

Amendment - 1st Reading/2nd House-blue - Requested by: Jason Ellsworth - (S) Legislative Administration

- 2023

68th Legislature 2023

Drafter: Todd Everts, 406-444-4023

HB0856.002.006

1 HOUSE BILL NO. 856
2 INTRODUCED BY M. REGIER, F. SMITH, D. SALOMON, J. READ, S. FITZPATRICK, E. MCCLAFFERTY, J.
3 WINDY BOY, J. ESP, T. MCGILLVRAY, M. CAFERRO, S. STEWART PEREGOY, J. WELBORN, L. JONES, J.
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11 D. EMRICH, T. VERMEIRE, T. FALK, P. TUSS, G. KMETZ, D. BAUM, J. LYNCH, L. SMITH, M. ROMANO, S.
12 HOWELL, J. KARLEN, B. CARTER, Z. ZEPHYR

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 EXECUTIVE
19 BRANCH SPACE IN THE CAPITOL AND ON THE CAPITOL COMPLEX; PROVIDING DEFINITIONS;
20 PROVIDING THAT THE DEPARTMENT OF ADMINISTRATION SHALL CONTINUE TO PROVIDE
21 CUSTODIAL AND MAINTENANCE SERVICES FOR DESIGNATED LEGISLATIVE SPACE; REQUIRING THE
22 DEPARTMENT OF ADMINISTRATION TO SUBMIT ANY UPDATED CAPITOL AREA LONG-RANGE
23 MASTER PLAN TO THE LEGISLATIVE COUNCIL; REQUIRING THE LEGISLATIVE COUNCIL, WITH
24 CONSULTATION OF THE LEGISLATIVE AUDIT COMMITTEE AND THE LEGISLATIVE FINANCE
25 COMMITTEE, TO PREINTRODUCE A JOINT RESOLUTION TO CONSENT OR NOT CONSENT TO AN
26 UPDATED CAPITOL AREA LONG-RANGE MASTER PLAN; REQUIRING THE LEGISLATIVE COUNCIL,
27 WITH CONSULTATION OF THE LEGISLATIVE AUDIT COMMITTEE AND THE LEGISLATIVE FINANCE

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1 COMMITTEE, TO DEVELOP A LONG-RANGE LEGISLATIVE BRANCH ~~CAPITOL~~ CAPITAL DEVELOPMENT
2 PLAN THAT IS ~~INCORPORATED~~ INTEGRATED INTO THE CAPITOL MASTER PLAN; REQUIRING THE
3 DEPARTMENT TO PROVIDE NECESSARY PERSONNEL AND RESOURCES TO ASSIST THE
4 LEGISLATIVE COUNCIL IN DEVELOPING THE LONG-RANGE LEGISLATIVE BRANCH ~~CAPITOL~~ CAPITAL
5 DEVELOPMENT PLAN; PROVIDING FOR THE RENOVATION, REPLACEMENT, OR CONSTRUCTION OF
6 COMPLEX FACILITIES FOR STATE WORKFORCE DEVELOPMENT AND LEGISLATIVE SPACE;
7 ESTABLISHING CAPITOL COMPLEX LONG-RANGE CAPITAL PROJECTS STATE SPECIAL REVENUE
8 ACCOUNTS FOR THE EXECUTIVE BRANCH AND THE LEGISLATIVE BRANCH; PROVIDING FOR
9 ELIGIBLE USES OF THE FUND; PROVIDING FOR TRANSFER FROM THE GENERAL FUND TO THE
10 ACCOUNTS; PROVIDING ~~AN APPROPRIATION~~ APPROPRIATIONS; PROVIDING LEGISLATIVE
11 CONSENT; AMENDING SECTIONS 2-17-101, 2-17-108, 2-17-802, 2-17-805, 2-17-806, AND 2-17-811, MCA;
12 AND PROVIDING EFFECTIVE DATES.”

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15
16 **Section 1.** Section 2-17-101, MCA, is amended to read:

17 **"2-17-101. (Temporary) Allocation of space -- leasing -- definition.** (1) The department of
18 administration shall determine the space required by state agencies other than the legislature and the
19 legislative space designated in 2-17-108, [section 3], and 2-17-802 and the university system and shall allocate
20 space in buildings owned or leased by the state, based on each agency's need. To efficiently and effectively
21 allocate space, the department shall identify the amount, location, and nature of space used by each agency,
22 including summary information on average cost per square foot for each municipality, and report this to the
23 office of budget and program planning and to the legislative fiscal analyst by September 1 of each even-
24 numbered year. The report must be provided in an electronic format. The department of administration shall
25 provide a copy of the report to the legislature in accordance with 5-11-210.

26 (2) An agency requiring additional space shall notify the department. The department, in
27 consultation with the agency, shall determine the amount and nature of the space needed and locate space

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1 within a building owned or leased by the state, including buildings in Helena and in other areas, to meet the
2 agency's requirements. If space is not available in a building owned or leased by the state, the department shall
3 locate space to be leased in an appropriate existing building or a build-to-lease building, including buildings in
4 Helena and in other areas, or recommend alternatives to leasing, such as remodeling or exchanging space with
5 another agency. A state agency may not lease, rent, or purchase real property without prior approval of the
6 department.

