

Montana Code Annotated 2021

TITLE 17. STATE FINANCE

CHAPTER 7. BUDGETING AND APPROPRIATIONS

Part 2. Long-Range Building Program and Budget

Minimum Funding For Major Repair -- Restriction Of Capital Developments -- Transfer To Satisfy Minimum As Present Law Base

17-7-222. Minimum funding for major repair -- restriction of capital developments -- transfer to satisfy minimum as present law base. (1) The minimum level of funding for major repair projects is 0.6% of the replacement cost of existing long-range building program-eligible buildings for each fiscal year.

(2) The legislature may not fund the design or construction of any new capital development projects, except to complete the funding of projects for which partial funding has been previously provided, until the legislature has estimated and appropriated the amount referred to in subsection (1) to fund major repair projects for long-range building program-eligible buildings from the account established in **17-7-221** for each fiscal year.

(3) Sources for funding the amount referred to in subsection (1) are:

(a) revenue allocations into the account established in **17-7-221** of cigarette tax revenue allocated pursuant to **16-11-119** and coal severance taxes allocated pursuant to **15-35-108**, as projected in the official revenue estimate provided in **5-5-227**; and

(b) an appropriated transfer into the account from the general fund in the general appropriations act.

(4) The appropriated transfer in subsection (3)(b) to the account established in **17-7-221** to fund major repair projects is part of the present law base for purposes of Title 17, chapter 7, part 1, and must be sufficient to fund the amount referred to in subsection (1) when added to the account's revenue allocations in subsection (3)(a).

History: En. Sec. 3, Ch. 469, L. 2019.

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Capital Development Funding -- Transfer As Present Law Base

17-7-208. Capital development funding -- transfer as present law base. (1) As part of the executive budget prepared pursuant to **17-7-123**, the governor shall propose annual transfers from the general fund into the account established in **17-7-209**. Except as provided in subsection (2), the amount of the proposed annual transfers are considered present law and must be equal to 1% of the amount of the certified unaudited state general fund

revenue, including transfers into the general fund, as determined by the state treasurer on or before August 15 of the year preceding a legislative session less the:

(a) general fund debt service anticipated by the office of budget and program planning for each year of the biennium for issued general obligation bonds paid from the general fund as set forth in the state budget pursuant to **17-5-802**; and

(b) projected general fund debt service for each year of the biennium for general obligation bonds paid from the general fund proposed in the executive budget.

(2) The governor may propose to reduce or increase the amount of the annual transfers proposed pursuant to subsection (1). Any proposed increase or decrease to the amount required in subsection (1) must be included in the executive budget request as a new proposal.

(3) The legislature may appropriate funds in the general appropriations act for transfer into the account established in **17-7-209** from the general fund for capital development projects based on the state fiscal condition.

(4) The appropriated transfer to the account established in **17-7-209** to fund capital developments is part of the base budget for purposes of Title 17, chapter 7, part 1.

(5) The department of administration shall transfer the annual amount appropriated by the legislature from the general fund to the capital developments long-range building program account established in **17-7-209** by August 15 of each fiscal year except as provided in subsection (6).

(6) The department of administration may not make the annual transfer if the executive has authorized transfers from the budget stabilization reserve fund established in **17-7-130** in the immediately preceding 11 months or if the transfer would result in reductions pursuant to **17-7-140**.

(7) This section does not limit the ability of the legislature to authorize general obligation bonds or the board of examiners to issue and sell bonds authorized by previous legislatures and has no effect on the pledge or security for general obligation bonds.

History: En. Sec. 4, Ch. 469, L. 2019.

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Required Funding For Maintenance Of Newly Authorized State Buildings

17-7-210. Required funding for maintenance of newly authorized state buildings. (1) If construction of a new facility requires an immediate or future increase in state funding for program expansion or operations and maintenance, the legislature may not authorize the new facility unless it also appropriates funds for the increase in state funding for program expansion and operations and maintenance.

(2) (a) To the extent allowed by law, at the end of each fiscal year following approval of a new facility but prior to receipt of its certificate of occupancy, the appropriation made pursuant to subsection (1) reverts to its originating fund. The appropriation is not subject to the provisions of **17-7-304**.

(b) When a certificate of occupancy for a new facility is received prior to the end of the fiscal year, the amount of the appropriation made pursuant to subsection (1) that reverts to its originating fund is the prorated amount from the beginning of the fiscal year to the date of the receipt of the certificate of occupancy.

History: En. Sec. 6, Ch. 469, L. 2019.

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Preparation Of Building Programs And Submission To Department Of Administration -- Statewide Facility Inventory And Condition Assessment

17-7-202. Preparation of building programs and submission to department of administration -- statewide facility inventory and condition assessment. (1) Before July 1 of the year preceding a legislative session, each state agency and institution shall submit to the architecture and engineering division of the department of administration, on forms furnished by the division, a proposed long-range building program for major repair projects and capital developments, if any, for the agency or institution. Each agency and institution shall furnish any additional information requested by the division relating to the utilization of or need for major repair projects and capital developments.

(2) (a) Except as provided in subsection (3), the division shall compile and maintain a statewide facility inventory and condition assessment that:

(i) for each state-owned building:

(A) identifies its location and total square footage;

(B) identifies the agency or agencies using or occupying the building and how much square footage each agency uses or occupies;

(C) lists the current replacement value of the building in its entirety and each agency's portion of the building;

(D) identifies whether the building is a long-range building program-eligible building;

(ii) for each long-range building program-eligible building:

(A) includes a facility condition assessment of the building and an itemized list of the building's deficiencies; and

(B) compares the building's current building deficiency ratio to its deficiency ratio in the previous biennium.

(b) The division may contract with a private vendor to collect, analyze, and compile the building information required in this subsection (2).

(c) The facility inventory and condition assessment must be updated as determined by the division.

(d) The division may incorporate in the statewide facility inventory and condition assessment any facility condition assessment or similar document compiled by an agency.

(e) The division shall provide the statewide facility inventory and condition assessment, including a calculation of the deferred maintenance backlog and overall building deficiency ratio of the long-range building program-eligible buildings, to the office of budget and program planning and the legislative finance committee by September 1 of the year preceding a legislative session in an electronic format. The division shall provide a copy of the report to the legislature in accordance with **5-11-210**.

(3) The division is not required to include a state-owned building that has a current replacement value of \$150,000 or less in the facility inventory and condition assessment.

(4) The division shall examine the information furnished by each agency and institution and shall gather whatever additional information is necessary and conduct whatever surveys are necessary in order to provide a factual basis for determining the need for and the feasibility of major repair projects and capital developments. The information compiled by the division shall be submitted to the governor before October 1 of the year preceding a legislative session.

History: En. Sec. 15, Ch. 271, L. 1963; amd. Sec. 82, Ch. 326, L. 1974; R.C.M. 1947, 82-3315(1), (2); amd. Sec. 2, Ch. 281, L. 2017; amd. Sec. 12, Ch. 469, L. 2019; amd. Sec. 41, Ch. 261, L. 2021.