

HOUSE BILL NO. 342

INTRODUCED BY LORY

BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

IN THE HOUSE

January 22, 1985	Introduced and referred to Committee on Appropriations.
February 14, 1985	Committee recommend bill do pass as amended. Report adopted.
February 15, 1985	Bill printed and placed on members' desks.
February 16, 1985	Second reading, do pass.
February 18, 1985	Considered correctly engrossed.
February 19, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 21, 1985	Introduced and referred to Committee on Finance and Claims.
March 26, 1985	Committee recommend bill be concurred in. Report adopted.
March 29, 1985	Second reading, concurred in.
March 30, 1985	Third reading, concurred in. Ayes, 48; Noes, 1. Returned to House.

IN THE HOUSE

March 30, 1985	Received from Senate. Sent to enrolling. Reported correctly enrolled.
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1 HOUSE BILL NO. 342
 2 INTRODUCTION BY Loz
 3 BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION
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 5 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE
 6 DEPARTMENT OF ADMINISTRATION TO TRANSFER FUNDS FROM THE
 7 LONG-RANGE BUILDING PROGRAM REVENUE SOURCES TO A SPECIAL
 8 REVENUE FUND; PROVIDING A DEFINITION OF CAPITAL PROJECT
 9 COSTS; AMENDING SECTIONS 17-5-401, 17-5-404, 17-5-801,
 10 17-5-804, 18-2-101, AND 18-2-105, MCA; AND PROVIDING AN
 11 IMMEDIATE EFFECTIVE DATE."

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 Section 1. Section 17-5-401, MCA, is amended to read:
15 "17-5-401. Definitions. (1) "Board", "department", and
16 "treasurer" mean the board of examiners, department of
17 administration, and state treasurer, respectively.

18 (2) "Capital projects fund" means a separate
19 long-range building program fund which is created within the
20 capital projects fund type established in 17-2-102.

21 (3) "Costs" includes those expenses related to
22 acquiring land; planning, design, and construction of
23 capital projects and of buildings as defined in 18-2-101; or
24 any other administrative expenses of the department,
25 including legal fees, incurred in the performance of its

1 duties under Title 18, chapter 2.
 2 ~~(3)~~(4) "Long-range building program" means and
 3 includes all buildings, structures, and facilities to be
 4 constructed, repaired, used, equipped, or furnished and land
 5 to be acquired therefor with the consent of the legislature
 6 in accordance with 17-7-202 and 18-2-101 through 18-2-105.
 7 ~~(4)~~(5) "Long-range building program bonds" means and
 8 includes all series of bonds issued to finance any portion
 9 of the long-range building program or to refund outstanding
 10 bonds, as authorized in this part.

11 ~~(5)~~(6) "Debt service account" means a separate
12 long-range building program fund which is created within the
13 debt service fund type established in 17-2-102."

14 Section 2. Section 17-5-404, MCA, is amended to read:
15 "17-5-404. Use of capital projects fund. The capital
16 projects fund shall be segregated by the treasurer from all
17 other money in that or any other fund in the state treasury
18 and used only to pay costs of the long-range building
19 program; upon order of the department acting within the
20 limits of the authority conferred upon it by the
21 legislature. The department may transfer all money
22 authorized by the legislature for its administrative
23 expenditures from the capital projects fund to a special
24 revenue fund."

25 Section 3. Section 17-5-801, MCA, is amended to read:



1 "17-5-801. Definitions. As used in this part, unless
2 the context requires otherwise, the following definitions
3 apply:

4 (1) "Board" means the board of examiners provided for
5 in 2-15-1007.

6 (2) "Bond act" means an act approved by the vote of
7 two-thirds of the members of each house of the legislature
8 or by a majority of the electors voting thereon, authorizing
9 the issuance of bonds for the purpose set forth therein and
10 adopting this part by reference.

11 (3) "Bonds" means general obligation bonds, notes, or
12 other evidences of indebtedness issued in accordance with
13 the provisions of this part.

14 (4) "Capital projects account" means a separate
15 general obligation bond and note account created within the
16 capital projects fund type established in 17-2-102.

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18 acquiring land; planning, design, and construction of
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21 including legal fees, incurred in the performance of its
22 duties under Title 18, chapter 2.

23 {5}(6) "Debt service account" means a separate general
24 obligation bond and note account created within the debt
25 service fund type established in 17-2-102.

1 {6}(7) "Department" means the department of
2 administration created in 2-15-1001.

3 {7}(8) "Treasurer" means the ex officio state
4 treasurer, referred to in 2-15-1002."