7 (3)—(a) The location of the chambers for the house of representatives must be determined in the sole
8 discretion of the house of representatives. The location of the chambers for the senate must be determined in
9 the sole discretion of the senate.

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

13 (4) The department shall consolidate the offices of state agencies in a single, central location
14 within a municipality whenever the consolidation would result in a cost savings to the state while permitting
15 sufficient space and facilities for the agencies. The department may purchase, lease, or acquire, by exchange
16 or otherwise, land and buildings in a municipality to achieve consolidation. Offices of the law enforcement
17 services division and motor vehicle division of the department of justice are exempted from consolidation.

18 (5) Any lease for more than 45,000 square feet or for a term of more than 20 years must be
19 submitted as part of the long-range building program and approved by the legislature before the department of
20 administration may proceed with the lease. Multiple leases in the same building entered into within any 60-day
21 period are to be aggregated for purposes of this threshold calculation. When immediate relocation of agency
22 employees is required due to a public exigency, the requirements of this subsection do not apply, but the new
23 lease must be reported as required by subsection (1).

24 (6) The department shall include language in every lease providing that if funds are not
25 appropriated or otherwise made available to support continued performance of the lease in subsequent fiscal
26 periods, the lease must be canceled.

27 (7) "Public exigency" means that due to unforeseen circumstances a facility occupied by state

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1 employees is uninhabitable due to immediate conditions that adversely impact the health or safety of the
2 occupants of the facility. (Terminates June 30, 2023--sec. 3, Ch. 401, L. 2019.)

3 **2-17-101. (Effective July 1, 2023) Allocation of space -- leasing -- definition.** (1) The department
4 of administration shall determine the space required by state agencies other than the legislature and the
5 legislative space designated in 2-17-108, [section 3], and 2-17-802 and the university system and shall allocate
6 space in buildings owned or leased by the state, based on each agency's need. To efficiently and effectively
7 allocate space, the department shall identify the amount, location, and nature of space used by each agency,
8 including summary information on average cost per square foot for each municipality, and report this to the
9 office of budget and program planning and to the legislative fiscal analyst by September 1 of each even-
10 numbered year. The report must be provided in an electronic format. The department of administration shall
11 provide a copy of the report to the legislature in accordance with 5-11-210.

12 (2) An agency requiring additional space shall notify the department. The department, in
13 consultation with the agency, shall determine the amount and nature of the space needed and locate space
14 within a building owned or leased by the state, including buildings in Helena and in other areas, to meet the
15 agency's requirements. If space is not available in a building owned or leased by the state, the department shall
16 locate space to be leased in an appropriate existing building or a build-to-lease building, including buildings in
17 Helena and in other areas, or recommend alternatives to leasing, such as remodeling or exchanging space with
18 another agency. A state agency may not lease, rent, or purchase real property without prior approval of the
19 department.

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

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

26 (4) The department shall consolidate the offices of state agencies in a single, central location
27 within a municipality whenever the consolidation would result in a cost savings to the state while permitting

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1 sufficient space and facilities for the agencies. The department may purchase, lease, or acquire, by exchange
2 or otherwise, land and buildings in a municipality to achieve consolidation. Offices of the law enforcement
3 services division and motor vehicle division of the department of justice are exempted from consolidation.

4 (5) Any lease for more than 40,000 square feet or for a term of more than 20 years must be
5 submitted as part of the long-range building program and approved by the legislature before the department of
6 administration may proceed with the lease. Multiple leases in the same building entered into within any 60-day
7 period are to be aggregated for purposes of this threshold calculation. When immediate relocation of agency
8 employees is required due to a public exigency, the requirements of this subsection do not apply, but the new
9 lease must be reported as required by subsection (1).

10 (6) The department shall include language in every lease providing that if funds are not
11 appropriated or otherwise made available to support continued performance of the lease in subsequent fiscal
12 periods, the lease must be cancelled.

13 (7) "Public exigency" means that due to unforeseen circumstances a facility occupied by state
14 employees is uninhabitable due to immediate conditions that adversely impact the health or safety of the
15 occupants of the facility."

16

17 **Section 2.** Section 2-17-108, MCA, is amended to read:

18 **"2-17-108. Allocation of legislative rooms and offices space.** Notwithstanding the provisions of 2-
19 17-101, ~~after each session of the legislature, the department of administration shall conduct an inventory of the~~
20 ~~rooms and offices in the capitol controlled by the house of representatives and the senate.~~

21 (1) (a) Legislative space in the capitol and on the capitol complex may not be reduced without the
22 consent of the legislature. The control of the rooms, committee hearing rooms, and offices for legislators and
23 session and exempt legislative staff may not be changed without the permission of the speaker of the house of
24 representatives, the minority leader of the house, the president of the senate, and the minority leader of the
25 senate.

