university system are subject to the
15 provisions of subsections (1) through (3) of this section.

16 (8) The department of military affairs may act as
17 contracting agency for buildings constructed under the
18 authority of 18-2-102(2)(d); however, the department of
19 administration may agree to act as contracting agency on
20 behalf of the department of military affairs. Montana law
21 applies to any controversy involving such a contract."

22 NEW SECTION. Section 4. Effective date. This act is
23 effective on passage and approval.

-End-

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

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22 costing more than \$25,000 is to be financed in such a manner
23 as not to require legislative appropriation of moneys, such
24 consent may be in the form of a joint resolution.

25 (2) (a) The governor may authorize the emergency

1 repair or alteration of a building.

2 (b) The regents of the Montana university system may
3 authorize the construction of revenue-producing facilities
4 referred to in 20-25-302 if they are to be financed wholly
5 from the revenues therein described.

6 (c) The regents of the Montana university system, with
7 the consent of the governor, may authorize the construction
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6 (e) accept the building when completed according to
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8 (2) For repair and maintenance projects, the
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-2- THIRD READING
 HB 87

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