

## 1 HOUSE BILL NO. 118

2 INTRODUCED BY GRADY

3 BY REQUEST OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT CERTAIN PROCUREMENT STATUTES  
6 REGARDING STATE BUILDINGS AND CONSTRUCTION DO NOT APPLY TO ENVIRONMENTAL  
7 REMEDIATION AND ABANDONED MINE RECLAMATION PROJECTS; AMENDING SECTION 18-2-101,  
8 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

9  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11  
12 **Section 1.** Section 18-2-101, MCA, is amended to read:

13 **"18-2-101. Definitions of building, costs, and construction.** In part 1 of this chapter, with the  
14 exception of 18-2-104, 18-2-107, 18-2-113, 18-2-114, and 18-2-122:

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

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

17 (b) at a state institution;

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

19 (d) constructed for the use or benefit of the state with federal or private money as provided in  
20 18-2-102(2)(d);

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

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

23 (b) used as a component part of an environmental remediation or abandoned mine land reclamation  
24 project, a highway project, or a water conservation project;

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

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

29 (4) "costs" means those expenses defined in 17-5-401 and 17-5-801."  
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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

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(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 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 an environmental remediation or abandoned mine land reclamation project, a highway ~~project~~, or a 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;

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



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1           **NEW SECTION. Section 2. Effective date.** [This act] is effective on passage and approval.

2   **-END-**

APPROVED BY COM ON  
NATURAL RESOURCES

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT CERTAIN PROCUREMENT STATUTES REGARDING STATE BUILDINGS AND CONSTRUCTION DO NOT APPLY TO ENVIRONMENTAL REMEDIATION AND ABANDONED MINE RECLAMATION PROJECTS; AMENDING SECTION 18-2-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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(d) constructed for the use or benefit of the state with federal or private 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 an environmental remediation or abandoned mine land reclamation project, a highway project, or a water conservation project, UNLESS THE BUILDING WILL REQUIRE A CONTINUING STATE FINANCIAL OBLIGATION AFTER THE ENVIRONMENTAL REMEDIATION OR ABANDONED MINE LAND RECLAMATION PROJECT IS COMPLETED;

(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."

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3 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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(b) used as a component part of an environmental remediation or abandoned mine land reclamation project, a highway project, or a water conservation project, UNLESS THE BUILDING WILL REQUIRE A CONTINUING STATE GENERAL FUND FINANCIAL OBLIGATION AFTER THE ENVIRONMENTAL REMEDIATION OR ABANDONED MINE LAND RECLAMATION PROJECT IS COMPLETED;

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