26 (b) From December 1 in an even-numbered year through the 7th day after sine die of a session
27 the:

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1 (i) president of the senate shall allocate and reserve parking spaces in the capitol south lower lot
2 for members of the senate; and

3 (ii) speaker of the house of representatives shall allocate and reserve parking spaces in the capitol
4 north circle lot for members of the house of representatives.

5 (2) (a) During the interim between legislative sessions from the day after sine die of a session
6 through December 1 in an ~~even~~ even-numbered year, the legislative services division, under the direction of
7 legislative council in consultation with the legislative audit committee and the legislative finance committee,
8 shall schedule and reserve legislative committee hearing rooms.

9 (b) During the interim between legislative sessions from the 7th day after sine die of a session
10 through December 1 in an even-numbered year, the legislative services division, under the direction of
11 legislative council may allocate up to 30 reserved parking spaces in the capitol north circle lot or the capitol
12 south lower lot for the legislature. At the request of the legislative council, the department shall place permanent
13 reserved signs on the allocated parking spaces.

14 (3) (a) There are:

15 (i) five permanent year-round parking spaces in the Capitol south oval lot reserved as legislative
16 parking space, consisting of three spaces allocated to legislative branch division directors, one space allocated
17 for the house representatives, and one space allocated by the legislative services division for the legislative
18 branch;

19 (ii) seven permanent year-round parking spaces in the capitol south lower lot reserved as
20 legislative parking space allocated to senate leadership, the secretary of the senate, the clerk of the house, the
21 senate sergeant at arms, and the house sergeant at arms;

22 (iii) four permanent year-round parking spaces in the capitol north circle lot reserved as legislative
23 parking space allocated by the speaker of the house for house leadership; and

24 (iv) except as provided for in subsection (3)(b), 10 permanent year-round parking spaces on the
25 south side capitol north circle lot adjacent to the capitol building reserved as executive branch space.

26 (b) From December 1 in an even-numbered year through the 7th day after sine die of a session,
27 one of the executive branch parking spaces provided for in subsection (3)(a)(iv) that is occupied by the

1 secretary of state must revert to the speaker of the house of representatives."

2
3 **NEW SECTION. Section 3. Reservation of space for legislature -- legislative council duties. (1)**

4 The legislative space on the capitol complex includes:

5 (a) in the state capitol:

6 (i) the entire fourth floor, except for common space;

7 (ii) the entire third floor, including the senate and house chambers, except for common space;

8 ~~(iii) the area of the second floor west of the west elevator shaft, occupied by the secretary of state;~~

9 ~~(iv)(iii)~~ the entire first floor, except for the post office space and common space; and

10 ~~(v)(iv)~~ the entire basement level, except for agency storage space, media space, and common space;

11 ~~(vi) any existing wiring closets and custodial areas within or serving legislative space designated in~~
12 ~~this section; and~~

13 ~~(vii) existing network infrastructure within or serving legislative space designated in this section.~~

14 (b) the entire old board of health building located at 1301 Lockey avenue;

15 (c) additional buildings that may be acquired or constructed for the use of the legislative branch;

16 and

17 (d) the allocated legislative parking area as ~~defined in 2-17-802 provided for in 2-17-108.~~

18 (2) (a) Except as provided in 2-17-101(3), 2-17-108, and subsection (2)(b) of this section, the

19 legislative council shall exercise complete jurisdiction-control over the legislative space except for the following:

20 (i) the capitol complex advisory council and the department responsibilities for the legislative

21 space as provided for in Title 2, chapter 17, part 8; and

22 (ii) department control of:

23 (A) ~~except as provided in this section,~~ central utility functions, including but not limited to

24 mechanical and electronic functions and the electric core of the capitol and the legislative space;

25 ~~(B) general maintenance of the legislative space;~~

26 ~~(C) maintenance of all the elevators and stairways in the legislative space;~~

27 ~~(D) maintenance of rest rooms in the legislative space;~~

- 1 ~~(E) — existing press space in the basement level;~~
- 2 ~~(F) — phone systems in the legislative space, except that the legislature retains the jurisdiction and~~
- 3 ~~authority to install a new phone system; and~~
- 4 ~~(B) — the state telecommunications network;~~
- 5 ~~(G)(C) custodial care, maintenance, and security pursuant to 2-17-811 for the legislative space; and~~
- 6 ~~(D) — network infrastructure.~~
- 7 (b) ~~The Except as provided for in 2-17-108,~~ legislative council, with consultation of the legislative
- 8 audit committee and the legislative finance committee, shall exercise ~~jurisdiction control~~ over the:
- 9 (i) long-range legislative branch ~~capitol capital~~ development plan;
- 10 (ii) ~~allocation of legislative space;~~
- 11 ~~(iii) — maintenance, or remodeling, alteration, or improvement of legislative space as provided for in~~
- 12 ~~2-17-811 for nonpartisan legislative staff;~~
- 13 ~~(iv) — purchase, lease, or construction of legislative space; and~~
- 14 (iii) allocation of legislative parking area space ~~as provided in 2-17-108; and~~
- 15 ~~(iv) — occupancy of nonlegislative entities in legislative space.~~

