

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 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

28 COMMITTEE, TO DEVELOP A LONG-RANGE LEGISLATIVE BRANCH CAPITOL CAPITAL DEVELOPMENT

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

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14
15 **Section 1.** Section 2-17-101, MCA, is amended to read:

16 **"2-17-101. (Temporary) Allocation of space -- leasing -- definition.** (1) The department of
17 administration shall determine the space required by state agencies other than the legislature and the
18 legislative space designated in 2-17-108, [section 3], and 2-17-802 and the university system and shall allocate
19 space in buildings owned or leased by the state, based on each agency's need. To efficiently and effectively
20 allocate space, the department shall identify the amount, location, and nature of space used by each agency,
21 including summary information on average cost per square foot for each municipality, and report this to the
22 office of budget and program planning and to the legislative fiscal analyst by September 1 of each even-
23 numbered year. The report must be provided in an electronic format. The department of administration shall
24 provide a copy of the report to the legislature in accordance with 5-11-210.

25 (2) An agency requiring additional space shall notify the department. The department, in
26 consultation with the agency, shall determine the amount and nature of the space needed and locate space
27 within a building owned or leased by the state, including buildings in Helena and in other areas, to meet the
28 agency's requirements. If space is not available in a building owned or leased by the state, the department shall

1 locate space to be leased in an appropriate existing building or a build-to-lease building, including buildings in
2 Helena and in other areas, or recommend alternatives to leasing, such as remodeling or exchanging space with
3 another agency. A state agency may not lease, rent, or purchase real property without prior approval of the
4 department.

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

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

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

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

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

25 (7) "Public exigency" means that due to unforeseen circumstances a facility occupied by state
26 employees is uninhabitable due to immediate conditions that adversely impact the health or safety of the
27 occupants of the facility. (Terminates June 30, 2023--sec. 3, Ch. 401, L. 2019.)

28 **2-17-101. (Effective July 1, 2023) Allocation of space -- leasing -- definition.** (1) The department

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

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

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

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

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

28 (5) Any lease for more than 40,000 square feet or for a term of more than 20 years must be

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

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

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

12

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

14 **"2-17-108. Allocation of legislative rooms and offices space.** Notwithstanding the provisions of 2-
15 17-101, ~~after each session of the legislature, the department of administration shall conduct an inventory of the~~
16 ~~rooms and offices in the capitol controlled by the house of representatives and the senate.~~

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

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

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

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

28 (2) (a) During the interim between legislative sessions from the day after sine die of a session

1 through December 1 in an ~~even-even-numbered~~ year, the legislative services division, under the direction of
2 legislative council in consultation with the legislative audit committee and the legislative finance committee,
3 shall schedule and reserve legislative committee hearing rooms.

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

9 (3) (a) There are:

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

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

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

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

21 (b) From December 1 in an even-numbered year through the 7th day after sine die of a session,
22 one of the executive branch parking spaces provided for in subsection (3)(a)(iv) that is occupied by the
23 secretary of state must revert to the speaker of the house of representatives.

24 (4) (a) Upon completion of the relocation of the legislative audit division out of the capitol as
25 provided under [section 6(6)], the legislative council with the concurrence of the legislative audit committee and
26 the legislative finance committee shall allocate office space for five contiguous offices on the first floor of the
27 capitol to the legislative audit division.

28 (b) If the allocated office space in subsection (4)(a) displaces existing office space for legislative

1 fiscal division or legislative services division staff, the legislative council with the concurrence of legislative audit
2 committee and the legislative finance committee shall allocate the equivalent office space for the displaced
3 legislative fiscal division or legislative services division staff on the first floor of the capitol."

4
5 **NEW SECTION. Section 3. Reservation of space for legislature -- legislative council duties.** (1)

6 The legislative space on the capitol complex includes:

7 (a) in the state capitol:

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

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

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

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

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

13 ~~(vi) any existing wiring closets and custodial areas within or serving legislative space designated in~~

14 ~~this section; and~~

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

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

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

18 and

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

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

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

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

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

24 (ii) department control of:

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

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

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

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

- 1 ~~(D) — maintenance of rest rooms in the legislative space;~~
- 2 ~~(E) — existing press space in the basement level;~~
- 3 ~~(F) — phone systems in the legislative space, except that the legislature retains the jurisdiction and~~
- 4 ~~authority to install a new phone system; and~~
- 5 (B) — the state telecommunications network;
- 6 ~~(G)(C) custodial care, maintenance, and security pursuant to 2-17-811 for the legislative space; and~~
- 7 (D) — network infrastructure.

