



AN ACT GENERALLY REVISING LAWS RELATED TO THE CAPITOL COMPLEX; PROVIDING THAT THE LEGISLATURE SHALL DETERMINE THE NECESSARY LEGISLATIVE SPACE IN THE CAPITOL AND ON THE CAPITOL COMPLEX; PROVIDING FOR THE LEGISLATURE TO ALLOCATE LEGISLATIVE SPACE; RESERVING AND DEFINING LEGISLATIVE SPACE IN THE CAPITOL AND ON THE CAPITOL COMPLEX; RESERVING AND DEFINING THE EXECUTIVE BRANCH SPACE IN THE CAPITOL AND ON THE CAPITOL COMPLEX; PROVIDING DEFINITIONS; PROVIDING THAT THE DEPARTMENT OF ADMINISTRATION SHALL CONTINUE TO PROVIDE CUSTODIAL AND MAINTENANCE SERVICES FOR DESIGNATED LEGISLATIVE SPACE; REQUIRING THE DEPARTMENT OF ADMINISTRATION TO SUBMIT ANY UPDATED LONG-RANGE MASTER PLAN TO THE LEGISLATIVE COUNCIL; REQUIRING THE LEGISLATIVE COUNCIL, WITH CONSULTATION OF THE LEGISLATIVE AUDIT COMMITTEE AND THE LEGISLATIVE FINANCE COMMITTEE, TO PREINTRODUCE A JOINT RESOLUTION TO CONSENT OR NOT CONSENT TO AN UPDATED LONG-RANGE MASTER PLAN; REQUIRING THE LEGISLATIVE COUNCIL, WITH CONSULTATION OF THE LEGISLATIVE AUDIT COMMITTEE AND THE LEGISLATIVE FINANCE COMMITTEE, TO DEVELOP A LONG-RANGE LEGISLATIVE BRANCH CAPITAL DEVELOPMENT PLAN THAT IS INTEGRATED INTO THE CAPITOL MASTER PLAN; REQUIRING THE DEPARTMENT TO PROVIDE NECESSARY PERSONNEL AND RESOURCES TO ASSIST THE LEGISLATIVE COUNCIL IN DEVELOPING THE LONG-RANGE LEGISLATIVE BRANCH CAPITAL DEVELOPMENT PLAN; PROVIDING FOR THE RENOVATION, REPLACEMENT, OR CONSTRUCTION OF COMPLEX FACILITIES FOR STATE WORKFORCE DEVELOPMENT AND LEGISLATIVE SPACE; ESTABLISHING CAPITOL COMPLEX LONG-RANGE CAPITAL PROJECTS STATE SPECIAL REVENUE ACCOUNTS FOR THE EXECUTIVE BRANCH AND THE LEGISLATIVE BRANCH; PROVIDING FOR ELIGIBLE USES OF THE FUND; PROVIDING FOR TRANSFER FROM THE GENERAL FUND TO THE ACCOUNTS; PROVIDING APPROPRIATIONS; PROVIDING LEGISLATIVE CONSENT; AMENDING SECTIONS 2-17-101, 2-17-108, 2-17-802, 2-17-805, 2-17-806, AND 2-17-811, MCA; AND PROVIDING EFFECTIVE DATES.

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

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

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

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

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

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

(4) The department shall consolidate the offices of state agencies in a single, central location

within a municipality whenever the consolidation would result in a cost savings to the state while permitting sufficient space and facilities for the agencies. The department may purchase, lease, or acquire, by exchange or otherwise, land and buildings in a municipality to achieve consolidation. Offices of the law enforcement services division and motor vehicle division of the department of justice are exempted from consolidation.

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

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

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

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

(2) An agency requiring additional space shall notify the department. The department, in consultation with the agency, shall determine the amount and nature of the space needed and locate space within a building owned or leased by the state, including buildings in Helena and in other areas, to meet the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) (a) There are:

(i) five permanent year-round parking spaces in the Capitol south oval lot reserved as legislative parking space, consisting of three spaces allocated to legislative branch division directors, one space allocated

for the house representatives, and one space allocated by the legislative services division for the legislative branch;

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

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

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

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

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

(b) If the allocated office space in subsection (4)(a) displaces existing office space for legislative fiscal division or legislative services division staff, the legislative council with the concurrence of legislative audit committee and the legislative finance committee shall allocate the equivalent office space for the displaced legislative fiscal division or legislative services division staff on the first floor of the capitol."