17 **NEW SECTION. Section 4. Reservation of space for ~~governor executive branch.~~** (1) The

18 ~~governor's executive branch~~ space on the capitol complex includes:

- 19 (a) in the capitol, the entire second floor;
- 20 ~~(b) — the capitol south oval lot, except the five reserved spaces for the legislature; and~~
- 21 ~~(c) — except as provided for in subsection (2), 10 permanent year-round parking spaces on the south~~
- 22 ~~side capitol north circle lot adjacent to the capitol building reserved as executive branch space.~~
- 23 ~~(2) — From December 1 in an even-numbered year through the 7th day after sine die of a session,~~
- 24 ~~one of the executive branch parking spaces provided for in subsection (1)(c) that is occupied by the secretary of~~
- 25 ~~state must revert to the speaker of the house of representatives, — except the legislative space temporarily~~
- 26 ~~reserved for the secretary of state pursuant to [section 3] and 2-17-802;~~
- 27 ~~(b) — the executive residence located at 2 Carson street;~~

- 1 ~~(c) — parking lots, parking garages, and the parking area designated in 2-17-802; and~~
- 2 ~~(d) — additional buildings that may be acquired or constructed for the use of the governor.~~
- 3 ~~(2) — The governor shall exercise complete jurisdiction over the governor's space except for the~~
- 4 ~~following:~~
- 5 ~~(a) — the capitol complex advisory council and the department responsibilities for the governor's~~
- 6 ~~space as provided for in Title 2, chapter 17, part 8; and~~
- 7 ~~(b) — department control of:~~
- 8 ~~(i) — central utility functions, including but not limited to mechanical and electronic functions and the~~
- 9 ~~electric core of the capitol and the governor's space;~~
- 10 ~~(ii) — general maintenance of the governor's space;~~
- 11 ~~(iii) — maintenance of all the elevators and stairways in the governor's space;~~
- 12 ~~(iv) — maintenance of rest rooms in the governor's space;~~
- 13 ~~(v) — phone systems in the governor's space; and~~
- 14 ~~(vi) — custodial care pursuant to 2-17-811 for the governor's space.~~

15
16 **Section 5.** Section 2-17-802, MCA, is amended to read:

17 **"2-17-802. Definitions.** As used in part 1 and this part, the following definitions apply:

18 (1) "Capitol" means the building dedicated as the Montana state capitol in 1902.

19 (4)(2) "Capitol complex" means the capitol building and all the state buildings within a 10-mile radius
20 of the capitol building but does not include the Montana wildlife rehabilitation and education center.

21 (3) "Capitol north circle lot" means the off-street parking lot that begins proximately south of the
22 intersection of north Montana avenue and sixth avenue, extends in an easterly direction to the base of the north
23 main steps of the capitol, and continues in an easterly direction to end proximately south of the intersection of
24 sixth avenue and north Roberts street.

25 (4) "Capitol south lower lot" means the off-street parking lot located south of Lockey avenue from
26 the capitol, and proximately west of the old board of health building located at 1301 Lockey avenue;

27 (5) "Capitol south oval lot" means the off-street parking spaces located between Lockey avenue

1 and the south main entrance to the capitol.

2 (6) "Central utility functions" means utility functions that include, but are not limited to:

3 (a) heating;

4 (b) ventilation;

5 (c) air conditioning and climate control systems and components;

6 (d) plumbing;

7 (e) access control;

8 (f) building automation;

9 (g) building communications; and

10 (h) the wired core of the building, including electrical, telephone, and network infrastructure.

11 (7) "Common space" means areas of a building that serve all tenants and occupants on a

12 nonexclusive basis, including the:

13 (a) building structure, exterior, and grounds;

14 (b) publicly accessible space;

15 (c) restrooms;

16 (d) mechanical rooms;

17 (e) custodial rooms;

18 (f) security rooms;

19 (g) lobbies;

20 (h) stairwells;

21 (i) elevators;

22 (j) interstitial space;

23 (k) wiring closets;

24 (l) areas or systems that support the state telecommunications network;

25 (m) network infrastructure; and

26 (n) other critical infrastructure and any other similar areas.

27 ~~(2)(3)(8)~~ "Council" means the capitol complex advisory council established in 2-17-803.

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1 ~~(4)(9)~~ (a) "Governor's space" "Executive branch space" means the ~~chambers, rooms, hallways,~~
2 ~~lounges, parking lots, parking garages, and parking~~ area designated by [section 4] and this section ~~as being~~
3 ~~subject to governor control.~~

4 ~~(5)(10)~~ "Legislative audit committee" means the legislative audit committee established in 5-13-201.

