

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.
3 WINDY BOY, J. ESP, T. MCGILLVRAY, M. CAFERRO, S. STEWART PEREGOY, J. WELBORN, L. JONES, J.
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11 D. EMRICH, T. VERMEIRE, T. FALK, P. TUSS, G. KMETZ, D. BAUM, J. LYNCH, L. SMITH, M. ROMANO, S.
12 HOWELL, J. KARLEN, B. CARTER, Z. ZEPHYR

13
14 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO THE CAPITOL
15 COMPLEX; PROVIDING THAT THE LEGISLATURE SHALL DETERMINE THE NECESSARY LEGISLATIVE
16 SPACE IN THE CAPITOL AND ON THE CAPITOL COMPLEX; PROVIDING FOR THE LEGISLATURE TO
17 ALLOCATE LEGISLATIVE SPACE; RESERVING AND DEFINING LEGISLATIVE SPACE IN THE CAPITOL
18 AND ON THE CAPITOL COMPLEX; RESERVING AND DEFINING THE GOVERNOR'S 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

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

- 2023

68th Legislature 2023

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HB0856.002.011

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; PROVIDING
10 LEGISLATIVE CONSENT; AMENDING SECTIONS 2-17-101, 2-17-108, 2-17-802, 2-17-805, 2-17-806, AND 2-
11 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

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

- 2023

68th Legislature 2023

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HB0856.002.011

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

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

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

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

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

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

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

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 occupants of the facility. (Terminates June 30, 2023--sec. 3, Ch. 401, L. 2019.)

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

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

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

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

25 (4) The department shall consolidate the offices of state agencies in a single, central location
26 within a municipality whenever the consolidation would result in a cost savings to the state while permitting
27 sufficient space and facilities for the agencies. The department may purchase, lease, or acquire, by exchange

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 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

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 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:

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 (i) the capitol complex advisory council and the department responsibilities for the legislative
2 space as provided for in Title 2, chapter 17, part 8; and
- 3 (ii) department control of:
- 4 (A) except as provided in this section, central utility functions, including but not limited to
5 mechanical and electronic functions and the electric core of the capitol and the legislative space;
- 6 (B) general maintenance of the legislative space;
- 7 (C) maintenance of all the elevators and stairways in the legislative space;
- 8 (D) maintenance of rest rooms in the legislative space;
- 9 (E) existing press space in the basement level;
- 10 (F) phone systems in the legislative space, except that the legislature retains the jurisdiction and
11 authority to install a new phone system; and
- 12 (G) custodial care pursuant to 2-17-811 for the legislative space.
- 13 (b) The legislative council, with consultation of the legislative audit committee and the legislative
14 finance committee, shall exercise jurisdiction over the:
- 15 (i) long-range legislative branch capitol development plan;
- 16 (ii) allocation, maintenance, or remodeling of legislative space for nonpartisan legislative staff;
- 17 (iii) allocation of legislative parking area space; and
- 18 (iv) occupancy of nonlegislative entities in legislative space.

19

20 **NEW SECTION. Section 4. Reservation of space for governor.** (1) The governor's space on the
21 capitol complex includes:

- 22 (a) in the capitol, the entire second floor, except the legislative space temporarily reserved for the
23 secretary of state pursuant to [section 3] and 2-17-802;
- 24 (b) the executive residence located at 2 Carson street;
- 25 (c) parking lots, parking garages, and the parking area designated in 2-17-802; and
- 26 (d) additional buildings that may be acquired or constructed for the use of the governor.
- 27 (2) The governor shall exercise complete jurisdiction over the governor's space except for the

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 following:

2 (a) the capitol complex advisory council and the department responsibilities for the governor's
3 space as provided for in Title 2, chapter 17, part 8; and

4 (b) department control of:

5 (i) central utility functions, including but not limited to mechanical and electronic functions and the
6 electric core of the capitol and the governor's space;

7 (ii) general maintenance of the governor's space;

8 (iii) maintenance of all the elevators and stairways in the governor's space;

9 (iv) maintenance of rest rooms in the governor's space;

10 (v) phone systems in the governor's space; and

11 (vi) custodial care pursuant to 2-17-811 for the governor's space.

12

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

14 **"2-17-802. Definitions.** As used in part 1 and this part, the following definitions apply:

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

16 (1)(2) "Capitol complex" means the capitol building and all the state buildings within a 10-mile radius
17 of the capitol building but does not include the Montana wildlife rehabilitation and education center.

18 (2)(3) "Council" means the capitol complex advisory council established in 2-17-803.

19 (4) "Governor's space" means the chambers, rooms, hallways, lounges, parking lots, parking
20 garages, and parking area designated by [section 4] and this section as being subject to governor control.

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

22 (3)(6) "Legislative council" means the legislative council established in 5-11-101.

23 (7) "Legislative finance committee" means the legislative finance committee established in 5-12-
24 201.

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

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

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

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

7 (b) The term does not include:

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

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

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

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

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

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

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

27

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 **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.

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 **(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.

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

- 2023

68th Legislature 2023

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HB0856.002.011

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

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 legislature, governor, or secretary of state for the custodial and security services for public space within the
2 capitol as defined in 2-17-802.

