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SENATE BILL NO. 337

INTRODUCED BY \_\_\_\_\_

*Sprague*

BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A BUILDING OWNER'S ALTERATION, REPAIR, MAINTENANCE, OR REMODELING OF A BUILDING TO BE PURCHASED BY THE STATE IS EXEMPT FROM PUBLIC CONTRACT PROVISIONS; REVISING THE DEFINITION OF "BUILDING"; CLARIFYING LEGISLATIVE CONSENT TO BUILDING COSTS; AND AMENDING SECTIONS 18-2-101 AND 18-2-102, MCA."

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

**NEW SECTION. Section 1. Exemption.** A building owner's alteration, repair, maintenance, or remodeling of a building to be purchased by the state is exempt from the provisions of this title.

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

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

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

(a) constructed or purchased wholly or in part with state ~~moneys~~ money;

(b) at a state institution;

(c) owned or to be owned by a state agency, including the department of transportation;

(d) constructed for the use or benefit of the state with federal or private ~~moneys~~ money as provided in 18-2-102(2)(d);

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

(a) owned or to be owned by a county, city, town, school district, or special improvement district;

(b) used as a component part of a highway or water conservation project;

(c) leased or to be leased by a state agency;

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

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

2

3 **Section 3.** Section 18-2-102, MCA, is amended to read:

4 **"18-2-102. Authority to construct buildings.** (1) Except as provided in subsection (2), a building  
5 costing more than \$50,000 may not be constructed without the consent of the legislature. Legislative  
6 approval of repair and maintenance costs as part of an agency's operating budget constitutes the  
7 legislature's consent. When a building costing more than \$50,000 is to be financed in a manner that does  
8 not require legislative appropriation of money, the consent may be in the form of a joint resolution.

9 (2) (a) The governor may authorize the emergency repair or alteration of a building and is  
10 authorized to transfer funds and authority as necessary to accomplish the project. Transfers may not be  
11 made from the funds for an uncompleted capital project unless the project is under the supervision of the  
12 same agency.

13 (b) The regents of the Montana university system may authorize the construction of  
14 revenue-producing facilities referred to in 20-25-302 if they are to be financed wholly from the revenue  
15 from the facility.

16 (c) The regents of the Montana university system, with the consent of the governor, may authorize  
17 the construction of a building that is financed wholly with federal or private money if the construction of  
18 the building will not result in any new programs.

19 (d) The department of military affairs, with the consent of the governor, may authorize the  
20 construction of a building that is financed wholly with federal or private money on federal land for the use  
21 or benefit of the state."

22

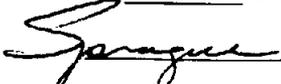
23 **NEW SECTION. Section 4. Codification instruction.** [Section 1] is intended to be codified as an  
24 integral part of Title 18, chapter 1, part 1, and the provisions of Title 18, chapter 1, part 1, apply to  
25 [section 1].

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-END-

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

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

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

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

- (a) constructed or purchased wholly or in part with state ~~money~~ money;
- (b) at a state institution;
- (c) owned or to be owned by a state agency, including the department of transportation;
- (d) constructed for the use or benefit of the state with federal or private ~~money~~ money as provided in 18-2-102(2)(d);

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

- (a) owned or to be owned by a county, city, town, school district, or special improvement district;
- (b) used as a component part of a highway or water conservation project;
- (c) leased or to be leased by a state agency;

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

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

2

3 **Section 3.** Section 18-2-102, MCA, is amended to read:

4 **"18-2-102. Authority to construct buildings.** (1) Except as provided in subsection (2), a building  
5 costing more than \$50,000 may not be constructed without the consent of the legislature. Legislative  
6 approval of repair and maintenance costs as part of an agency's operating budget constitutes the  
7 legislature's consent. When a building costing more than \$50,000 is to be financed in a manner that does  
8 not require legislative appropriation of money, the consent may be in the form of a joint resolution.

9 (2) (a) The governor may authorize the emergency repair or alteration of a building and is  
10 authorized to transfer funds and authority as necessary to accomplish the project. Transfers may not be  
11 made from the funds for an uncompleted capital project unless the project is under the supervision of the  
12 same agency.

