

Unofficial Draft Copy

As of: November 29, 2016 (1:56pm)

LC5942

**** Bill No. ****

Introduced By *****

By Request of the Legislative Finance Committee

A Bill for an Act entitled: "An Act generally revising laws governing the long-range building program; providing a definition of long-range building program-eligible building; requiring the department of administration to compile a statewide facility and condition assessment for certain state-owned buildings; amending sections 17-7-201, and 17-7-202, MCA; and providing an effective date."

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 17-7-201, MCA, is amended to read:

"17-7-201. Definitions. In this part, the following definitions apply:

(1) (a) "Building" includes a:

(i) building, facility, or structure constructed or purchased wholly or in part with state money;

(ii) building, facility, or structure at a state institution;

(iii) building, facility, or structure owned or to be owned by a state agency, including the department of transportation.

(b) The term does not include a:

(i) building, facility, or structure owned or to be owned by a county, city, town, school district, or special improvement

district;

(ii) facility or structure used as a component part of a highway or water conservation project.

(2) "Construction" includes construction, repair, alteration, and equipping and furnishing during construction, repair, or alteration.

(3) "High-performance building" means a building that integrates and optimizes all major high-performance building attributes, including but not limited to:

- (a) energy efficiency;
- (b) durability;
- (c) life-cycle performance; and
- (d) occupant productivity.

(4) "Long-range building program-eligible building" means:

(a) a building, facility, or structure owned by a state agency, for which the operation and maintenance is funded with state general fund; or

(b) a building, facility, or structure that supports academic missions of the university system, and for which the operation and maintenance is funded with current unrestricted university funds.

(c) The term does not include:

(i) a building, facility, or structure owned by a state agency, for which the operation and maintenance is entirely funded with state special revenues, federal special revenues, or proprietary revenues; or

(ii) a building, facility or structure that supports non-

academic functions of the university system, and for which the operation and maintenance is funded from non-state and non-tuition sources."

{Internal References to 17-7-201:
20-15-403}

Section 2. Section 17-7-202, MCA, is amended to read:

"17-7-202. Preparation of building programs and submission to department of administration -- statewide facility inventory and condition assessment. (1) Before July 1 of each even-numbered year, each state agency and institution shall submit to the department of administration, on forms furnished by the department, a proposed long-range building program, if any, for the agency or institution. Each agency and institution shall furnish any additional information requested by the department relating to the utilization of or need for buildings.

(2) (a) Except as provided in subsection (3), the department shall compile and maintain a statewide facility inventory and condition assessment for all state-owned buildings, 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 its per agency use;

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(D) identifies whether or not the building is a long-range building program-eligible building as defined in section [1] ;

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

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

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

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

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

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

(e) The department shall consider the statewide facility inventory and condition assessment when determining which projects are recommended in the long-range building program budget.

(f) The department shall provide the statewide facility inventory and condition assessment, including a calculation of the deferred maintenance backlog and overall building deficiency ration of the long-range building program-eligible buildings, to the office of budget and program planning and the legislative fiscal analyst by September 1 of each even-numbered year in an electronic format.

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(3) The department 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.

~~(2)~~(4) The department 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 the construction of buildings. The information compiled by the department shall be submitted to the governor before December 1 of each even-numbered year."

{*Internal References to 17-7-202:*
17-7-213}

NEW SECTION. **Section 3. {standard} Effective date.** [This act] is effective July 1, 2017.

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