

HOUSE BILL NO. 464

INTRODUCED BY Z. BROWN, G. HERTZ, E. LIESER, W. MCKAMEY

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR ~~THE DEVELOPMENT OF A VOLUNTARY~~
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 A VOLUNTARY high-performance building standards of PROGRAM FOR THE operation and maintenance for OF existing buildings. In developing ~~these standards~~ THIS PROGRAM, 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) (A) For each fiscal year, each STATE agency, OTHER THAN THE UNIVERSITY SYSTEM, 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)~~ (1)(B) any amount remaining in the budgeted utility fund of the agency OPERATING EXPENSES FOR BUILDING MAINTENANCE. Only state

1 funds may be transferred.

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

6 ~~(3)(C)~~ The division shall administer the special revenue account established in subsection ~~(2)~~ (1)(B) to
7 the credit of each participating agency for the purposes of subsection ~~(4)~~ (3).

8 ~~(4)(2)~~ For each fiscal year, the THE Montana university system may establish a subfund of the plant fund
9 provided for in 17-2-102(4)(E) to receive the transfer made pursuant to subsection ~~(1)~~ FOR EACH EDUCATIONAL UNIT
10 PARTICIPATING IN THE PROGRAM ESTABLISHED UNDER [SECTION 1]. AT THE END OF EACH FISCAL YEAR, A PARTICIPATING
11 EDUCATIONAL UNIT MAY TRANSFER TO THE UNIT'S SUBFUND THE UNIT'S UNSPENT UTILITY FUNDS. ALL INTEREST AND
12 INCOME EARNED ON THE MONEY IN THE SUBFUND MUST REMAIN IN THE SUBFUND. THE EDUCATIONAL UNIT MAY USE THE
13 MONEY IN THE UNIT'S SUBFUND FOR THE PURPOSES DESCRIBED IN SUBSECTION (3).

14 ~~(5)(3)~~ The money in the special revenue account and in any university plant subfunds created pursuant
15 to subsection ~~(4)~~ (2) is designated for the purpose of financing high-performance operations and maintenance
16 compliance OF UNIVERSITY BUILDINGS and achieving utility cost reductions.

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

19 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory
20 appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the
21 need for a biennial legislative appropriation or budget amendment.

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

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

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

27 (3) The following laws are the only laws containing statutory appropriations: 2-15-247; 2-17-105;
28 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;
29 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;
30 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;

1 [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;
 2 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;
 3 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;
 4 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;
 5 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;
 6 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;
 7 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.

8 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,
 9 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued
 10 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana
 11 to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state
 12 treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory
 13 appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion
 14 of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded
 15 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
 16 sec. 2, Ch. 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 73, Ch. 44, L.
 17 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under
 18 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 14, Ch. 374, L. 2009, the
 19 inclusion of 53-9-113 terminates June 30, 2015; pursuant to sec. 5, Ch. 442, L. 2009, the inclusion of 90-6-331
 20 terminates June 30, 2019; pursuant to sec. 16, Ch. 58, L. 2011, the inclusion of 30-10-1004 terminates June 30,
 21 2017; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion of 76-13-416 terminates June 30, 2019; pursuant to sec.
 22 13, Ch. 339, L. 2011, the inclusion of 81-1-112 and 81-7-106 terminates June 30, 2017; pursuant to sec. 11(2),
 23 Ch. 17, L. 2013, the inclusion of 17-3-112 terminates on occurrence of contingency; pursuant to secs. 3 and 5,
 24 Ch. 244, L. 2013, the inclusion of 22-1-327 is effective July 1, 2015, and terminates July 1, 2017; and pursuant
 25 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,
 26 2015.)"

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 28 **NEW SECTION. Section 4. Codification instruction.** [Sections 1 and 2] are intended to be codified
 29 as an integral part of Title 17, chapter 7, part 2, and the provisions of Title 17, chapter 7, part 2, apply to [sections
 30 1 and 2].

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