

**Amendment - 1st Reading/2nd House-blue - Requested by: Matt Regier - (S) Legislative Administration**

- 2023

68th Legislature 2023

Drafter: Todd Everts, 406-444-4023

HB0856.002.008

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.  
4 COHENOUR, D. ZOLNIKOV, R. LYNCH, A. OLSEN, W. CURDY, M. DUNWELL, J. ELLIS, D. HAYMAN, J.  
5 HINKLE, W. MCKAMEY, C. POPE, S. WEBBER, S. GUNDERSON, D. FERN, S. VINTON, J. HAMILTON, W.  
6 SALES, K. ABBOTT, S. MORIGEAU, J. SMALL, J. GROSS, L. BISHOP, J. ELLSWORTH, R. KNUDSEN, J.  
7 DOOLING, D. HARVEY, E. KERR-CARPENTER, M. WEATHERWAX, K. BOGNER, T. RUNNING WOLF, T.  
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9 REGIER, P. FIELDER, S. GIST, E. STAFMAN, A. BUCKLEY, K. KORTUM, C. HINKLE, K. WALSH, D. HAWK,  
10 T. FRANCE, M. THANE, C. FRIEDEL, S. O'BRIEN, T. BROCKMAN, G. PARRY, L. DEMING, E. MATTHEWS,  
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

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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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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

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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

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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

1 reserve legislative committee hearing rooms."

2

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

4 The legislative space on the capitol complex includes:

5 (a) in the state capitol:

6 (i) the entire fourth floor;

7 (ii) the entire third floor, including the senate and house chambers;

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

9 (iv) the entire first floor, except for the post office space;

10 (v) the entire basement level;

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

12 this section; and

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

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

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

16 and

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

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

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

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

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

22 (ii) department control of:

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

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

25 (B) general maintenance of the legislative space;

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

27 (D) maintenance of rest rooms in the legislative space;

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- 1 (E) existing press space in the basement level;
- 2 (F) phone systems in the legislative space, except that the legislature retains the jurisdiction and
- 3 authority to install a new phone system; and
- 4 (G) custodial care pursuant to 2-17-811 for the legislative space.
- 5 (b) The legislative council, with consultation of the legislative audit committee and the legislative
- 6 finance committee, shall exercise jurisdiction over the:
  - 7 (i) long-range legislative branch capitol development plan;
  - 8 (ii) allocation, maintenance, or remodeling of legislative space for nonpartisan legislative staff;
  - 9 (iii) allocation of legislative parking area space; and
  - 10 (iv) occupancy of nonlegislative entities in legislative space.

11

12 **NEW SECTION. Section 4. Reservation of space for governor.** (1) The governor's space on the

13 capitol complex includes:

- 14 (a) in the capitol, the entire second floor, except the legislative space temporarily reserved for the
- 15 secretary of state pursuant to [section 3] and 2-17-802;
- 16 (b) the executive residence located at 2 Carson street;
- 17 (c) parking lots, parking garages, and the parking area designated in 2-17-802; and
- 18 (d) additional buildings that may be acquired or constructed for the use of the governor.

19 (2) The governor shall exercise complete jurisdiction over the governor's space except for the

20 following:

- 21 (a) the capitol complex advisory council and the department responsibilities for the governor's
- 22 space as provided for in Title 2, chapter 17, part 8; and
- 23 (b) department control of:
  - 24 (i) central utility functions, including but not limited to mechanical and electronic functions and the
  - 25 electric core of the capitol and the governor's space;
  - 26 (ii) general maintenance of the governor's space;
  - 27 (iii) maintenance of all the elevators and stairways in the governor's space;

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- 1 (iv) maintenance of rest rooms in the governor's space;
- 2 (v) phone systems in the governor's space; and
- 3 (vi) custodial care pursuant to 2-17-811 for the governor's space.

4

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

6 **"2-17-802. Definitions.** As used in part 1 and this part, the following definitions apply:

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

8 ~~(1)(2)~~ "Capitol complex" means the capitol building and all the state buildings within a 10-mile radius  
9 of the capitol building but does not include the Montana wildlife rehabilitation and education center.

10 ~~(2)(3)~~ "Council" means the capitol complex advisory council established in 2-17-803.

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

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

14 ~~(3)(6)~~ "Legislative council" means the legislative council established in 5-11-101.

15 (7) "Legislative finance committee" means the legislative finance committee established in 5-12-  
16 201.

