

SENATE BILL 12

Introduced by Lynch

12/27	Introduced
12/28	Referred to State Administration
1/07	First Reading
1/09	Hearing
1/10	Committee Report--Bill Passed as Amended
1/11	2nd Reading Passed
1/12	3rd Reading Passed
	Transmitted to House
1/14	First Reading
1/14	Referred to State Administration
	Died in Committee

SENATE BILL NO. 12

INTRODUCED BY LYNCH

BY REQUEST OF THE LEGISLATIVE COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT ABOLISHING THE CAPITOL BUILDING AND PLANNING COMMITTEE AND REASSIGNING ITS FUNCTIONS; AMENDING SECTIONS 2-17-101, 2-17-109, 5-17-102, AND 5-17-103, MCA; AND REPEALING SECTIONS 5-17-101 AND 5-17-104, MCA."

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

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

"2-17-101. Allocation of space. (1) The department of administration shall determine the space required by state agencies other than the university system and shall allocate space in buildings owned or leased by the state, based on each agency's need. To efficiently and effectively allocate space, the department periodically shall identify the amount, location, and nature of space used by each agency.

(2) An agency requiring additional space shall notify the department. The department, in consultation with the agency, shall determine the amount and nature of the space needed and locate space within a building owned or leased by the state to meet the agency's requirements. If no space is available in a building owned or leased by the state, the

department shall locate space to be leased in an appropriate building or recommend alternatives to leasing, such as remodeling or exchanging space with another agency. A state agency may not lease, rent, or purchase property for quarters without prior approval of the department.

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

(b) The department of administration, with the advice of the ~~capitol-building-and-planning-committee~~ legislative council, shall allocate other space for the use of the legislature, including but not limited to space for committee rooms and legislative offices.

(4) For state agencies located in a city other than Helena, the department of administration shall consolidate the offices of these agencies in a single, central location within the city whenever ~~such~~ the consolidation would result in a cost savings to the state while permitting sufficient space and facilities for the agencies. The department may purchase, lease, or acquire, by exchange or otherwise, land and buildings in the city to achieve consolidation. State retail liquor stores, liquor retail agencies, and offices of the law enforcement services division and motor vehicle



1 division of the department of justice are exempted from
2 consolidation."

3 **Section 2.** Section 2-17-109, MCA, is amended to read:

4 "2-17-109. Remodeling and renovation -- senate chambers
5 and former supreme court chambers to be preserved. ~~(1)~~
6 ~~Notwithstanding the provisions of Title 5, chapter 17, part~~
7 ~~17--the--department--of--administration--shall--proceed--with--the~~
8 ~~plans--for--the--remodeling--and--renovation--of--the--state--capitol~~
9 ~~for--which--moneys--were--appropriated--by--the--47th--legislature~~
10 ~~and--reappropriated--by--the--48th--legislature--~~

11 ~~(2)--in--proceeding--with--such--plans,--the--department--of~~
12 ~~administration--shall--consult--with--the--capitol--building--and~~
13 ~~planning--committee--provided--for--in--5-17-181;--however,--such~~
14 ~~plans--and--the--implementation--of--such--plans--need--not--be~~
15 ~~reported--to--the--49th--legislature--before--implementation--~~

16 ~~(3)--The--department--of--administration,--in--the~~
17 ~~implementation--of--such--plans,--shall--keep--and--maintain--the~~
18 ~~senate--chambers--in--its--present--location--~~

19 ~~(4)(1)~~ If future senate bodies ~~should~~ determine that
20 the location of the senate chambers ~~is to~~ should be moved,
21 the department of administration shall keep and maintain the
22 physical structure and location of the present senate
23 chambers as a single room ~~which shall~~ that must be used for
24 legislative purposes. ~~Such~~ The room ~~shall~~ may not be divided
25 in any manner, and the artwork and height of the ceiling

1 ~~shall~~ must be maintained and preserved.

2 ~~(5)(2)~~ The department of administration shall keep and
3 maintain the physical structure and location of the supreme
4 court chambers, which were occupied by the Montana supreme
5 court until the new justice building was completed and
6 dedicated in 1983, as a single room ~~which shall~~ that must be
7 used for legislative committee purposes. ~~Such~~ The room ~~shall~~
8 may not be divided in any manner, and the artwork and height
9 of the ceiling ~~shall~~ must be maintained and preserved."