**Section 3. Reservation of space for legislature -- legislative council duties.** (1) The legislative space on the capitol complex includes:

- (a) in the state capitol:
  - (i) the entire fourth floor, except for common space;
  - (ii) the entire third floor, including the senate and house chambers, except for common space;
  - (iii) the entire first floor, except for the post office space and common space; and
  - (iv) the entire basement level, except for agency storage space, media space, and common space.

- (b) the entire old board of health building located at 1301 Lockey avenue;
  - (c) additional buildings that may be acquired or constructed for the use of the legislative branch;
- and
- (d) the allocated legislative parking area as provided for in 2-17-108.
- (2) (a) Except as provided in 2-17-101(3), 2-17-108, and subsection (2)(b) of this section, the legislative council shall exercise control over the legislative space except for the following:
- (i) the capitol complex advisory council and the department responsibilities for the legislative space as provided for in Title 2, chapter 17, part 8; and
  - (ii) department control of:
    - (A) central utility functions, including but not limited to mechanical and electronic functions and the electric core of the capitol and the legislative space;
    - (B) the state telecommunications network;
    - (C) custodial care, maintenance, and security pursuant to 2-17-811 for the legislative space; and
    - (D) network infrastructure.
- (b) Except as provided for in 2-17-108, legislative council, with consultation of the legislative audit committee and the legislative finance committee, shall exercise control over the:
- (i) long-range legislative branch capital development plan;
  - (ii) allocation of legislative space;
  - (iii) remodeling, alteration, or improvement of legislative space as provided for in 2-17-811;
  - (iv) purchase, lease, or construction of legislative space; and
  - (v) allocation of legislative parking area space as provided in 2-17-108.

**Section 4. Reservation of space for executive branch.** (1) The executive branch space on the capitol complex includes:

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

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

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

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

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

~~(1)~~(2) "Capitol complex" means the capitol building and all the state buildings within a 10-mile radius of the capitol building but does not include the Montana wildlife rehabilitation and education center.

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

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

(5) "Capitol south oval lot" means the off-street parking spaces located between Lockey avenue and the south main entrance to the capitol.

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

(a) heating;

(b) ventilation;

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

(d) plumbing;

(e) access control;

(f) building automation;

(g) building communications; and

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

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



- (a) building structure, exterior, and grounds;
- (b) publicly accessible space;
- (c) restrooms;
- (d) mechanical rooms;
- (e) custodial rooms;
- (f) security rooms;
- (g) lobbies;
- (h) stairwells;
- (i) elevators;
- (j) interstitial space;
- (k) wiring closets;
- (l) areas or systems that support the state telecommunications network;
- (m) network infrastructure; and
- (n) other critical infrastructure and any other similar areas.

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

(9) (a) "Executive branch space" means the area designated by [section 4] and this section.

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

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

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

(13) "Legislative finance committee" means the legislative finance committee established in 5-12-

201.

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

(15) "Legislative space" means the area designated by 2-17-108, [section 3], and this section.

(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 integration of the long-range legislative branch 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.

~~(2) The legislative council shall consult with and advise the department of administration concerning the assignment of space in the capitol.~~

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

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

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

(b) The legislative council, with consultation of the legislative audit committee and the legislative finance committee, shall preintroduce a joint resolution recommending the legislature's consent, consent with

modifications, or nonconsent to the current long-range master plan.

(5) (a) (i) For the biennium beginning July 1, 2023, the legislative council, with consultation of the legislative audit committee and the legislative finance committee, shall develop a long-range legislative branch capital development plan for legislative space.

(ii) The legislative council, with consultation of the legislative audit committee and the legislative finance committee, may request appointment of architects and consulting engineers by the department pursuant to 18-2-112 to develop the long-range legislative branch capital development plan.

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

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

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

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

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

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

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

(C) The department shall integrate the long-range legislative branch capital development plan with the provisions of the long-range master plan. The department shall resolve any conflicting provisions and finalize a long-range master plan.

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

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

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

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

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

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

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

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

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

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

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

(b) — The department shall provide or approve ~~all~~ all custodial, maintenance, and security work done

on state-owned or leased buildings in the ~~state capitol area~~ capitol complex.

(c) The legislature shall pay the maintenance service fee rate approved by the legislature for:

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

(ii) the old board of health building, including common space.

(3) (a) Except as provided in subsection (3)(b), a state agency may not alter, improve, repair, or remodel a state building in the state capitol area without the approval of the department.