5 ~~(11)~~ "Legislative audit division" means the legislative audit division established in 5-13-301.

6 ~~(3)(6)(12)~~ "Legislative council" means the legislative council established in 5-11-101.

7 ~~(7)(13)~~ "Legislative finance committee" means the legislative finance committee established in ~~5-12-~~
8 ~~201.~~

9 ~~(14)~~ "Legislative services division" means the legislative services division established in 5-11-111.

10 ~~(8)~~ (a) "Legislative parking area" means the:

11 ~~(i)~~ ~~capitol south lower lot that includes the off-street parking lot located south of the capitol, south~~
12 ~~of Lockey avenue, and proximately west of the old board of health building located at 1301 Lockey avenue;~~

13 ~~(ii)~~ ~~capitol south circle lot that includes the off-street parking lot located between Lockey avenue~~
14 ~~and the south main entrance to the capitol; and~~

15 ~~(iii)~~ ~~capitol north loop lot that includes the off-street parking lot that begins proximately south of the~~
16 ~~intersection of north Montana avenue and Sixth avenue, extends in an easterly direction to the base of the~~
17 ~~north main steps of the capitol, and continues in an easterly direction to end proximately south of the~~
18 ~~intersection of Sixth avenue and north Roberts street.~~

19 ~~(b)~~ ~~The term does not include:~~

20 ~~(i)~~ ~~for the capitol south circle lot, six parking spaces for use by the governor's office, one parking~~
21 ~~space for use by the secretary of state, three parking spaces for use by the Montana highway patrol, three~~
22 ~~parking spaces for use by department custodial and maintenance, and ADA accessible parking spaces; and~~

23 ~~(ii)~~ ~~for the capitol north loop, three parking spaces for use by the governor's office and security~~
24 ~~attachment, two parking spaces for use by the secretary of state's office, and ADA accessible parking spaces.~~

25 ~~(9)(15)~~ "Legislative space" means the ~~buildings, chambers, rooms, hallways, lounges, and legislative~~
26 ~~parking area~~ designated by ~~2-17-108, [section 3], and this section~~ ~~and the secretary of state space, as being~~
27 ~~subject to legislative control.~~

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1 ~~(10) (A) "Legislative zone" means the legislative zone of the capitol complex that includes the~~
2 ~~grounds, monuments, parking areas, buildings, and other manmade and natural objects within the area~~
3 ~~bounded by east Broadway street, north Montana avenue, Eighth avenue, and north Roberts street.~~

4 ~~(B) THE TERM DOES NOT INCLUDE A PRIVATELY OWNED BUILDING OR PROPERTY.~~

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

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

12 ~~(16) "Network infrastructure" means hardware, software, and any associated equipment necessary~~
13 ~~to enable network connectivity and communications between users, devices, applications, services, and~~
14 ~~external networks or the internet.~~

15 ~~(17) "State telecommunications network" means information technology resources administered by~~
16 ~~the department for the transmission of voice, video, or electronic data from one device to another."~~

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

19 **"2-17-805. Function of department of administration -- capitol area long-range master plan --**
20 **advice of capitol complex advisory council and legislative council.** (1) With advice from the council and
21 the legislative council, the department of administration shall establish and maintain a long-range master plan
22 that is updated at a minimum on a decennial basis for the orderly development of the capitol complex. The
23 long-range master plan must be developed and maintained, with consideration given to the following factors:

24 (a) the needs of the state, including ~~incorporation-integration~~ of the long-range legislative branch
25 capitol-CAPITAL development plan, relative to the location and design of buildings to be constructed, purchase of
26 land, parking facilities, traffic management, and landscaping;

27 (b) the ordinances, plans, requirements, and proposed improvements of the city of Helena and

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1 Lewis and Clark County, based, without limitation, upon zoning regulations, population trends, and plans for
2 rapid transit development; and

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

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

8 ~~(3)(2)~~ The Montana historical society shall protect and preserve all publicly held, permanent artwork
9 in the capitol complex and request funding for periodic inspection, maintenance, and repair of the artwork from
10 the trust fund established in 15-35-108 for protection of works of art in the state capitol and other cultural and
11 aesthetic projects.

12 ~~(4)(3)~~ The legislative council, with consultation of the legislative audit committee and the legislative
13 finance committee, shall serve as a long-range building committee to recommend to the legislature and the
14 department of administration construction and remodeling priorities for the ~~capitol and~~ legislative space needs
15 within the legislative zone of the capitol complex.

16 ~~(5)(4)~~ (a) Prior to September 1 in the year before a regular session of the legislature, the department
17 shall submit an updated ~~capitol area long-range~~ master plan, if an updated plan is available, to the legislative
18 council.

19 (b) The legislative council, with consultation of the legislative audit committee and the legislative
20 finance committee, shall preintroduce a joint resolution recommending the legislature's consent, consent with
21 modifications, or nonconsent to the current ~~capitol area long-range~~ master plan.