5 Section 4. Section 17-5-804, MCA, is amended to read:

6 "17-5-804. Use of capital projects account. The
7 capital projects account must be segregated by the treasurer
8 from all other money in that or any other account in the
9 state treasury and used only to pay costs of the projects
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15 ~~expenditures from the capital projects account to a special~~
16 ~~revenue fund."~~

17 Section 5. Section 18-2-101, MCA, is amended to read:

18 "18-2-101. Definitions of building, costs, and
19 construction. In part 1 of this chapter, with the exception
20 of 18-2-104, 18-2-107, 18-2-113, 18-2-114, and 18-2-122:

21 (1) "building" includes:

22 (a) a building, facility, or structure constructed or
23 purchased wholly or in part with state moneys;

24 (b) a building, facility, or structure at a state
25 institution;

1 (c) a building, facility, or structure owned or to be
2 owned by a state agency, including the department of
3 highways;

4 (2) "building" does not include:

5 (a) a building, facility, or structure owned or to be
6 owned by a county, city, town, school district, or special
7 improvement district;

8 (b) a facility or structure used as a component part
9 of a highway or water conservation project;

10 (3) "construction" includes the construction,
11 alteration, repair, maintenance, and remodeling of a
12 building and the equipping and furnishing of a building
13 during construction, alteration, repair, maintenance, and
14 remodeling;

15 (4) "costs" means those expenses defined in 17-5-401
16 and 17-5-801."

17 Section 6. Section 18-2-105, MCA, is amended to read:

18 "18-2-105. General powers and duties of department of
19 administration. In carrying out powers relating to the
20 construction of buildings, the department of administration
21 may:

22 (1) inspect buildings not under construction;

23 (2) contract with the federal government for advance
24 planning funds;

25 (3) purchase, lease, and acquire by exchange or

1 otherwise, land and buildings in Lewis and Clark County and
2 equipment and furnishings for such buildings;

3 (4) issue and sell bonds and other securities;

4 (5) maintain an inventory of all buildings;

5 (6) appoint a project representative to supervise
6 architects' and consulting engineers' inspection of
7 construction of buildings to assure that all construction is
8 in accordance with the contracts, plans, and
9 specifications; ~~The cost of supervision may be charged
10 against moneys available for construction;~~

11 (7) transfer all money appropriated by the legislature
12 for capital projects and building construction from treasury
13 funds authorized under 17-2-102 into appropriate accounts
14 established pursuant to 17-2-106 and expend such money to
15 pay all costs of capital projects and building
16 construction.

17 NEW SECTION. Section 7. Extension of authority. Any
18 existing authority of the department of administration to
19 make rules on the subject of the provisions of this act is
20 extended to the provisions of this act.

21 NEW SECTION. Section 8. Effective date. This act is
22 effective on passage and approval.

-End-

APPROVED BY COMMITTEE
ON APPROPRIATIONS

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9 COSTS; AMENDING SECTIONS 17-5-401, 17-5-404, 17-5-801,
10 17-5-804, AND 18-2-101, AND-18-2-105; MCA; AND PROVIDING AN
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19 long-range building program fund which is created within the
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21 (3) "Costs" includes those expenses related to
22 acquiring land; planning, design, and construction of
23 capital projects and of buildings as defined in 18-2-101; or
24 any other administrative expenses of the department,
25 including legal fees, incurred in the performance of its

1 duties under Title 18, chapter 2.

2 ~~(3)~~(4) "Long-range building program" means and
3 includes all buildings, structures, and facilities to be
4 constructed, repaired, used, equipped, or furnished and land
5 to be acquired therefor with the consent of the legislature
6 in accordance with 17-7-202 and 18-2-101 through 18-2-105.

7 ~~(4)~~(5) "Long-range building program bonds" means and
8 includes all series of bonds issued to finance any portion
9 of the long-range building program or to refund outstanding
10 bonds, as authorized in this part.

11 ~~(5)~~(6) "Debt service account" means a separate
12 long-range building program fund which is created within the
13 debt service fund type established in 17-2-102."

14 Section 2. Section 17-5-404, MCA, is amended to read:

15 "17-5-404. Use of capital projects fund. The capital
16 projects fund shall be segregated by the treasurer from all
17 other money in that or any other fund in the state treasury
18 and used only to pay costs of the long-range building
19 program; ~~upon order of the department acting within the~~
20 ~~limits of the authority conferred upon it by the~~
21 legislature. The department may transfer all money
22 authorized by the legislature for its administrative
23 expenditures from the capital projects fund to a special
24 revenue fund."

25 Section 3. Section 17-5-801, MCA, is amended to read:

1 "17-5-801. Definitions. As used in this part, unless
2 the context requires otherwise, the following definitions
3 apply:

4 (1) "Board" means the board of examiners provided for
5 in 2-15-1007.

6 (2) "Bond act" means an act approved by the vote of
7 two-thirds of the members of each house of the legislature
8 or by a majority of the electors voting thereon, authorizing
9 the issuance of bonds for the purpose set forth therein and
10 adopting this part by reference.