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

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

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

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

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

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

**Section 9. Capitol complex executive branch state special revenue account.** (1) There is a capitol complex executive branch state special revenue account in the state special fund type established in 17-2-102.

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

**Section 10. Eligible use of funds.** (1) The funds in the account established in [section 9] may be

used to continue renovation, replacement, or construction of complex facilities based on findings from the 2022 Montana remote and office workspace study, including but not limited to capital improvements to:

- (a) align modern workspace with a modern workforce;
  - (b) implement enterprise-wide opportunities for technology enhanced touch-down and hoteling stations;
  - (c) improve productivity;
  - (d) reduce agency programmatic and operational costs;
  - (e) provide flexible spaces for long-term efficiencies, performance, and cost reduction;
  - (f) improve workforce efficiencies, recruiting, and retention, including telework-friendly design;
  - (g) consolidate state-owned and leased properties into existing, replacement, or new spaces;
  - (h) renovation or construction costs, including relocation costs, for moving the legislative audit division provided for in 5-13-301 and non-legislative branch functions or agencies out of the capitol;
  - (i) colocation to take advantage of teleworking and mission-related adjacencies;
  - (j) centralize access to governmental services and improve citizen accessibility;
  - (k) provide security improvements to ensure safety and continuity of governmental operations; and
  - (l) increase disaster resiliency.
- (2) Priority must be given to projects that have a high return on investment or that reduce deferred maintenance backlog through the renovation and renewal of existing spaces.
- (3) Furniture, fixtures, and equipment associated with the implementation of this section may be paid from these funds.
- (4) Operating, administrative, moving, and relocation costs associated with the implementation of this section may be paid from these funds.
- (5) The department may propose transfers from the account established in [section 9] to the major repair long-range building program account or the capital developments long-range building program account for executive branch capital projects within the capitol complex.

**Section 11. Capitol complex legislative branch state special revenue account.** (1) There is a capitol complex legislative branch state special revenue account in the state special fund established in 17-2-

102.

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

**Section 12. Eligible use of funds.** (1) The funds in the account established in [section 11] may be used to:

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

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

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

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

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

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

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

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

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

(j) implement telework opportunities.

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

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

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

(5) The legislative branch long-range capital development plan must be updated at a minimum on

a decennial basis and prior to undertaking any major capital development exceeding \$5 million not included in the current legislative branch long-range capital development plan in effect.

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

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

**Section 13. Transfer of funds.** By June 30, 2023, the state treasurer shall transfer \$25 million from the general fund to the account established in [section 9] and \$25 million from the general fund to the account established in [section 11].

**Section 14. Appropriations.** (1) There is appropriated 12.5 million from the account established in [section 11] to the legislative branch for the biennium beginning July 1, 2023, for the purposes set forth in subsections (2) and (3).

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

- (i) pay for the development of a long-range legislative branch capital development plan; and
- (ii) plan, renovate, replace, and construct capital improvements for the exclusive use of the

legislative branch.

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

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

(5) There is appropriated \$28,695,418 from the capital developments long-range building program



account in the capital projects fund type provided for in 17-7-209, to the department of administration for the department state capitol building improvements project for the biennium beginning July 1, 2023.

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

(b) These funds must be used to:

- (i) plan, renovate, or construct capitol complex facilities for the use of the legislative audit division;
- (ii) pay for furniture, fixtures, and equipment at the new location of the legislative audit division;
- (iii) pay operating, administrative, moving, and relocation costs of the legislative audit division; and
- (iv) pay for any other costs associated with carrying out the provisions of [section 6(6)].

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

(7) There is appropriated \$6 million for the purposes established in [section 10].

**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.

**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.

**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].

**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 -

I hereby certify that the within bill,  
HB 856, originated in the House.

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Chief Clerk of the House

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2023.

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2023.