22 ~~(6)(5)~~ (a) (i) For the biennium beginning July 1, 2023, the legislative council, with consultation of the
23 legislative audit committee and the legislative finance committee, shall develop a long-range legislative branch
24 ~~capitol-CAPITAL~~ development plan for the legislative space provided for in [section 3] and 2-17-802(9) and the
25 legislative zone provided for in 2-17-802(10).

26 (ii) The legislative council, with consultation of the legislative audit committee and the legislative
27 finance committee, may ~~contract with the department or a private entity, or both,~~ REQUEST APPOINTMENT OF

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1 ARCHITECTS AND CONSULTING ENGINEERS BY THE DEPARTMENT PURSUANT TO 18-2-112 to develop the long-range
2 legislative branch capitol CAPITAL development plan.

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

6 (iv) (A) The department shall incorporate the long-range legislative branch capitol-CAPITAL
7 development plan into the ~~capitol~~ long-range master plan.

8 (B) The long-range legislative branch capital development plan:

9 (I) must adhere to the goals and guiding principles of the long-range master plan;

10 (II) may not impair or divide building infrastructure or systems in buildings or facilities occupied by
11 more than one branch of government;

12 (III) may not require another branch to move out of already existing space without the department's
13 consent and sufficient appropriations to complete the move and alternative space for the other branch; and

14 (IV) must comply with all laws, including Title 22, chapter 3, and 18-2-108.

15 (B) If the long-range legislative branch capitol-CAPITAL development plan is finalized after the
16 adoption of the capitol area master plan, the department shall incorporate the long-range legislative branch
17 capitol development plan into the capitol area master plan.

18 (C) The department shall integrate the long-range legislative branch capitol CAPITAL development
19 plan ~~supersedes any conflicting with the~~ provisions of the ~~capitol area~~ long-range master plan. The department
20 shall resolve any conflicting provisions and finalize a long-range master plan.

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

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

27 (6) (a) Before July 1, 2024, the department shall submit a proposal to legislative council to move

1 the legislative audit division out of the capitol into an existing, renovated, or constructed building on the capitol
2 complex.

3 (b) (i) The legislative council in consultation with the legislative audit committee and the legislative
4 finance committee may approve or disapprove the department's proposal pursuant to subsection (6)(a).

5 (ii) If the legislative council disapproves the department's proposal pursuant to subsection (6)(a),
6 the department shall resubmit a revised proposal to legislative council within 10 days of the legislative council's
7 disapproval of the department's proposal.

8 (7) The department may develop a plan to transition the secretary of state out of the capitol by
9 January 1, 2031."

10

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

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

18

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

20 **"2-17-811. Custodial care of capitol buildings and grounds.** (1) The department of administration
21 is custodian of all all state property and grounds in the ~~state capitol area~~, which is the geographic area within a
22 10-mile radius of the ~~state capitol~~ the capitol complex.

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

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

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1 ~~capitol as defined in 2-17-802.~~

2 ~~(c) The legislative council may contract with the department or a private entity, or both, for the~~
3 ~~custodial and security services for legislative space that is not designated public space in 2-17-802. If the~~
4 ~~legislative council contracts with the department, the The legislature may not be charged more than the shall~~
5 ~~pay the maintenance service fee rate approved by the legislature for:~~

6 ~~(i) the legislative space for nonpartisan legislative staff within the capitol; and~~

7 ~~(ii) the old board of health building, including common space. custodial and security services for~~
8 ~~capitol complex facilities. The legislature shall provide a 90-day advance notice to the department prior to~~
9 ~~contracting with a private entity for custodial or security services, or both.~~

10 (3) ~~(a) A Except as provided in subsection (3)(b), a state agency other than the legislature and the~~
11 ~~legislative space designated in [section 3] may not alter, improve, repair, or remodel a state building in the state~~
12 ~~capitol area without the approval of the department.~~

13 ~~(b) (i) After giving notice to the department, the legislative council may alter, improve, or remodel~~
14 ~~legislative space that only affects legislative space and that complies with all laws, including Title 22, chapter 3,~~
15 ~~and 18-2-108.~~

16 ~~(ii) (A) The department shall consult the legislative council regarding the department's approval~~
17 ~~and timing of any alteration, improvement, remodel, or major repair of legislative space.~~

18 ~~(B) The department shall notify the legislative council if the department lacks sufficient resources to~~
19 ~~complete a legislative space project or to satisfy the timing of a project.~~

20 ~~(c) (i) Except as provided in subsection (3)(c)(ii), if the department disapproves an alteration,~~
21 ~~improvement, or remodel of legislative space, the legislative council may override that disapproval and direct~~
22 ~~the department to proceed with the project.~~

23 ~~(ii) A legislative space project may not impair building infrastructure or systems that serve an entire~~
24 ~~building or facility.~~

25 (4) The department shall maintain or approve the maintenance of the grounds in the state capitol
26 area."