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

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

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

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

26 (b) The term does not include:

27 (i) for the capitol south circle lot, six parking spaces for use by the governor's office, one parking



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

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

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

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

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

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

19

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

21 **"2-17-805. Function of department of administration -- capitol area master plan -- advice of**  
22 **capitol complex advisory council and legislative council.** (1) With advice from the council and the  
23 legislative council, the department of administration shall establish and maintain a long-range master plan for  
24 the orderly development of the capitol complex. The long-range master plan must be developed and  
25 maintained, with consideration given to the following factors:

26 (a) the needs of the state, including incorporation of the long-range legislative branch capitol  
27 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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1 ~~finance committee, may contract with the department or a private entity, or both,~~ REQUEST APPOINTMENT OF  
2 ARCHITECTS AND CONSULTING ENGINEERS BY THE DEPARTMENT PURSUANT TO 18-2-112 to develop the long-range  
3 legislative branch ~~capitol~~ CAPITAL development plan.

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

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

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

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

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

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

20 (7) (a) Before July 1, 2024, the department shall submit a proposal to legislative council to move  
21 the legislative audit division out of the capitol into an existing, renovated, or constructed building on the capitol  
22 complex.

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

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

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**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-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-custodial, maintenance, and security work done on state-owned or leased buildings in the ~~state capitol area~~ capitol complex. The department may not charge the legislature, governor, or secretary of state for the custodial and security services for public space within the capitol as defined in 2-17-802.

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

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

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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- 1 (e) relocate functions and entities not required to be located within the walls of the capitol;
- 2 (f) address deficiencies in legislator and legislative support staff spaces;
- 3 (g) improve adjacencies and colocation where functional efficiencies can be gained;
- 4 (h) provide flexible spaces for long-term efficiencies, performance, and cost reduction;
- 5 (i) improve workforce efficiencies, recruiting, and retention, including telework-friendly design; and
- 6 (j) implement telework opportunities.

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

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

12 ~~(3)(4)~~ Moving-Operating, administrative, moving, and relocation costs of legislative branch functions  
13 moved or relocated in the implementation of this section may be paid from these funds. Renovation or  
14 construction costs, including relocation costs, for moving non-legislative branch functions or agencies out of the  
15 capitol must be paid from the funds in the account established in [section 9].

16 ~~(4)(5)~~ The legislative branch long-range capital development plan must be updated at a minimum on  
17 a decennial basis and prior to undertaking any major capital development exceeding \$5 million not included in  
18 the current capitol-legislative branch long-range capital development plan in effect.

19 ~~(5)(6)~~ The legislature may transfer from the account established in [section 11] to the major repair  
20 long-range building program account or the capital developments long-range building program account for  
21 legislative branch capital projects within the capitol complex.

22 ~~(6)(7)~~ The legislative council, with consultation of the legislative finance committee and legislative  
23 audit 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 capitol complex.

25

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

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

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

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

8  
9 **NEW SECTION. Section 14. Appropriation Appropriations.** (1) There is appropriated ~~\$25~~\$12.5  
10 million from the ~~capitol complex legislative branch long range capital projects~~ account established in [section  
11 11] to the legislative branch for the biennium beginning July 1, 2023, for the purposes set forth in subsections  
12 (2) ~~through (4) and (3).~~

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

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

15 (ii) plan, renovate, replace, and construct capital improvements for the exclusive use of the  
16 legislative branch.

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

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~~



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

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

11 ~~(6) (a) There is appropriated up to \$25 million from the account established in [section 9] to the~~  
12 ~~department of administration for the purpose of moving the legislative audit division provided for in 5-13-301 out~~  
13 ~~of the capitol into an existing or constructed building pursuant to [section 6(7)].~~

14 ~~(b) — These funds must be used to:~~

15 ~~(i) — plan, renovate, or construct capitol complex facilities for the use of the legislative audit division;~~

16 ~~(ii) — pay for furniture, fixtures, and equipment at the new location of the legislative audit division;~~

17 ~~(iii) — pay operating, administrative, moving, and relocation costs of the legislative audit division; and~~

18 ~~(iv) — pay for any other costs associated with carrying out the provisions of [section 6(7)].~~

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

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

26

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

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1 codified as an integral part of Title 2, chapter 17, part 1, and the provisions of Title 2, chapter 17, part 1, apply  
2 to [sections 3 and 4].

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

5  
6 NEW SECTION. **Section 16. Effective dates.** (1) Except as provided in subsection (2), [this act] is  
7 effective on passage and approval.

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

9 - END -