8 (b) ~~The Except as provided for in 2-17-108,~~ legislative council, with consultation of the legislative
 9 audit committee and the legislative finance committee, shall exercise jurisdiction control over the:

- 10 (i) long-range legislative branch ~~capitol capital~~ development plan;
- 11 (ii) allocation of legislative space;
- 12 (iii) — maintenance, or remodeling, alteration, or improvement of legislative space as provided for in
- 13 2-17-811 for nonpartisan legislative staff;
- 14 (iv) — purchase, lease, or construction of legislative space; and
- 15 ~~(iii)(v) allocation of legislative parking area space as provided in 2-17-108; and~~
- 16 ~~(iv) — occupancy of nonlegislative entities in legislative space.~~

17

18 **NEW SECTION. Section 4. Reservation of space for governor executive branch.** (1) The
 19 governor's executive branch space on the capitol complex includes:

- 20 (a) in the capitol, the entire second floor;
- 21 (b) — the capitol south oval lot, except the five reserved spaces for the legislature; and
- 22 (c) — except as provided for in subsection (2), 10 permanent year-round parking spaces on the south
- 23 side capitol north circle lot adjacent to the capitol building reserved as executive branch space.

24 (2) — From December 1 in an even-numbered year through the 7th day after sine die of a session,
 25 one of the executive branch parking spaces provided for in subsection (1)(c) that is occupied by the secretary of
 26 state must revert to the speaker of the house of representatives, — except the legislative space temporarily
 27 reserved for the secretary of state pursuant to [section 3] and 2-17-802;

- 28 ~~(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 ~~(1)(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

28 and the south main entrance to the capitol.

- 1 (6) "Central utility functions" means utility functions that include, but are not limited to:
- 2 (a) heating;
- 3 (b) ventilation;
- 4 (c) air conditioning and climate control systems and components;
- 5 (d) plumbing;
- 6 (e) access control;
- 7 (f) building automation;
- 8 (g) building communications; and
- 9 (h) the wired core of the building, including electrical, telephone, and network infrastructure.

10 (7) "Common space" means areas of a building that serve all tenants and occupants on a
11 nonexclusive basis, including the:

- 12 (a) building structure, exterior, and grounds;
- 13 (b) publicly accessible space;
- 14 (c) restrooms;
- 15 (d) mechanical rooms;
- 16 (e) custodial rooms;
- 17 (f) security rooms;
- 18 (g) lobbies;
- 19 (h) stairwells;
- 20 (i) elevators;
- 21 (j) interstitial space;
- 22 (k) wiring closets;
- 23 (l) areas or systems that support the state telecommunications network;
- 24 (m) network infrastructure; and
- 25 (n) other critical infrastructure and any other similar areas.

26 ~~(2)(3)(8)~~ "Council" means the capitol complex advisory council established in 2-17-803.

27 ~~(4)(9)~~ (a) ~~"Governor's space"~~ "Executive branch space" means the ~~chambers, rooms, hallways,~~
28 ~~lounges, parking lots, parking garages, and parking~~ area designated by [section 4] and this section ~~as being~~

1 ~~subject to governor control.~~

2 ~~(5)(10) "Legislative audit committee" means the legislative audit committee established in 5-13-201.~~

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

4 ~~(3)(6)(12) "Legislative council" means the legislative council established in 5-11-101.~~

5 ~~(7)(13) "Legislative finance committee" means the legislative finance committee established in 5-12-~~
6 ~~201.~~

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

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

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

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

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

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

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

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

23 ~~(9)(15) "Legislative space" means the buildings, chambers, rooms, hallways, lounges, and legislative~~
24 ~~parking area designated by 2-17-108, [section 3], and this section and the secretary of state space, as being~~
25 ~~subject to legislative control.~~

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

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

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

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

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

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

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

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

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

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

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

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

4 ~~(3)(2)~~ The Montana historical society shall protect and preserve all publicly held, permanent artwork
5 in the capitol complex and request funding for periodic inspection, maintenance, and repair of the artwork from
6 the trust fund established in 15-35-108 for protection of works of art in the state capitol and other cultural and
7 aesthetic projects.

8 ~~(4)(3)~~ The legislative council, with consultation of the legislative audit committee and the legislative
9 finance committee, shall serve as a long-range building committee to recommend to the legislature and the
10 department of administration construction and remodeling priorities for the ~~capitol and~~ legislative space needs
11 within the legislative zone of the capitol complex.

12 ~~(5)(4)~~ (a) Prior to September 1 in the year before a regular session of the legislature, the department
13 shall submit an updated ~~capitol area long-range~~ master plan, if an updated plan is available, to the legislative
14 council.

