

HOUSE BILL NO. 576  
INTRODUCED BY M. CAFERRO

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS ON STATE AGENCY OFFICE SPACE; CREATING A DOWNTOWN PROTECTION ACT; REQUIRING THE DEPARTMENT OF ADMINISTRATION AND STATE AGENCIES, EXCEPT THE UNIVERSITY SYSTEM, TO LOCATE STATE AGENCY OFFICE SPACE IN DOWNTOWN AREAS WHENEVER IT IS COST-EFFECTIVE; PROVIDING DEFINITIONS; REQUIRING A REPORT; REVISING EXEMPTIONS FROM THE REQUIREMENT TO CONSOLIDATE OFFICE SPACE; AND AMENDING SECTION 2-17-101, MCA."

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

NEW SECTION. **Section 1. Short title.** [Sections 1 through 5] may be cited as the "Downtown Protection Act".

NEW SECTION. **Section 2. Definitions.** As used in [sections 1 through 5], the following definitions apply:

- (1) "Agency" means an agency as defined in 2-18-101, except the university system.
- (2) "Cost-effective" means:
  - (a) the least costly option plus 2%; or
  - (b) the most suitable option pursuant to all considerations identified under [section 4].
- (3) "Department" means the department of administration provided in 2-15-1001.
- (4) "Downtown area" means the central business district of a city.

NEW SECTION. **Section 3. Preference for locating office space downtown.** The department and each agency shall locate agency office space in a downtown area whenever it is cost-effective.

NEW SECTION. **Section 4. Downtown location of office space -- determining cost-effectiveness.** The department and an agency in need of office space shall consider the following factors when determining whether it is cost-effective to locate agency office space in a downtown area:

- (1) agency requirements;

- (2) the requirements and needs of the members of the public who may interact with the agency in the office space;
- (3) the availability of suitable office space;
- (4) (a) the costs associated with rehabilitating existing structures, modifying existing space to accommodate the needs of the agency, and ensuring that the building conforms with any architectural requirements or requirements associated with historic districts; and
  - (b) in the case of space that will be leased, costs associated with the improvements listed in subsection (4)(a) that will be incurred by the building's owner and passed on to the state through rental rates;
- (5) the safety of the employees and members of the public who may use the facility;
- (6) impacts on traffic flow and transportation; and
- (7) estimated costs of locating the office space in a downtown area versus another area using parameters similar to those contained in subsections (1) through (6).

**NEW SECTION. Section 5. Report on space owned or leased by state agencies.** (1) The department shall biennially compile and publish a report that must include:

- (a) a listing of any new property purchased or office space leased for agencies with 10,000 square feet of space or more;
  - (b) which of the new properties or leases were located in downtown areas and which were not; and
  - (c) for the properties or leases not located in downtown areas, the reasons why.
- (2) The department shall biennially present the report to the state administration and veterans' affairs interim committee provided for in 5-5-228.

**Section 6.** Section 2-17-101, MCA, is amended to read:

**"2-17-101. Allocation of space.** (1) The department of administration shall determine the space required by state agencies other than the university system and shall allocate space in buildings owned or leased by the state, based on each agency's need and subject to [section 3]. To efficiently and effectively allocate space, the department shall periodically ~~shall~~ identify the amount, location, and nature of space used by each agency.

- (2) (a) An agency requiring additional space shall notify the department.
- (b) The department, in consultation with the agency, shall determine the amount and nature of the space needed and, subject to [section 3], locate space within a building owned or leased by the state to meet the agency's requirements.

(c) If space is not available in a building owned or leased by the state, the department shall, subject to [section 3], locate space to be leased in an appropriate building or recommend alternatives to leasing, such as remodeling or exchanging space with another agency.

(3) ~~A state~~ An agency may not lease, rent, or purchase property for ~~quarters~~ office space without prior approval of the department.

~~(3)~~(4) (a) The location of the chambers for the house of representatives must be determined in the sole discretion of the house of representatives. The location of the chambers of the senate must be determined in the sole discretion of the senate.

(b) Subject to 2-17-108, the department, with the advice of the legislative council, shall allocate other space for the use of the legislature, including but not limited to space for committee rooms and legislative offices.

~~(4)~~(5) ~~For state~~ Subject to [section 3] and except as provided in subsection (6) of this section, for agencies located in a city other than Helena, the department:

(a) shall consolidate the offices of these agencies in a single, central location within the city whenever the consolidation would result in a cost savings to the state while permitting sufficient space and facilities for the agencies; and

(b) ~~The department~~ may purchase, lease, or acquire, by exchange or otherwise, land and buildings in the city to achieve consolidation.

(6) Offices of the law enforcement services division and motor vehicle division of the department of justice, the department of transportation, the department of fish, wildlife, and parks, and the department of corrections are exempted from consolidation under subsection (5)."

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

- END -

