## HOUSE BILL NO. 87

## INTRODUCED BY QUILICI

## BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS

### IN THE HOUSE

January	7, 1	985		Introduced and referred to Committee on State Administration.
January	9, 1	985		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 SE	NATE
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.

Т	HOUSE BILL NO87
2	INTRODUCED BY QUILICI
3	BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE DEPARTMENT
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."
12	
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) abuilding,facility,orstructure 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

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1	highways;
2	(d) constructed for the use or benefit of the state
3	with federal or private moneys as provided i
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 b
8	owned by a county, city, town, school district, or specia
9	improvement district;
10	(b) a-facility-or-structure used as a component par
11	of a highway or water conservation project;
12	(3) "construction" includes the construction
13	alteration, repair, maintenance, and remodeling of
14	building and the equipping and furnishing of a buildin
15	during construction, alteration, repair, maintenance, an
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,
20	building costing more than \$25,000 may not be constructe
21	without the consent of the legislature. When a buildin
22	costing more than \$25,000 is to be financed in such a manne
23	as not to require legislative appropriation of moneys, suc
24	consent may be in the form of a joint resolution.
25	(2) (a) The governor may authorize the emergeno

1 repair or alteration of a building.

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- (b) The regents of the Montana university system may authorize the construction of revenue-producing facilities referred to in 20-25-302 if they are to be financed wholly from the revenues therein described.
- (c) The regents of the Montana university system, with the consent of the governor, may authorize the construction of a building that is financed wholly with federal or private moneys if the construction of the building will not result in any new programs.
- (d) The department of military affairs, with the consent of the governor, may authorize the construction of a building that is financed wholly with federal or private moneys on federal land for the use or benefit of the state."

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:
- (a) review and approve all plans and working drawingsprepared 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

- I award all contracts to the lowest qualified bidder
- 2 considering conformity with specifications and terms and
  - reasonableness of bid amount:
- 4 (d) review and, with the consent of the board of 5 examiners, approve all change orders;
- (e) accept the building when completed according toapproved 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 procured from bona fide contractors duly licensed as such in 20 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 shall, upon request, provide inspection to insure compliance 2 3 with the plans and specifications for the construction of such buildings. "Construction" shall include construction, 4 repair, alteration, equipping, and furnishing during 5 construction, repair, or alteration. These services shall be 6 7 provided at a cost to be contracted for between the department of administration and the school district, with 8 the receipts to be deposited in the department of 9 10 administration's construction regulation account in a state special revenue fund. 11
  - (7) It is the intent of the legislature that student housing and other facilities constructed under the authority of the regents of the university system are subject to the provisions of subsections (1) through (3) of this section.

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- (8) The department of military affairs may act as contracting agency for buildings constructed under the authority of 18-2-102(2)(d); however, the department of administration may agree to act as contracting agency on behalf of the department of military affairs. Montana law applies to any controversy involving such a contract."
- NEW SECTION. Section 4. Effective date. This act is effective on passage and approval.

# APPROVED BY COMMITTEE ON STATE ADMINISTRATION

1	HOUSE BILL NO. 87
2	INTRODUCED BY QUILICI
3	BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS
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.1	MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
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. 3	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
4	Section 1. Section 18-2-101, MCA, is amended to read
.5	"18-2-101. Definitions of building and construction
.6	In part 1 of this chapter, with the exception of 18-2-104
.7	18-2-107, 18-2-113, 18-2-114, and 18-2-122:
8	(1) "building" includes: a building, facility, or
.9	structure:
20	(a) a-building; facility; or structure constructed or
21	purchased wholly or in part with state moneys;
22	(b) abuilding,facility,orstructure at a state
23	institution;
24	(c) a-building;-facility;-or-structure owned or to be
15	owned by a state agency, including the department of

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 includer 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.

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- (b) The regents of the Montana university system may authorize the construction of revenue-producing facilities referred to in 20-25-302 if they are to be financed wholly from the revenues therein described.
- (c) The regents of the Montana university system, with the consent of the governor, may authorize the construction of a building that is financed wholly with federal or private moneys if the construction of the building will not result in any new programs.
- (d) The department of military affairs, with the consent of the governor, may authorize the construction of a building that is financed wholly with federal or private moneys on federal land for the use or benefit of the state."
  - Section 3. Section 18-2-103, MCA, is amended to read:
    "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:
- (a) review and approve all plans and working drawingsprepared 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

- award all contracts to the lowest qualified bidder
  considering conformity with specifications and terms and
  reasonableness of bid amount;
  - (d) review and, with the consent of the board of 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.
  - (3) Before any contract under subsection (1) is awarded, two formal bids must have been received, if reasonably available.
- (4) The department of administration is responsible 14 for concurring in construction projects where the proposed 15 cost is less than \$25,000 but more than \$5,000. Before any 16 17 contract under this subsection is approved for construction, alteration, repair, maintenance, or improvement, at least 18 three informal bids, if reasonably available, shall be 19 20 procured from bona fide contractors duly licensed as such in the state of Montana. 21
- 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.
  - (6) For the construction of buildings owned or to be

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

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- (7) It is the intent of the legislature that student housing and other facilities constructed under the authority of the regents of the university system are subject to the provisions of subsections (1) through (3) of this section.
- (8) The department of military affairs may act as contracting agency for buildings constructed under the authority of 18-2-102(2)(d); however, the department of administration may agree to act as contracting agency on behalf of the department of military affairs. Montana law applies to any controversy involving such a contract."
- NEW SECTION. Section 4. Effective date. This act is effective on passage and approval.

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23	institution;
24	(c) a-buildingy-facilityy-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-buildingy-facilityy-or-structure owned or to be
8	owned by a county, city, town, school district, or special
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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,
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  18 \$25,000, the department of administration shall:
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- 4 (d) review and, with the consent of the board of examiners, approve all change orders;
- (e) accept the building when completed according to 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.
  - (3) Before any contract under subsection (1) is awarded, two formal bids must have been received, if reasonably available.
  - (4) The department of administration is responsible for concurring in construction projects where the proposed cost is less than \$25,000 but more than \$5,000. Before any contract under this subsection is approved for construction, alteration, repair, maintenance, or improvement, at least three informal bids, if reasonably available, shall be procured from bona fide contractors duly licensed as such in the state of Montana.
  - (5) The department need not require the provisions of Montana law relating to advertising, bidding, or supervision where proposed construction costs are less than \$5,000.
- 25 (6) For the construction of buildings owned or to be

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

- (7) It is the intent of the legislature that student housing and other facilities constructed under the authority of the regents of the university system are subject to the provisions of subsections (1) through (3) of this section.
- (8) The department of military affairs may act as contracting agency for buildings constructed under the authority of 18-2-102(2)(d); however, the department of administration may agree to act as contracting agency on behalf of the department of military affairs. Montana law applies to any controversy involving such a contract."
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HOUSE BILL NO. 87

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- (8) The department of military affairs may act as contracting agency for buildings constructed under the authority of 18-2-102(2)(d); however, the department of administration may agree to act as contracting agency on behalf of the department of military affairs. Montana law applies to any controversy involving such a contract."
- NEW SECTION. Section 4. Effective date. This act is effective on passage and approval.