3 (c) The legislative council may contract with the department or a private entity, or both, for the
4 custodial and security services for legislative space that is not designated public space in 2-17-802. If the
5 legislative council contracts with the department, the legislature may not be charged more than the rate
6 approved by the legislature for custodial and security services for capitol complex facilities. The legislature shall
7 provide a 90-day advance notice to the department prior to contracting with a private entity for custodial or
8 security services, or both.

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

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

14
15 **NEW SECTION. Section 9. Capitol complex executive branch long-range capital projects**

16 **account.** (1) There is a capitol complex executive branch long-range capital projects account in the capital
17 projects fund type to fund executive branch capital projects.

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

20
21 **NEW SECTION. Section 10. Eligible use of funds.** (1) The funds in the account established in
22 [section 9] may only be used to continue renovation, replacement, or construction of complex facilities based on
23 findings from the 2022 Montana remote and office workspace study, including but not limited to capital
24 improvements to:

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

26 (b) implement enterprise-wide opportunities for technology enhanced touch-down and hoteling
27 stations;

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 (c) improve productivity;
- 2 (d) reduce agency programmatic and operational costs;
- 3 (e) provide flexible spaces for long-term efficiencies, performance, and cost reduction;
- 4 (f) improve workforce efficiencies, recruiting, and retention, including telework-friendly design;
- 5 (g) consolidate state-owned and leased properties into existing, replacement, or new spaces;
- 6 (h) renovation or construction costs, including relocation costs, for moving non-legislative branch
- 7 functions or agencies out of the capitol;
- 8 (i) colocation to take advantage of teleworking and mission-related adjacencies;
- 9 (j) centralize access to governmental services and improve citizen accessibility;
- 10 (k) provide security improvements to ensure safety and continuity of governmental operations; and
- 11 (l) increase disaster resiliency.
- 12 (2) Priority must be given to projects that have a high return on investment or that reduce deferred
- 13 maintenance backlog through the renovation and renewal of existing spaces.
- 14 (3) Moving and relocation costs associated with the implementation of this section may be paid
- 15 from these funds.
- 16 (4) The legislature may transfer from the account established in [section 9] to the major repair
- 17 long-range building program account or the capital developments long-range building program account for
- 18 capital projects within the capitol complex.

19
20 **NEW SECTION. Section 11. Capitol complex legislative branch long-range capital projects**

21 **account.** (1) There is a capitol complex legislative branch long-range capital projects account in the capital

22 projects fund type to fund legislative branch capital projects.

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

24 account.

25
26 **NEW SECTION. Section 12. Eligible use of funds.** (1) The funds in the account established in

27 [section 11] may only be used to:

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 (a) develop and implement a strategic capital plan to improve the efficiency and functionality of the
2 legislative space and the legislative process;
- 3 (b) plan, renovate, replace, or construct capitol complex facilities for the exclusive use of the
4 legislative branch;
- 5 (c) increase citizen access to legislators and the legislative process;
- 6 (d) locate priority functions and entities to be located within the walls of the capitol;
- 7 (e) relocate functions and entities not required to be located within the walls of the capitol;
- 8 (f) address deficiencies in legislator and legislative support staff spaces;
- 9 (g) improve adjacencies and colocation where functional efficiencies can be gained;
- 10 (h) provide flexible spaces for long-term efficiencies, performance, and cost reduction;
- 11 (i) improve workforce efficiencies, recruiting, and retention, including telework-friendly design; and
- 12 (j) implement telework opportunities.
- 13 (2) Priority must be given to projects that improve the legislative process by providing individual
14 office space for legislators, expanding or adding public hearing rooms, or increasing the availability of space for
15 constituent meetings and outreach.
- 16 (3) Moving and relocation costs of legislative branch functions moved or relocated in the
17 implementation of this section may be paid from these funds. Renovation or construction costs, including
18 relocation costs, for moving non-legislative branch functions or agencies out of the capitol must be paid from
19 the funds in the account established in [section 9].
- 20 (4) The legislative branch long-range capital plan must be updated at a minimum on a decennial
21 basis and prior to undertaking any major capital development exceeding \$5 million not included in the current
22 capitol plan in effect.
- 23 (5) The legislature may transfer from the account established in [section 11] to the major repair
24 long-range building program account or the capital developments long-range building program account for
25 legislative branch capital projects within the capitol complex.
- 26 (6) The legislative council, with consultation of the legislative finance committee and legislative
27 audit committee, shall serve as a long-range building committee to recommend to the legislature and the

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 department of administration construction and remodeling priorities for the capitol and capitol complex.

2

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

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

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

12

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

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

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

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

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

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 legislative branch capitol development plan.

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

4
5 **NEW SECTION. Section 15. Codification instruction.** (1) [Sections 3 and 4] are intended to be
6 codified as an integral part of Title 2, chapter 17, part 1, and the provisions of Title 2, chapter 17, part 1, apply
7 to [sections 3 and 4].

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

10
11 **NEW SECTION. Section 16. Effective dates.** (1) Except as provided in subsection (2), [this act] is
12 effective on passage and approval.

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

14 - END -