

1 SENATE BILL NO. 43

2 INTRODUCED BY J. SESSO

3 BY REQUEST OF THE LEGISLATIVE FINANCE COMMITTEE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS GOVERNING THE LONG-RANGE
6 BUILDING PROGRAM; PROVIDING A DEFINITION OF "LONG-RANGE BUILDING PROGRAM-ELIGIBLE
7 BUILDING"; REQUIRING THE DEPARTMENT OF ADMINISTRATION TO COMPILE A STATEWIDE FACILITY
8 AND CONDITION ASSESSMENT FOR CERTAIN STATE-OWNED BUILDINGS; AMENDING SECTIONS
9 17-7-201 AND 17-7-202, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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

14 **"17-7-201. Definitions.** In this part, the following definitions apply:

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

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

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

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

20 (b) The term does not include a:

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

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

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

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

28 (a) energy efficiency;

29 (b) durability;

30 (c) life-cycle performance; and

(d) occupant productivity.

(4) (a) "Long-range building program-eligible building" means a building, facility, or structure:

(i) owned by a state agency and for which the operation and maintenance is funded with state general fund money; or

(ii) that supports academic missions of the university system and for which the operation and maintenance is funded with current unrestricted university funds.

(b) The term does not include a building, facility, or structure:

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

(ii) that supports nonacademic functions of the university system and for which the operation and maintenance is funded from nonstate and nontuition sources."

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 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

1 deficiencies; and

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

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

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

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

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

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

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

18 (2)(4) The department shall examine the information furnished by each agency and institution and shall
19 gather whatever additional information is necessary and conduct whatever surveys are necessary in order to
20 provide a factual basis for determining the need for and the feasibility of the construction of buildings. The
21 information compiled by the department shall be submitted to the governor before December 1 of each
22 even-numbered year."

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24 NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 2017.

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