

1 HOUSE BILL NO. 856
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13
14 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO THE CAPITOL
15 COMPLEX; PROVIDING THAT THE LEGISLATURE SHALL DETERMINE THE NECESSARY LEGISLATIVE
16 SPACE IN THE CAPITOL AND ON THE CAPITOL COMPLEX; PROVIDING FOR THE LEGISLATURE TO
17 ALLOCATE LEGISLATIVE SPACE; RESERVING AND DEFINING LEGISLATIVE SPACE IN THE CAPITOL
18 AND ON THE CAPITOL COMPLEX; RESERVING AND DEFINING THE GOVERNOR'S SPACE IN THE
19 CAPITOL AND ON THE CAPITOL COMPLEX; PROVIDING DEFINITIONS; PROVIDING THAT THE
20 DEPARTMENT OF ADMINISTRATION SHALL CONTINUE TO PROVIDE CUSTODIAL AND MAINTENANCE
21 SERVICES FOR DESIGNATED LEGISLATIVE SPACE; REQUIRING THE DEPARTMENT OF
22 ADMINISTRATION TO SUBMIT ANY UPDATED CAPITOL AREA MASTER PLAN TO THE LEGISLATIVE
23 COUNCIL; REQUIRING THE LEGISLATIVE COUNCIL, WITH CONSULTATION OF THE LEGISLATIVE
24 AUDIT COMMITTEE AND THE LEGISLATIVE FINANCE COMMITTEE, TO PREINTRODUCE A JOINT
25 RESOLUTION TO CONSENT OR NOT CONSENT TO AN UPDATED CAPITOL AREA MASTER PLAN;
26 REQUIRING THE LEGISLATIVE COUNCIL, WITH CONSULTATION OF THE LEGISLATIVE AUDIT
27 COMMITTEE AND THE LEGISLATIVE FINANCE COMMITTEE, TO DEVELOP A LONG-RANGE
28 LEGISLATIVE BRANCH CAPITOL DEVELOPMENT PLAN THAT IS INCORPORATED INTO THE CAPITOL

1 monuments, parking areas, buildings, and other manmade and natural objects within the area bounded by east
2 Broadway street, north Montana avenue, Eighth avenue, and north Roberts street.

3 (11) "Public space within the capitol" means space within the capitol, including but not limited to
4 chambers, galleries, and anterooms of the senate and house of representatives, the former supreme court
5 chambers as defined in 2-17-810, the capitol rotunda, hearing rooms, hallways, stairways and elevators,
6 restrooms, central utility areas, and similar public or shared spaces totaling approximately 150,000 gross
7 square feet of space within the capitol.

8 (12) "Secretary of state space" means the chambers, rooms, hallways, and parking area designated
9 by [section 3] and this section as legislative space and subject to legislative control."

10

11 **Section 6.** Section 2-17-805, MCA, is amended to read:

12 **"2-17-805. Function of department of administration -- capitol area master plan -- advice of**

13 **capitol complex advisory council and legislative council.** (1) With advice from the council and the
14 legislative council, the department of administration shall establish and maintain a long-range master plan for
15 the orderly development of the capitol complex. The long-range master plan must be developed and
16 maintained, with consideration given to the following factors:

17 (a) the needs of the state, including incorporation of the long-range legislative branch capitol
18 development plan, relative to the location and design of buildings to be constructed, purchase of land, parking
19 facilities, traffic management, and landscaping;

20 (b) the ordinances, plans, requirements, and proposed improvements of the city of Helena and
21 Lewis and Clark County, based, without limitation, upon zoning regulations, population trends, and plans for
22 rapid transit development; and

23 (c) any other factors that bear upon the orderly, integrated, and cooperative development of the
24 state, the city of Helena, Lewis and Clark County, and state property in the capitol complex.

25 (2) ~~The legislative council shall consult with and advise the~~ The department of administration shall
26 consult with the legislative council concerning the ~~assignment allocation~~ of space in the capitol that is not
27 designated as legislative space pursuant to [section 3] or governor's space pursuant to [section 4].