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

18 ~~(6)(5)~~ (a) (i) For the biennium beginning July 1, 2023, the legislative council, with consultation of the
19 legislative audit committee and the legislative finance committee, shall develop a long-range legislative branch
20 ~~capitol-CAPITAL~~ development plan for ~~the legislative space provided for in [section 3] and 2-17-802(9) and the~~
21 ~~legislative zone provided for in 2-17-802(10).~~

22 (ii) The legislative council, with consultation of the legislative audit committee and the legislative
23 finance committee, may ~~contract with the department or a private entity, or both,~~ REQUEST APPOINTMENT OF
24 ARCHITECTS AND CONSULTING ENGINEERS BY THE DEPARTMENT PURSUANT TO 18-2-112 to develop the long-range
25 legislative branch ~~capitol~~ CAPITAL development plan.

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

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

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

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

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

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

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

10 (B) ~~If the long-range legislative branch capitol CAPITAL development plan is finalized after the~~
11 ~~adoption of the capitol area master plan, the department shall incorporate the long-range legislative branch~~
12 ~~capitol development plan into the capitol area master plan.~~

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

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

19 (ii) ~~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 to the long-~~
21 ~~range legislative branch capitol CAPITAL development plan.~~

22 (6) (a) ~~Before July 1, 2024, the department shall submit a proposal to legislative council to move~~
23 ~~the legislative audit division out of the capitol into an existing, renovated, or constructed building on the capitol~~
24 ~~complex. The department proposal to legislative council must conform to space requirements identified by the~~
25 ~~legislative audit division and must result in space allocation that is equal to or exceeds the existing space~~
26 ~~occupied in the capitol by the legislative audit division.~~

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

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

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

6

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

8 **"2-17-806. Department of administration to establish policies on capitol.** The department of
9 administration, with the advice of the council and the legislative council, shall establish policies governing
10 maintenance and beautification of the capitol, executive residence, and original governor's mansion. The
11 policies must provide that all historic furnishings original to the capitol remain in the building if an agency
12 relocates and may designate appropriate wall, floor, and window coverings for the capitol. The Montana
13 Administrative Procedure Act does not apply to this part."

14

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

16 **"2-17-811. Custodial care of capitol buildings and grounds.** (1) The department of administration
17 is custodian of all all state property and grounds in the state capitol area, which is the geographic area within a
18 10-mile radius of the state capitol the capitol complex.

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

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

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

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

2 (ii) ~~the old board of health building, including common space. custodial and security services for~~

3 ~~capitol complex facilities. The legislature shall provide a 90-day advance notice to the department prior to~~

4 ~~contracting with a private entity for custodial or security services, or both.~~

5 (3) (a) ~~A Except as provided in subsection (3)(b), a state agency other than the legislature and the~~

6 ~~legislative space designated in [section 3] may not alter, improve, repair, or remodel a state building in the state~~

7 ~~capitol area without the approval of the department.~~

8 (b) (i) ~~After giving notice to the department, the legislative council may alter, improve, or remodel~~

9 ~~legislative space that only affects legislative space and that complies with all laws, including Title 22, chapter 3,~~

10 ~~and 18-2-108.~~

11 (ii) (A) ~~The department shall consult the legislative council regarding the department's approval~~

12 ~~and timing of any alteration, improvement, remodel, or major repair of legislative space.~~

13 (B) The department shall notify the legislative council if the department lacks sufficient resources to

14 complete a legislative space project or to satisfy the timing of a project.

15 (c) (i) ~~Except as provided in subsection (3)(c)(ii), if the department disapproves an alteration,~~

16 ~~improvement, or remodel of legislative space, the legislative council may override that disapproval and direct~~

17 ~~the department to proceed with the project.~~

18 (ii) A legislative space project may not impair building infrastructure or systems that serve an entire

19 building or facility.

20 (4) The department shall maintain or approve the maintenance of the grounds in the state capitol

21 area."

23 NEW SECTION. **Section 9. Capitol complex executive branch ~~long-range capital projects state~~**

24 **~~special revenue~~ account.** (1) There is a capitol complex executive branch ~~long-range capital projects state~~

25 ~~special revenue~~ account in the ~~state special fund type established in 17-2-102 capital projects fund type to fund~~

26 ~~executive branch capital projects.~~

27 (2) Interest earnings, project carryover funds, and miscellaneous revenue must be retained in the

28 account.