11 (3) "Bonds" means general obligation bonds, notes, or
12 other evidences of indebtedness issued in accordance with
13 the provisions of this part.

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15 general obligation bond and note account created within the
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25 service fund type established in 17-2-102.

1 ~~(6)~~(7) "Department" means the department of
2 administration created in 2-15-1001.

3 ~~(7)~~(8) "Treasurer" means the ex officio state
4 treasurer, referred to in 2-15-1002."

5 Section 4. Section 17-5-804, MCA, is amended to read:

6 "17-5-804. Use of capital projects account. The
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17 Section 5. Section 18-2-101, MCA, is amended to read:

18 "18-2-101. Definitions of building, costs, and
19 construction. In part 1 of this chapter, with the exception
20 of 18-2-104, 18-2-107, 18-2-113, 18-2-114, and 18-2-122:

21 (1) "building" includes:

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23 purchased wholly or in part with state moneys;

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25 institution;

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 2 owned by a state agency, including the department of
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 12 building and the equipping and furnishing of a building
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 14 remodeling;

15 (4) "costs" means those expenses defined in 17-5-401
 16 and 17-5-801."

17 ~~Section 6, Section 10-2-105, MCA, is amended to read:~~

18 ~~"10-2-105. General powers and duties of department of~~
 19 ~~administration. In carrying out powers relating to the~~
 20 ~~construction of buildings, the department of administration~~
 21 ~~may:~~

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1 otherwise, land and buildings in Lewis and Clark County and
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 6 architects and consulting engineers' inspection of
 7 construction of buildings to assure that all construction is
 8 in accordance with the contracts, plans, and
 9 specifications; The cost of supervision may be charged
 10 against moneys available for construction;

11 ~~{7} transfer all money appropriated by the legislature~~
 12 ~~for capital projects and building construction from treasury~~
 13 ~~funds authorized under 17-2-102 into appropriate accounts~~
 14 ~~established pursuant to 17-2-106 and expend such money to~~
 15 ~~pay all costs of capital projects and building~~
 16 ~~construction."~~

17 NEW SECTION. Section 6. Extension of authority. Any
 18 existing authority of the department of administration to
 19 make rules on the subject of the provisions of this act is
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2 (3)(4) "Long-range building program" means and
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7 (4)(5) "Long-range building program bonds" means and
8 includes all series of bonds issued to finance any portion
9 of the long-range building program or to refund outstanding
10 bonds, as authorized in this part.

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2 owned by a state agency, including the department of
3 highways;

4 (2) "building" does not include:

5 (a) a building, facility, or structure owned or to be
6 owned by a county, city, town, school district, or special
7 improvement district;

8 (b) a facility or structure used as a component part
9 of a highway or water conservation project;

10 (3) "construction" includes the construction,
11 alteration, repair, maintenance, and remodeling of a
12 building and the equipping and furnishing of a building
13 during construction, alteration, repair, maintenance, and
14 remodeling;

15 (4) "costs" means those expenses defined in 17-5-401
16 and 17-5-801."

17 ~~Section 6--Section 18-2-105, MCA, is amended to read:~~
18 ~~"18-2-105--General powers and duties of department of~~
19 ~~administration--in carrying out powers relating to the~~
20 ~~construction of buildings, the department of administration~~
21 ~~may:~~

22 (1) ~~inspect buildings not under construction;~~

23 (2) ~~contract with the federal government for advance~~
24 ~~planning funds;~~

25 (3) ~~purchase, lease, and acquire by exchange or~~

1 ~~otherwise, land and buildings in Lewis and Clark County and~~
2 ~~equipment and furnishings for such buildings;~~

3 (4) ~~issue and sell bonds and other securities;~~

4 (5) ~~maintain an inventory of all buildings;~~

5 (6) ~~appoint a project representative to supervise~~
6 ~~architects and consulting engineers' inspection of~~
7 ~~construction of buildings to assure that all construction is~~
8 ~~in accordance with the contracts, plans, and~~
9 ~~specifications; The cost of supervision may be charged~~
10 ~~against moneys available for construction;~~

11 (7) ~~transfer all money appropriated by the legislature~~
12 ~~for capital projects and building construction from treasury~~
13 ~~funds authorized under 17-2-102 into appropriate accounts~~
14 ~~established pursuant to 17-2-106 and expend such money to~~
15 ~~pay all costs of capital projects and building~~
16 ~~construction."~~

17 NEW SECTION. Section 6. Extension of authority. Any
18 existing authority of the department of administration to
19 make rules on the subject of the provisions of this act is
20 extended to the provisions of this act.

21 NEW SECTION. Section 7. Effective date. This act is
22 effective on passage and approval.

-End-