

**Amendment - 1st Reading/2nd House-blue - Requested by: Matt Regier - (S) Finance and Claims**

- 2023

68th Legislature 2023

Drafter: Todd Everts, 406-444-4023

HB0856.002.010

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

A BILL FOR AN ACT ENTITLED: "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 GOVERNOR'S 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 CAPITOL AREA 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 CAPITOL AREA MASTER PLAN; REQUIRING THE LEGISLATIVE COUNCIL, WITH CONSULTATION OF THE LEGISLATIVE AUDIT COMMITTEE AND THE LEGISLATIVE FINANCE COMMITTEE, TO DEVELOP A LONG-RANGE

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1 LEGISLATIVE BRANCH ~~CAPITOL~~ CAPITAL DEVELOPMENT PLAN THAT IS INCORPORATED INTO THE  
2 CAPITOL MASTER PLAN; REQUIRING THE DEPARTMENT TO PROVIDE NECESSARY PERSONNEL AND  
3 RESOURCES TO ASSIST THE LEGISLATIVE COUNCIL IN DEVELOPING THE LONG-RANGE  
4 LEGISLATIVE BRANCH ~~CAPITOL~~ CAPITAL DEVELOPMENT PLAN; PROVIDING FOR THE RENOVATION,  
5 REPLACEMENT, OR CONSTRUCTION OF COMPLEX FACILITIES FOR STATE WORKFORCE  
6 DEVELOPMENT AND LEGISLATIVE SPACE; ESTABLISHING CAPITOL COMPLEX LONG-RANGE CAPITAL  
7 PROJECTS STATE SPECIAL REVENUE ACCOUNTS FOR THE EXECUTIVE BRANCH AND THE  
8 LEGISLATIVE BRANCH; PROVIDING FOR ELIGIBLE USES OF THE FUND; PROVIDING FOR TRANSFER  
9 FROM THE GENERAL FUND TO THE ACCOUNTS; PROVIDING ~~AN APPROPRIATION~~ APPROPRIATIONS;  
10 PROVIDING LEGISLATIVE CONSENT; AMENDING SECTIONS 2-17-101, 2-17-108, 2-17-802, 2-17-805, 2-  
11 17-806, AND 2-17-811, MCA; 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 [section 3] and 2-17-802 and the university system and shall allocate space in  
19 buildings owned or leased by the state, based on each agency's need. To efficiently and effectively allocate  
20 space, the department shall identify the amount, location, and nature of space used by each agency, including  
21 summary information on average cost per square foot for each municipality, and report this to the office of  
22 budget and program planning and to the legislative fiscal analyst by September 1 of each even-numbered year.  
23 The report must be provided in an electronic format. The department of administration shall provide a copy of  
24 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

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space for use by the secretary of state, three parking spaces for use by the Montana highway patrol, three parking spaces for use by department custodial and maintenance, and ADA accessible parking spaces; and  
(ii) for the capitol north loop, three parking spaces for use by the governor's office and security attachment, two parking spaces for use by the secretary of state's office, and ADA accessible parking spaces.

(9) "Legislative space" means the buildings, chambers, rooms, hallways, lounges, and legislative parking area designated by [section 3] and this section and the secretary of state space, as being subject to legislative control.

(10) (A) "Legislative zone" means the legislative zone of the capitol complex that includes the grounds, monuments, parking areas, buildings, and other manmade and natural objects within the area 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."

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

**"2-17-805. Function of department of administration -- capitol area 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 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 of the long-range legislative branch capitol CAPITAL development plan, relative to the location and design of buildings to be constructed, purchase of land,

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1 parking facilities, traffic management, and landscaping;

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

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

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

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

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

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

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

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

27 (ii) The legislative council, with consultation of the legislative audit committee and the legislative

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~~finance committee, may contract with the department or a private entity, or both, REQUEST APPOINTMENT OF ARCHITECTS AND CONSULTING ENGINEERS BY THE DEPARTMENT PURSUANT TO 18-2-112 to develop the long-range legislative branch capitol 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 capitol CAPITAL development plan by September 1, 2024.

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

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

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

(7) (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.

(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 (7)(a).

(ii) If the legislative council disapproves the department's proposal pursuant to subsection (7)(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."

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1 department.

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

4

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

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

11

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

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

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- 1 (k) provide security improvements to ensure safety and continuity of governmental operations; and  
2 (l) increase disaster resiliency.

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

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

7 (3)(4) Moving-Operating, administrative, moving, and relocation costs associated with the  
8 implementation of this section may be paid from these funds.

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

12  
13 NEW SECTION. Section 11. Capitol complex legislative branch ~~long-range capital projects~~  
14 state special revenue account. (1) There is a capitol complex legislative branch ~~long-range capital projects~~  
15 state special revenue account in the state special fund established in 17-2-102 capital projects fund type to fund  
16 legislative branch capital projects.

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

19

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

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

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

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

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

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- (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.

(3)(4) Moving-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].

(4)(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 capitol-legislative branch long-range capital development plan in effect.

(5)(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.

(6)(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.

NEW SECTION. Section 13. Transfer of funds. (1) 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



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general fund to ~~the state special revenue~~ account established in [section 11].

~~(2) — By June 30, 2024, 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 state special revenue account established in [section 11].~~

~~(3) — By June 30, 2025, 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 state special revenue account established in [section 11].~~

**NEW SECTION. Section 14. Appropriation~~Appropriations~~.** (1) There is appropriated ~~\$25~~\$12.5 million from the ~~capitol complex legislative branch long range capital projects~~ account established in [section 11] to the legislative branch for the biennium beginning July 1, 2023, for the purposes set forth in subsections ~~(2) through (4) and (3).~~

(2) Up to ~~\$5~~\$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.~~

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

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

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~~legislative branch capitol development plan.~~

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

~~(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 \$25 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(7)].~~

~~(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(7)].~~

~~(c) — If the requirements of [section 6(7)] are not met by the date stipulated in [section 6(7)], \$1 million of the appropriation in subsection (6)(a) shall immediately be transferred to the account established in [section 11]. Additionally, every 60 calendar days past the date stipulated in [section 6(7)] and until the requirements of [section 6(7)] are met, an additional \$1 million of the appropriation in subsection (6)(a) shall be immediately be transferred to the account established in [section 11].~~

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

**NEW SECTION. Section 15. Codification instruction.** (1) [Sections 3 and 4] are intended to be