27

1 NEW SECTION. Section 9. Capitol complex executive branch ~~long-range capital projects state~~
2 special revenue account. (1) There is a capitol complex executive branch ~~long-range capital projects state~~
3 special revenue account in the ~~state special fund type established in 17-2-102 capital projects fund type to fund~~
4 ~~executive branch capital projects.~~

5 (2) Interest earnings, project carryover funds, and miscellaneous revenue must be retained in the
6 account.

7
8 NEW SECTION. Section 10. Eligible use of funds. (1) The funds in the account established in
9 [section 9] may ~~only~~ be used to continue renovation, replacement, or construction of complex facilities based on
10 findings from the 2022 Montana remote and office workspace study, including but not limited to capital
11 improvements to:

- 12 (a) align modern workspace with a modern workforce;
- 13 (b) implement enterprise-wide opportunities for technology enhanced touch-down and hoteling
14 stations;
- 15 (c) improve productivity;
- 16 (d) reduce agency programmatic and operational costs;
- 17 (e) provide flexible spaces for long-term efficiencies, performance, and cost reduction;
- 18 (f) improve workforce efficiencies, recruiting, and retention, including telework-friendly design;
- 19 (g) consolidate state-owned and leased properties into existing, replacement, or new spaces;
- 20 (h) renovation or construction costs, including relocation costs, for moving the legislative audit
21 division provided for in 5-13-301 and non-legislative branch functions or agencies out of the capitol;
- 22 (i) colocation to take advantage of teleworking and mission-related adjacencies;
- 23 (j) centralize access to governmental services and improve citizen accessibility;
- 24 (k) provide security improvements to ensure safety and continuity of governmental operations; and
- 25 (l) increase disaster resiliency.

26 (2) Priority must be given to projects that have a high return on investment or that reduce deferred
27 maintenance backlog through the renovation and renewal of existing spaces.

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1 (3) Furniture, fixtures, and equipment associated with the implementation of this section may be
2 paid from these funds.

3 (3)(4) Moving, Operating, administrative, moving, and relocation costs associated with the
4 implementation of this section may be paid from these funds.

5 (4)(5) The legislature may transfer department may propose transfers from the account established in
6 [section 9] to the major repair long-range building program account or the capital developments long-range
7 building program account for executive branch capital projects within the capitol complex.

8
9 **NEW SECTION. Section 11. Capitol complex legislative branch long-range capital projects**
10 **state special revenue account.** (1) There is a capitol complex legislative branch long-range capital projects
11 state special revenue account in the state special fund established in 17-2-102 capital projects fund type to fund
12 legislative branch capital projects.

13 (2) Interest earnings, project carryover funds, and miscellaneous revenue must be retained in the
14 account.

15
16 **NEW SECTION. Section 12. Eligible use of funds.** (1) The funds in the account established in
17 [section 11] may ~~only~~ be used to:

18 (a) develop and implement a strategic capital plan to improve the efficiency and functionality of the
19 legislative space and the legislative process;

20 (b) plan, renovate, replace, or construct capitol complex facilities for the ~~exclusive~~ use of the
21 legislative branch;

22 (c) increase citizen access to legislators and the legislative process;

23 (d) locate priority functions and entities to be located within the walls of the capitol;

24 (e) relocate functions and entities not required to be located within the walls of the capitol;

25 (f) address deficiencies in legislator and legislative support staff spaces;

26 (g) improve adjacencies and colocation where functional efficiencies can be gained;

27 (h) provide flexible spaces for long-term efficiencies, performance, and cost reduction;

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- 1 (i) improve workforce efficiencies, recruiting, and retention, including telework-friendly design; and
- 2 (j) implement telework opportunities.

3 (2) Priority must be given to projects that improve the legislative process by providing individual
4 office space for legislators, expanding or adding public hearing rooms, or increasing the availability of space for
5 constituent meetings and outreach.

6 ~~(3)~~ Furniture, fixtures, and equipment associated with the implementation of this section may be
7 paid from these funds.

8 ~~(3)(4)~~ Moving-Operating, administrative, moving, and relocation costs of legislative branch functions
9 moved or relocated in the implementation of this section may be paid from these funds. Renovation or
10 construction costs, including relocation costs, for moving non-legislative branch functions or agencies out of the
11 capitol must be paid from the funds in the account established in [section 9].

12 ~~(4)(5)~~ The legislative branch long-range capital development plan must be updated at a minimum on
13 a decennial basis and prior to undertaking any major capital development exceeding \$5 million not included in
14 the current capitol-legislative branch long-range capital development plan in effect.

15 ~~(5)(6)~~ The legislature may transfer from the account established in [section 11] to the major repair
16 long-range building program account or the capital developments long-range building program account for
17 legislative branch capital projects within the capitol complex.

18 ~~(6)(7)~~ The legislative council, with consultation of the legislative finance committee and legislative
19 audit committee, shall serve as a long-range building committee to recommend to the legislature and the
20 department of administration construction and remodeling priorities for the capitol and capitol complex.

