

HOUSE BILL NO. 464

INTRODUCED BY Z. BROWN

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE DEVELOPMENT OF HIGH-PERFORMANCE BUILDING STANDARDS AND CREATING THE HIGH-PERFORMANCE COMPLIANCE PROGRAM FOR EXISTING BUILDINGS WITHIN STATE AGENCIES AND THE MONTANA UNIVERSITY SYSTEM; PROVIDING FOR TRANSFER OF UTILITY FUNDS; GRANTING RULEMAKING AUTHORITY; PROVIDING FOR A STATE SPECIAL REVENUE ACCOUNT; PROVIDING A STATUTORY APPROPRIATION; AND AMENDING SECTION 17-7-502, MCA."

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

**NEW SECTION. Section 1. High-performance compliance program for operations and maintenance of existing buildings -- rulemaking authority.** (1) The department of administration, in collaboration with the Montana university system and other state agencies, shall develop and adopt by rule high-performance building standards of operation and maintenance for existing buildings. In developing these standards, the department of administration shall consider:

(a) integrated design principles to optimize energy performance, enhance indoor environmental quality, and conserve natural resources;

(b) cost-effectiveness, including productivity, deferred maintenance, and operational considerations; and

(c) building functionality, durability, and maintenance.

(2) When economically justified, state agencies may elect to improve the cost-effectiveness of existing buildings by participating in the high-performance compliance program for operations and maintenance of existing buildings established by the department of administration under this section.

**NEW SECTION. Section 2. Transfer of budgeted utility funds -- special revenue account -- university plant subfunds.** (1) For each fiscal year, each agency participating in the high-performance compliance program for operations and maintenance of existing buildings created in [section 1] may transfer to the special revenue account established in subsection (2) any amount remaining in the budgeted utility fund of the agency. Only state funds may be transferred.



1 (2) The architecture and engineering division of the department of administration shall establish a special  
 2 revenue account to receive transfers made pursuant to subsection (1). Money in the account is statutorily  
 3 appropriated, as provided in 17-7-502, to the department for the purposes of this part. All interest and income  
 4 earned on money in the account must be deposited into the account.

5 (3) The division shall administer the special revenue account established in subsection (2) to the credit  
 6 of each participating agency for the purposes of subsection (4).

7 (4) For each fiscal year, the Montana university system may establish a subfund of the plant fund  
 8 provided for in 17-2-102(4) to receive the transfer made pursuant to subsection (1).

9 (5) The money in the special revenue account and in any university plant subfunds created pursuant to  
 10 subsection (4) is designated for the purpose of financing high-performance operations and maintenance  
 11 compliance and achieving utility cost reductions.

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13 **Section 3.** Section 17-7-502, MCA, is amended to read:

14 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory  
 15 appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the  
 16 need for a biennial legislative appropriation or budget amendment.

17 (2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both  
 18 of the following provisions:

19 (a) The law containing the statutory authority must be listed in subsection (3).

20 (b) The law or portion of the law making a statutory appropriation must specifically state that a statutory  
 21 appropriation is made as provided in this section.

22 (3) The following laws are the only laws containing statutory appropriations: 2-15-247; 2-17-105;  
 23 5-11-120; 5-11-407; 5-13-403; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203; 10-3-310;  
 24 10-3-312; 10-3-314; 10-4-301; 15-1-121; 15-1-218; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121;  
 25 15-70-101; 15-70-369; 15-70-601; 16-11-509; 17-3-106; 17-3-112; 17-3-212; 17-3-222; 17-3-241; 17-6-101;  
 26 [section 2]; 18-11-112; 19-3-319; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305;  
 27 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; 20-26-1503; 22-1-327; 22-3-1004;  
 28 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-51-501; 39-1-105;  
 29 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-206; 44-13-102; 53-1-109; 53-1-215; 53-2-208; 53-9-113;  
 30 53-24-108; 53-24-206; 60-11-115; 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-13-150;

1 76-13-416; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 81-1-112; 81-7-106; 81-10-103; 82-11-161;  
2 85-20-1504; 85-20-1505; 87-1-603; 90-1-115; 90-1-205; 90-1-504; 90-3-1003; 90-6-331; and 90-9-306.

3 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,  
4 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued  
5 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana  
6 to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state  
7 treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory  
8 appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion  
9 of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded  
10 liability is 10 years or less; pursuant to sec. 10, Ch. 10, Sp. L. May 2000, secs. 3 and 6, Ch. 481, L. 2003, and  
11 sec. 2, Ch. 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 73, Ch. 44, L.  
12 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under  
13 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 14, Ch. 374, L. 2009, the  
14 inclusion of 53-9-113 terminates June 30, 2015; pursuant to sec. 5, Ch. 442, L. 2009, the inclusion of 90-6-331  
15 terminates June 30, 2019; pursuant to sec. 16, Ch. 58, L. 2011, the inclusion of 30-10-1004 terminates June 30,  
16 2017; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion of 76-13-416 terminates June 30, 2019; pursuant to sec.  
17 13, Ch. 339, L. 2011, the inclusion of 81-1-112 and 81-7-106 terminates June 30, 2017; pursuant to sec. 11(2),  
18 Ch. 17, L. 2013, the inclusion of 17-3-112 terminates on occurrence of contingency; pursuant to secs. 3 and 5,  
19 Ch. 244, L. 2013, the inclusion of 22-1-327 is effective July 1, 2015, and terminates July 1, 2017; and pursuant  
20 to sec. 10, Ch. 413, L. 2013, the inclusion of 2-15-247, 39-1-105, 53-1-215, and 53-2-208 terminates June 30,  
21 2015.)"

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23 **NEW SECTION. Section 4. Codification instruction.** [Sections 1 and 2] are intended to be codified  
24 as an integral part of Title 17, chapter 7, part 2, and the provisions of Title 17, chapter 7, part 2, apply to [sections  
25 1 and 2].

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