

**Unofficial Draft Copy**

As of: August 4, 2008 (8:54AM)

LC8889

\*\*\*\* Bill No. \*\*\*\*

Introduced By \*\*\*\*\*

By Request of the \*\*\*\*\*

A Bill for an Act entitled: "An Act

."

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 of building and construction.** In this part the following definitions apply:

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

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

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

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

~~(2)~~ (b) "Building" does not include a:

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

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

(2) "Capital asset" includes state owned land and associated infrastructure, a conservation easement, a building, a dam, a waterway, a park, a roads or highway, a bridge , and a water facility.

(3)(a) "Capital project" includes state acquisition of capital assets or improvements and additions to capital assets or improvements, construction and initial equipment, reconstruction, significant demolition, major alteration of any capital asset and major maintenance projects on assets that are state owned or used for state government purposes.

(b) A capital project does not include:

(i) preventive maintenance consisting of normal upkeep or repairs:

(A) to keep capital assets and their attached fixtures in their present condition or state of usefulness;

(B) to prevent the deterioration of capital assets;

(ii) grants to nonstate entities for the construction and maintenance of nonstate owned capital assets.

~~(3)(4)~~ "Construction" includes construction, repair, alteration, and equipping and furnishing during construction, repair, or alteration.

(5) "Major maintenance" means the maintenance or repair of capital assets that is not needed on an annual or biennial basis or that is not the function of the permanent maintenance staff of

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the agency."

{ *Internal References to 17-7-201:*

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- END -

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