

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

- 2023

68th Legislature 2023

Drafter: Todd Everts, 406-444-4023

HB0856.002.011

1 HOUSE BILL NO. 856  
2 INTRODUCED BY M. REGIER, F. SMITH, D. SALOMON, J. READ, S. FITZPATRICK, E. MCCLAFFERTY, J.  
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9 REGIER, P. FIELDER, S. GIST, E. STAFMAN, A. BUCKLEY, K. KORTUM, C. HINKLE, K. WALSH, D. HAWK,  
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12 HOWELL, J. KARLEN, B. CARTER, Z. ZEPHYR

13  
14 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO THE CAPITOL  
15 COMPLEX; PROVIDING THAT THE LEGISLATURE SHALL DETERMINE THE NECESSARY LEGISLATIVE  
16 SPACE IN THE CAPITOL AND ON THE CAPITOL COMPLEX; PROVIDING FOR THE LEGISLATURE TO  
17 ALLOCATE LEGISLATIVE SPACE; RESERVING AND DEFINING LEGISLATIVE SPACE IN THE CAPITOL  
18 AND ON THE CAPITOL COMPLEX; RESERVING AND DEFINING THE GOVERNOR'S SPACE IN THE  
19 CAPITOL AND ON THE CAPITOL COMPLEX; PROVIDING DEFINITIONS; PROVIDING THAT THE  
20 DEPARTMENT OF ADMINISTRATION SHALL CONTINUE TO PROVIDE CUSTODIAL AND MAINTENANCE  
21 SERVICES FOR DESIGNATED LEGISLATIVE SPACE; REQUIRING THE DEPARTMENT OF  
22 ADMINISTRATION TO SUBMIT ANY UPDATED CAPITOL AREA MASTER PLAN TO THE LEGISLATIVE  
23 COUNCIL; REQUIRING THE LEGISLATIVE COUNCIL, WITH CONSULTATION OF THE LEGISLATIVE  
24 AUDIT COMMITTEE AND THE LEGISLATIVE FINANCE COMMITTEE, TO PREINTRODUCE A JOINT  
25 RESOLUTION TO CONSENT OR NOT CONSENT TO AN UPDATED CAPITOL AREA MASTER PLAN;  
26 REQUIRING THE LEGISLATIVE COUNCIL, WITH CONSULTATION OF THE LEGISLATIVE AUDIT  
27 COMMITTEE AND THE LEGISLATIVE FINANCE COMMITTEE, TO DEVELOP A LONG-RANGE

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1 or otherwise, land and buildings in a municipality to achieve consolidation. Offices of the law enforcement  
2 services division and motor vehicle division of the department of justice are exempted from consolidation.

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

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

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

15  
16 **Section 2.** Section 2-17-108, MCA, is amended to read:

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

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

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

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1 reserve legislative committee hearing rooms.

2 (3) (a) Upon completion of the relocation of the legislative audit division out of the capitol as  
3 provided under [section 6(7)], the legislative council with the concurrence of the legislative audit committee and  
4 the legislative finance committee shall allocate office space for five contiguous offices on the first floor of the  
5 capitol to the legislative audit division.

6 (b) If the allocated office space in subsection (3)(a) displaces existing office space for legislative  
7 fiscal division or legislative services division staff, the legislative council with the concurrence of legislative audit  
8 committee and the legislative finance committee shall allocate the equivalent office space for the displaced  
9 legislative fiscal division or legislative services division staff on the first floor of the capitol."

10  
11 **NEW SECTION. Section 3. Reservation of space for legislature -- legislative council duties. (1)**

12 The legislative space on the capitol complex includes:

- 13 (a) in the state capitol:
- 14 (i) the entire fourth floor;
  - 15 (ii) the entire third floor, including the senate and house chambers;
  - 16 (iii) the area of the second floor west of the west elevator shaft, occupied by the secretary of state;
  - 17 (iv) the entire first floor, except for the post office space;
  - 18 (v) the entire basement level;
  - 19 (vi) any existing wiring closets and custodial areas within or serving legislative space designated in

20 this section; and

- 21 (vii) existing network infrastructure within or serving legislative space designated in this section.
- 22 (b) the entire old board of health building located at 1301 Lockey avenue;
- 23 (c) additional buildings that may be acquired or constructed for the use of the legislative branch;

24 and

- 25 (d) the legislative parking area as defined in 2-17-802.

26 (2) (a) Except as provided in 2-17-101(3), 2-17-108, and subsection (2)(b) of this section, the  
27 legislative council shall exercise complete jurisdiction over the legislative space except for the following:

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

2           **"2-17-805. Function of department of administration -- capitol area master plan -- advice of**  
3 **capitol complex advisory council and legislative council.** (1) With advice from the council and the  
4 legislative council, the department of administration shall establish and maintain a long-range master plan for  
5 the orderly development of the capitol complex. The long-range master plan must be developed and  
6 maintained, with consideration given to the following factors:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (b) (i) The legislative council in consultation with the legislative audit committee and the legislative  
7 finance committee may approve or disapprove the department's proposal pursuant to subsection (7)(a).

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

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

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

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

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

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

26 (b) — The department shall provide or approve all-custodial, maintenance, and security work done on  
27 state-owned or leased buildings in the state capitol area capitol complex. The department may not charge the