13 (b) The regents of the Montana university system may authorize the construction of  
14 revenue-producing facilities referred to in 20-25-302 if they are to be financed wholly from the revenue  
15 from the facility.

16 (c) The regents of the Montana university system, with the consent of the governor, may authorize  
17 the construction of a building that is financed wholly with federal or private money if the construction of  
18 the building will not result in any new programs.

19 (d) The department of military affairs, with the consent of the governor, may authorize the  
20 construction of a building that is financed wholly with federal or private money on federal land for the use  
21 or benefit of the state."

22

23 **NEW SECTION. Section 4. Codification instruction.** [Section 1] is intended to be codified as an  
24 integral part of Title 18, chapter 1, part 1, and the provisions of Title 18, chapter 1, part 1, apply to  
25 [section 1].

26

-END-

## 1 SENATE BILL NO. 337

2 INTRODUCED BY SPRAGUE

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8 CONSENT TO BUILDING COSTS; AND AMENDING SECTIONS 18-2-101 AND 18-2-102, MCA."

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

11  
12 ~~NEW SECTION. Section 1. Exemption. A building owner's alteration, repair, maintenance, or~~  
13 ~~remodeling of a building to be purchased by the state is exempt from the provisions of this title.~~

14  
15 **Section 1.** Section 18-2-101, MCA, is amended to read:

16 **"18-2-101. Definitions of building, costs, and construction.** In part 1 of this chapter, with the  
17 exception of 18-2-104, 18-2-107, 18-2-113, 18-2-114, and 18-2-122:

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

19 (a) constructed or purchased wholly or in part with state ~~moneys~~ money;

20 (b) at a state institution;

21 (c) owned or to be owned by a state agency, including the department of transportation;

22 (d) constructed for the use or benefit of the state with federal or private ~~moneys~~ money as  
23 provided in 18-2-102(2)(d);

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

25 (a) owned or to be owned by a county, city, town, school district, or special improvement district;

26 (b) used as a component part of a highway or water conservation project;

27 (c) leased or to be leased by a state agency;

28 (3) "construction" includes the construction, alteration, repair, maintenance, and remodeling of a  
29 building and the equipping and furnishing of a building during construction, alteration, repair, maintenance,  
30 and remodeling;

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

2

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

4 **"18-2-102. Authority to construct buildings.** (1) Except as provided in subsection (2), a building  
5 costing more than \$50,000 may not be constructed without the consent of the legislature. Legislative  
6 approval of repair and maintenance costs as part of an agency's operating budget constitutes the  
7 legislature's consent. When a building costing more than \$50,000 is to be financed in a manner that does  
8 not require legislative appropriation of money, the consent may be in the form of a joint resolution.

9 (2) (a) The governor may authorize the emergency repair or alteration of a building and is  
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13 (b) The regents of the Montana university system may authorize the construction of  
14 revenue-producing facilities referred to in 20-25-302 if they are to be financed wholly from the revenue  
15 from the facility.

16 (c) The regents of the Montana university system, with the consent of the governor, may authorize  
17 the construction of a building that is financed wholly with federal or private money if the construction of  
18 the building will not result in any new programs.

19 (d) The department of military affairs, with the consent of the governor, may authorize the  
20 construction of a building that is financed wholly with federal or private money on federal land for the use  
21 or benefit of the state."

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23 ~~NEW SECTION. Section 4. Codification instruction. [Section 1] is intended to be codified as an~~  
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16 "18-2-101. **Definitions of building, costs, and construction.** In part 1 of this chapter, with the  
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24 (2) "building" does not include a building, facility, or structure:

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2

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

4 **"18-2-102. Authority to construct buildings.** (1) Except as provided in subsection (2), a building  
5 costing more than \$50,000 may not be constructed without the consent of the legislature. Legislative  
6 approval of repair and maintenance costs as part of an agency's operating budget constitutes the  
7 legislature's consent. When a building costing more than \$50,000 is to be financed in a manner that does  
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26

-END-