21
22 NEW SECTION. Section 13. Transfer of funds. ~~(1)~~ By June 30, 2023, the state treasurer shall
23 transfer \$25 million from the general fund to the account established in [section 9] and \$25 million from the
24 general fund to the state special revenue account established in [section 11].

25 ~~(2)~~ By June 30, 2024, the state treasurer shall transfer \$25 million from the general fund to the
26 account established in [section 9] and \$25 million from the general fund to the state special revenue account
27 established in [section 11].

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1 ~~(3) — By June 30, 2025, the state treasurer shall transfer \$25 million from the general fund to the~~
2 ~~account established in [section 9] and \$25 million from the general fund to the state special revenue account~~
3 ~~established in [section 11].~~

4
5 NEW SECTION. Section 14. Appropriation Appropriations. (1) There is appropriated \$2512.5
6 million from the ~~capitol complex legislative branch long-range capital projects~~ account established in [section
7 11] to the legislative branch for the biennium beginning July 1, 2023, for the purposes set forth in subsections
8 ~~(2) through (4) and (3).~~

9 (2) Up to ~~\$5~~\$6.25 million of the appropriation may be used to:
10 (i) pay for the development of a long-range legislative branch capital development plan; and
11 (ii) plan, renovate, replace, and construct capital improvements for the exclusive use of the
12 legislative branch.

13 ~~(3) — The balance of the appropriation may be used to plan, renovate, replace, and construct capital~~
14 ~~improvements for the use of the legislative branch based on recommendations of the legislative branch long-~~
15 ~~range capital development plan.~~

16 ~~(3) — There is appropriated \$120,000 from the capitol complex legislative branch long-range capital~~
17 ~~projects account established in [section 11] to the legislative branch in the fiscal years beginning July 1, 2023,~~
18 ~~and July 1, 2024, to support 1.0 FTE and associated operating costs for a legislative branch facilities manager~~
19 ~~for the biennium beginning July 1, 2023. The legislature may use this appropriation for contracted services. The~~
20 ~~legislature intends that the appropriation in this section be considered part of the ongoing base for the next~~
21 ~~legislative session.~~

22 ~~(4) — The balance of the appropriation may be used to plan, renovate, replace, and construct capital~~
23 ~~improvements for the exclusive use of the legislative branch based on recommendations of the long-range~~
24 ~~legislative branch capitol development plan.~~

25 ~~(5) — The appropriation authorized in subsection (4) constitutes legislative consent for a capital~~
26 ~~project for the legislative branch within the meaning of 18-2-102.~~

27 (4) — There is appropriated \$50 million from the capital developments long-range building program

1 account in the capital projects fund type provided for in 17-7-209, to the department of administration for the
2 department renovation of the capitol complex offices and the implementation of the 2022 Montana remote and
3 office workspace study project for the biennium beginning July 1, 2023.

4 (5) There is appropriated \$28,695,418 from the capital developments long-range building program
5 account in the capital projects fund type provided for in 17-7-209, to the department of administration for the
6 department state capitol building improvements project for the biennium beginning July 1, 2023.

7 (6) (a) There is appropriated up to \$25 million from the account established in [section 9] to the
8 department of administration for the purpose of moving the legislative audit division provided for in 5-13-301 out
9 of the capitol into an existing or constructed building pursuant to [section 6(6)].

10 (b) These funds must be used to:

11 (i) plan, renovate, or construct capitol complex facilities for the use of the legislative audit division;

12 (ii) pay for furniture, fixtures, and equipment at the new location of the legislative audit division;

13 (iii) pay operating, administrative, moving, and relocation costs of the legislative audit division; and

14 (iv) pay for any other costs associated with carrying out the provisions of [section 6(6)].

15 (c) Upon completion of the requirements of subsection (6)(b), the balance of the appropriation may
16 be used for the purposes established in [section 10].

17
18 **NEW SECTION. Section 15. Legislative consent.** The appropriations authorized in [section 14]
19 constitute legislative consent for the capital projects contained in [section 14] within the meaning of 18-2-102.

20
21 **NEW SECTION. Section 16. Planning and design.** The department of administration may proceed
22 with the planning and design of capital projects for the legislative branch in [section 14] prior to the receipt of
23 other funding sources. The department may use interentity loans in accordance with 17-2-107 to pay planning
24 and design costs incurred before the receipt of other funding sources.

25
26 **NEW SECTION. Section 17. Codification instruction.** (1) [Sections 3 and 4] are intended to be
27 codified as an integral part of Title 2, chapter 17, part 1, and the provisions of Title 2, chapter 17, part 1, apply

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1 to [sections 3 and 4].

2 (2) [Sections 9 through 12] are intended to be codified as an integral part of Title 17, chapter 7,
3 part 2, and the provisions of Title 17, chapter 7, part 2, apply to [sections 9 through 12].

4
5 NEW SECTION. Section 18. Effective dates. (1) Except as provided in subsection (2), [this act] is
6 effective on passage and approval.

7 (2) [Section 14] is effective July 1, 2023.

8 - END -