

HOUSE BILL NO. 464

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

1  
2  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR ~~THE DEVELOPMENT OF A VOLUNTARY~~  
5 ~~HIGH-PERFORMANCE BUILDING STANDARDS AND CREATING THE HIGH-PERFORMANCE COMPLIANCE~~  
6 PROGRAM FOR EXISTING BUILDINGS WITHIN STATE AGENCIES AND THE MONTANA UNIVERSITY  
7 SYSTEM; PROVIDING FOR TRANSFER OF UTILITY FUNDS; ~~GRANTING RULEMAKING AUTHORITY;~~  
8 PROVIDING FOR A STATE SPECIAL REVENUE ACCOUNT; ESTABLISHING REPORTING REQUIREMENTS;  
9 PROVIDING A STATUTORY APPROPRIATION; ~~AND AMENDING SECTION 17-7-502, MCA; AND PROVIDING~~  
10 A TERMINATION DATE."

11  
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13  
14 NEW SECTION. **Section 1. High-performance ~~compliance~~ program for operations and**  
15 **maintenance of existing buildings ~~— rulemaking authority.~~** (1) The department of administration, in  
16 collaboration with the Montana university system and other state agencies, shall develop ~~and adopt by rule~~ A  
17 VOLUNTARY high-performance building standards ~~of~~ PROGRAM FOR THE operation and maintenance ~~for~~ OF existing  
18 buildings. In developing ~~these standards~~ THIS PROGRAM, the department of administration shall consider:

- 19 (a) integrated design principles to optimize energy performance, enhance indoor environmental quality,  
20 and conserve natural resources;
- 21 (b) cost-effectiveness, including productivity, deferred maintenance, and operational considerations; and
- 22 (c) building functionality, durability, and maintenance.

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

26 (3) PRIOR TO SEPTEMBER 1 OF EACH EVEN-NUMBERED YEAR, THE DEPARTMENT OF ADMINISTRATION, IN  
27 COLLABORATION WITH THE MONTANA UNIVERSITY SYSTEM, SHALL UPDATE THE ENERGY AND TELECOMMUNICATIONS  
28 INTERIM COMMITTEE ON THE HIGH-PERFORMANCE BUILDING PROGRAM ESTABLISHED IN SUBSECTION (1). THE REPORT  
29 MUST INCLUDE AN OVERVIEW OF THE STATE AGENCIES AND EDUCATIONAL UNITS PARTICIPATING IN THE PROGRAM AND AN  
30 ESTIMATE OF SAVINGS OR ACTUAL SAVINGS IN OPERATIONS AND MAINTENANCE RESULTING FROM PARTICIPATION IN THE

1 PROGRAM.

2

3 NEW SECTION. Section 2. Transfer of budgeted utility funds -- special revenue account --

4 university plant subfunds. (1) (A) For each fiscal year, each STATE agency, OTHER THAN THE UNIVERSITY SYSTEM,  
5 participating in the high-performance ~~compliance~~ program for operations and maintenance of existing buildings  
6 created in [section 1] may transfer to the special revenue account established in subsection ~~(2)~~ (1)(B) 75% OF any  
7 amount remaining in the budgeted ~~utility fund of the agency~~ OPERATING EXPENSES FOR BUILDING MAINTENANCE. Only  
8 state funds may be transferred.

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

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

15 ~~(4)(2)~~ For each fiscal year, the THE Montana university system may establish a subfund of the plant fund  
16 provided for in 17-2-102(4)(E) to receive the transfer made ~~pursuant to subsection (1)~~ FOR EACH EDUCATIONAL UNIT  
17 PARTICIPATING IN THE PROGRAM ESTABLISHED UNDER [SECTION 1]. AT THE END OF EACH FISCAL YEAR, A PARTICIPATING  
18 EDUCATIONAL UNIT MAY TRANSFER TO THE UNIT'S SUBFUND 75% OF THE UNIT'S UNSPENT UTILITY FUNDS. ALL INTEREST  
19 AND INCOME EARNED ON THE MONEY IN THE SUBFUND MUST REMAIN IN THE SUBFUND. THE EDUCATIONAL UNIT MAY USE  
20 THE MONEY IN THE UNIT'S SUBFUND FOR THE PURPOSES DESCRIBED IN SUBSECTION (3).

21 ~~(5)(3)~~ The money in the special revenue account and in any university plant subfunds created pursuant  
22 to subsection ~~(4)~~ (2) is designated for the purpose of financing high-performance operations and maintenance  
23 ~~compliance~~ OF UNIVERSITY BUILDINGS and achieving utility cost reductions.

24

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

26 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory  
27 appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the  
28 need for a biennial legislative appropriation or budget amendment.

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

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

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

4 (3) The following laws are the only laws containing statutory appropriations: 2-15-247; 2-17-105;  
5 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;  
6 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;  
7 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;  
8 [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;  
9 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;  
10 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;  
11 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;  
12 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;  
13 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;  
14 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.

15 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,  
16 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued  
17 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana  
18 to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state  
19 treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory  
20 appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion  
21 of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded  
22 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  
23 sec. 2, Ch. 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 73, Ch. 44, L.  
24 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under  
25 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 14, Ch. 374, L. 2009, the  
26 inclusion of 53-9-113 terminates June 30, 2015; pursuant to sec. 5, Ch. 442, L. 2009, the inclusion of 90-6-331  
27 terminates June 30, 2019; pursuant to sec. 16, Ch. 58, L. 2011, the inclusion of 30-10-1004 terminates June 30,  
28 2017; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion of 76-13-416 terminates June 30, 2019; pursuant to sec.  
29 13, Ch. 339, L. 2011, the inclusion of 81-1-112 and 81-7-106 terminates June 30, 2017; pursuant to sec. 11(2),  
30 Ch. 17, L. 2013, the inclusion of 17-3-112 terminates on occurrence of contingency; pursuant to secs. 3 and 5,

1 Ch. 244, L. 2013, the inclusion of 22-1-327 is effective July 1, 2015, and terminates July 1, 2017; and pursuant  
2 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,  
3 2015.)"

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

8

9 NEW SECTION. SECTION 5. TERMINATION. [THIS ACT] TERMINATES JUNE 30, 2021.

10

- END -