1

2 NEW SECTION. Section 10. Eligible use of funds. (1) The funds in the account established in

3 [section 9] may ~~only~~ be used to continue renovation, replacement, or construction of complex facilities based on

4 findings from the 2022 Montana remote and office workspace study, including but not limited to capital

5 improvements to:

6 (a) align modern workspace with a modern workforce;

7 (b) implement enterprise-wide opportunities for technology enhanced touch-down and hoteling

8 stations;

9 (c) improve productivity;

10 (d) reduce agency programmatic and operational costs;

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

12 (f) improve workforce efficiencies, recruiting, and retention, including telework-friendly design;

13 (g) consolidate state-owned and leased properties into existing, replacement, or new spaces;

14 (h) renovation or construction costs, including relocation costs, for moving the legislative audit

15 division provided for in 5-13-301 and non-legislative branch functions or agencies out of the capitol;

16 (i) colocation to take advantage of teleworking and mission-related adjacencies;

17 (j) centralize access to governmental services and improve citizen accessibility;

18 (k) provide security improvements to ensure safety and continuity of governmental operations; and

19 (l) increase disaster resiliency.

20 (2) Priority must be given to projects that have a high return on investment or that reduce deferred

21 maintenance backlog through the renovation and renewal of existing spaces.

22 (3) Furniture, fixtures, and equipment associated with the implementation of this section may be

23 paid from these funds.

24 ~~(3)(4)~~ Moving-Operating, administrative, moving, and relocation costs associated with the

25 implementation of this section may be paid from these funds.

26 ~~(4)(5)~~ The legislature may transfer department may propose transfers from the account established in

27 [section 9] to the major repair long-range building program account or the capital developments long-range

28 building program account for executive branch capital projects within the capitol complex.

1

2 NEW SECTION. Section 11. Capitol complex legislative branch ~~long-range capital projects~~
 3 ~~state special revenue~~ account. (1) There is a capitol complex legislative branch ~~long-range capital projects~~
 4 ~~state special revenue~~ account in the ~~state special fund established in 17-2-102-capital projects fund type to fund~~
 5 ~~legislative branch capital projects.~~

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

8

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

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

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

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

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

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

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

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

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

21 (i) improve workforce efficiencies, recruiting, and retention, including telework-friendly design; and

22 (j) implement telework opportunities.

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

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

28 (3)(4) Moving-Operating, administrative, moving, and relocation costs of legislative branch functions

1 moved or relocated in the implementation of this section may be paid from these funds. Renovation or
2 construction costs, including relocation costs, for moving non-legislative branch functions or agencies out of the
3 capitol must be paid from the funds in the account established in [section 9].

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

7 ~~(5)(6)~~ The legislature may transfer from the account established in [section 11] to the major repair
8 long-range building program account or the capital developments long-range building program account for
9 legislative branch capital projects within the capitol complex.

10 ~~(6)(7)~~ The legislative council, with consultation of the legislative finance committee and legislative
11 audit committee, shall serve as a long-range building committee to recommend to the legislature and the
12 department of administration construction and remodeling priorities for the capitol and capitol complex.

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

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

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

24 NEW SECTION. Section 14. Appropriation Appropriations. (1) There is appropriated \$2512.5
25 million from the ~~capitol complex legislative branch long-range capital projects~~ account established in [section
26 11] to the legislative branch for the biennium beginning July 1, 2023, for the purposes set forth in subsections
27 (2) ~~through (4) and (3).~~

28 (2) Up to ~~\$5~~\$6.25 million of the appropriation may be used to:

1 (i) pay for the development of a long-range legislative branch capital development plan; and

2 (ii) plan, renovate, replace, and construct capital improvements for the exclusive use of the

3 legislative branch.

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

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

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

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

18 (4) There is appropriated \$50 million from the capital developments long-range building program
19 account in the capital projects fund type provided for in 17-7-209, to the department of administration for the
20 department renovation of the capitol complex offices and the implementation of the 2022 Montana remote and
21 office workspace study project for the biennium beginning July 1, 2023.

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

25 (6) (a) There is appropriated up to \$19 million from the account established in [section 9] to the
26 department of administration for the purpose of moving the legislative audit division provided for in 5-13-301 out
27 of the capitol into an existing or constructed building pursuant to [section 6(6)].

28 (b) These funds must be used to:

- 1 (i) plan, renovate, or construct capitol complex facilities for the use of the legislative audit division;
- 2 (ii) pay for furniture, fixtures, and equipment at the new location of the legislative audit division;
- 3 (iii) pay operating, administrative, moving, and relocation costs of the legislative audit division; and
- 4 (iv) pay for any other costs associated with carrying out the provisions of [section 6(6)].
- 5 (c) Upon completion of the requirements of subsection (6)(b), the balance of the appropriation may
- 6 be used for the purposes established in [section 10].
- 7 (7) There is appropriated \$6 million for the purposes established in [section 10].

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

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

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

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

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

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

- END -