HOUSE BILL NO. 856

INTRODUCED BY M. REGIER, F. SMITH, D. SALOMON, J. READ, S. FITZPATRICK, E. MCCLAFFERTY, J. WINDY BOY, J. ESP, T. MCGILLVRAY, M. CAFERRO, S. STEWART PEREGOY, J. WELBORN, L. JONES, J. COHENOUR, D. ZOLNIKOV, R. LYNCH, A. OLSEN, W. CURDY, M. DUNWELL, J. ELLIS, D. HAYMAN, J. HINKLE, W. MCKAMEY, C. POPE, S. WEBBER, S. GUNDERSON, D. FERN, S. VINTON, J. HAMILTON, W. SALES, K. ABBOTT, S. MORIGEAU, J. SMALL, J. GROSS, L. BISHOP, J. ELLSWORTH, R. KNUDSEN, J. DOOLING, D. HARVEY, E. KERR-CARPENTER, M. WEATHERWAX, K. BOGNER, T. RUNNING WOLF, T. MOORE, M. MARLER, C. KEOGH, K. SULLIVAN, P. FLOWERS, M. FOX, F. NAVE, J. CARLSON, A. REGIER, P. FIELDER, S. GIST, E. STAFMAN, A. BUCKLEY, K. KORTUM, C. HINKLE, K. WALSH, D. HAWK, T. FRANCE, M. THANE, C. FRIEDEL, S. O'BRIEN, T. BROCKMAN, G. PARRY, L. DEMING, E. MATTHEWS, D. EMRICH, T. VERMEIRE, T. FALK, P. TUSS, G. KMETZ, D. BAUM, J. LYNCH, L. SMITH, M. ROMANO, S. HOWELL, J. KARLEN, B. CARTER, Z. ZEPHYR

AN ACT GENERALLY REVISING LAWS RELATED TO THE CAPITOL COMPLEX; PROVIDING THAT THE LEGISLATURE SHALL DETERMINE THE NECESSARY LEGISLATIVE SPACE IN THE CAPITOL AND ON THE CAPITOL COMPLEX; PROVIDING FOR THE LEGISLATURE TO ALLOCATE LEGISLATIVE SPACE; RESERVING AND DEFINING LEGISLATIVE SPACE IN THE CAPITOL AND ON THE CAPITOL COMPLEX; RESERVING AND DEFINING THE EXECUTIVE BRANCH SPACE IN THE CAPITOL AND ON THE CAPITOL COMPLEX; PROVIDING DEFINITIONS; PROVIDING THAT THE DEPARTMENT OF ADMINISTRATION SHALL CONTINUE TO PROVIDE CUSTODIAL AND MAINTENANCE SERVICES FOR DESIGNATED LEGISLATIVE SPACE; REQUIRING THE DEPARTMENT OF ADMINISTRATION TO SUBMIT ANY UPDATED LONG-RANGE MASTER PLAN TO THE LEGISLATIVE COUNCIL; REQUIRING THE LEGISLATIVE COUNCIL, WITH CONSULTATION OF THE LEGISLATIVE AUDIT COMMITTEE AND THE LEGISLATIVE FINANCE COMMITTEE, TO PREINTRODUCE A JOINT RESOLUTION TO CONSENT OR NOT CONSENT TO AN UPDATED LONG-RANGE MASTER PLAN; REQUIRING THE LEGISLATIVE COUNCIL, WITH CONSULTATION OF THE LEGISLATIVE AUDIT COMMITTEE AND THE LEGISLATIVE FINANCE COMMITTEE, TO DEVELOP A LONG-RANGE LEGISLATIVE BRANCH CAPITAL DEVELOPMENT PLAN THAT IS INTEGRATED INTO THE CAPITOL MASTER PLAN; REQUIRING THE DEPARTMENT TO PROVIDE

NECESSARY PERSONNEL AND RESOURCES TO ASSIST THE LEGISLATIVE COUNCIL IN DEVELOPING THE LONG-RANGE LEGISLATIVE BRANCH CAPITAL DEVELOPMENT PLAN; PROVIDING FOR THE RENOVATION, REPLACEMENT, OR CONSTRUCTION OF COMPLEX FACILITIES FOR STATE WORKFORCE DEVELOPMENT AND LEGISLATIVE SPACE; ESTABLISHING CAPITOL COMPLEX LONG-RANGE CAPITAL PROJECTS STATE SPECIAL REVENUE ACCOUNTS FOR THE EXECUTIVE BRANCH AND THE LEGISLATIVE BRANCH; PROVIDING FOR ELIGIBLE USES OF THE FUND; PROVIDING FOR TRANSFER FROM THE GENERAL FUND TO THE ACCOUNTS; PROVIDING APPROPRIATIONS; PROVIDING LEGISLATIVE CONSENT; AMENDING SECTIONS 2-17-101, 2-17-108, 2-17-802, 2-17-805, 2-17-806, AND 2-17-811, MCA; AND PROVIDING EFFECTIVE DATES.