28 (3) The Montana historical society shall protect and preserve all publicly held, permanent artwork

1 in the capitol complex and request funding for periodic inspection, maintenance, and repair of the artwork from
2 the trust fund established in 15-35-108 for protection of works of art in the state capitol and other cultural and
3 aesthetic projects.

4 (4) The legislative council, with consultation of the legislative audit committee and the legislative
5 finance committee, shall serve as a long-range building committee to recommend to the legislature and the
6 department of administration construction and remodeling priorities for the capitol and legislative space needs
7 within the legislative zone of the capitol complex.

8 (5) (a) Prior to September 1 in the year before a regular session of the legislature, the department
9 shall submit an updated capitol area master plan, if an updated plan is available, to the legislative council.

10 (b) The legislative council, with consultation of the legislative audit committee and the legislative
11 finance committee, shall preintroduce a joint resolution recommending the legislature's consent, consent with
12 modifications, or nonconsent to the current capitol area master plan.

13 (6) (a) (i) For the biennium beginning July 1, 2023, the legislative council, with consultation of the
14 legislative audit committee and the legislative finance committee, shall develop a long-range legislative branch
15 capitol development plan for the legislative space provided for in [section 3] and 2-17-802(9) and the legislative
16 zone provided for in 2-17-802(10).

17 (ii) The legislative council, with consultation of the legislative audit committee and the legislative
18 finance committee, may ~~contract with the department or a private entity, or both, request appointment of~~
19 architects and consulting engineers by the department pursuant to 18-2-112 to develop the long-range
20 legislative branch capitol development plan.

21 (iii) For the biennium beginning July 1, 2023, the department shall provide the legislative council
22 with the necessary personnel and resources to develop and complete the long-range legislative branch capitol
23 development plan by September 1, 2024.

24 (iv) (A) The department shall incorporate the long-range legislative branch capitol development
25 plan into the capitol master plan.

26 (B) If the long-range legislative branch capitol development plan is finalized after the adoption of
27 the capitol area master plan, the department shall incorporate the long-range legislative branch capitol
28 development plan into the capitol area master plan.

1 (C) The long-range legislative branch capitol development plan supersedes any conflicting
2 provisions of the capitol area master plan.

3 (b) (i) Prior to September 1, 2024, the legislative council, with consultation of the legislative audit
4 committee and the legislative finance committee, shall finalize the long-range legislative branch capitol
5 development plan.

6 (ii) The legislative council, with consultation of the legislative audit committee and the legislative
7 finance committee, shall preintroduce a joint resolution recommending the legislature's consent to the long-
8 range legislative branch capitol development plan."

9

10 **Section 7.** Section 2-17-806, MCA, is amended to read:

11 **"2-17-806. Department of administration to establish policies on capitol.** The department of
12 administration, with the advice of the council and the legislative council, shall establish policies governing
13 maintenance and beautification of the capitol, executive residence, and original governor's mansion. The
14 policies must provide that all historic furnishings original to the capitol remain in the building if an agency
15 relocates and may designate appropriate wall, floor, and window coverings for the capitol. The Montana
16 Administrative Procedure Act does not apply to this part."

17

18 **Section 8.** Section 2-17-811, MCA, is amended to read:

19 **"2-17-811. Custodial care of capitol buildings and grounds.** (1) The department of administration
20 is custodian of all-state property and grounds in the state capitol area, which is the geographic area within a 10-
21 mile radius of the state capitol the capitol complex.

22 (2) (a) — The department shall supervise and direct the work of caring for and maintaining
23 buildings and equipment in the state capitol area capitol complex.

24 (b) — The department shall provide or approve all-custodial, maintenance, and security work done on
25 state-owned or leased buildings in the state capitol area capitol complex. The department may not charge the
26 legislature, governor, or secretary of state for the custodial and security services for public space within the
27 capitol as defined in 2-17-802.

28 (c) The legislative council may contract with the department or a private entity, or both, for the