10 **Section 3.** Section 5-17-102, MCA, is amended to read:

11 "5-17-102. Function of committee department of
12 administration -- capitol area master plan -- advice of
13 legislative council. (1) ~~The function of the committee is to~~
14 department of administration shall establish and maintain a
15 master plan for the orderly development of state buildings
16 in the immediate area of the capital city. The master plan
17 ~~shall~~ must be developed and maintained, with consideration
18 given to the following factors:

19 (a) the needs of the state relative to the location and
20 design of buildings to be constructed, purchase of land,
21 parking facilities, traffic management, and landscaping;

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

1 (c) any other factors that bear upon the orderly,
 2 integrated, and cooperative development of the state, the
 3 city of Helena, Lewis and Clark County, and of state
 4 property in the immediate area of the capital city.

5 (2) The ~~committee~~ legislative council shall consult
 6 with and advise the department of administration concerning
 7 the assignment of space in the capitol complex and the
 8 actual placement of busts, statues, memorials, or art
 9 displays of a permanent nature within public areas of the
 10 capitol complex. ~~No-such~~ An item may not be permanently
 11 displayed unless authorized by the legislature.

12 (3) The ~~committee~~ legislative council shall serve as a
 13 long-range building committee to recommend to the
 14 legislature and the department of administration
 15 construction and remodeling priorities for the capitol
 16 complex."

17 **Section 4.** Section 5-17-103, MCA, is amended to read:

18 "5-17-103. Report to legislature. The ~~committee~~
 19 legislative council shall prepare a written report of its
 20 activities and recommendations related to its duties under
 21 5-17-102(2) and present the report to the legislature at
 22 each regular session for the purpose of assisting the
 23 legislature in determining if ~~such~~ the recommendations
 24 should be implemented. ~~To---prepare---its---report---and~~
 25 ~~recommendations;--the--committee--may--receive--assistance--from~~

1 ~~the-legislative-council--"~~

2 NEW SECTION. **Section 5.** Repealer. Sections 5-17-101
 3 and 5-17-104, MCA, are repealed.

-End-

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

1 SENATE BILL NO. 12
 2 INTRODUCED BY LYNCH
 3 BY REQUEST OF THE LEGISLATIVE COUNCIL
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT ABOLISHING THE CAPITOL
 6 BUILDING AND PLANNING COMMITTEE AND REASSIGNING ITS
 7 FUNCTIONS; AMENDING SECTIONS 2-17-101, 2-17-109, 5-17-102,
 8 AND 5-17-103, MCA; AND REPEALING SECTIONS 5-17-101 AND
 9 5-17-104, MCA."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

13 "2-17-101. Allocation of space. (1) The department of
 14 administration shall determine the space required by state
 15 agencies other than the university system and shall allocate
 16 space in buildings owned or leased by the state, based on
 17 each agency's need. To efficiently and effectively allocate
 18 space, the department periodically shall identify the
 19 amount, location, and nature of space used by each agency.

20 (2) An agency requiring additional space shall notify
 21 the department. The department, in consultation with the
 22 agency, shall determine the amount and nature of the space
 23 needed and locate space within a building owned or leased by
 24 the state to meet the agency's requirements. If no space is
 25 available in a building owned or leased by the state, the

1 department shall locate space to be leased in an appropriate
 2 building or recommend alternatives to leasing, such as
 3 remodeling or exchanging space with another agency. A state
 4 agency may not lease, rent, or purchase property for
 5 quarters without prior approval of the department.

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

11 (b) The department of administration, with the advice
 12 of the ~~capitol-building-and-planning-committee~~ legislative
 13 council, shall allocate other space for the use of the
 14 legislature, including but not limited to space for
 15 committee rooms and legislative offices.

16 (4) For state agencies located in a city other than
 17 Helena, the department of administration shall consolidate
 18 the offices of these agencies in a single, central location
 19 within the city whenever such the consolidation would result
 20 in a cost savings to the state while permitting sufficient
 21 space and facilities for the agencies. The department may
 22 purchase, lease, or acquire, by exchange or otherwise, land
 23 and buildings in the city to achieve consolidation. State
 24 retail liquor stores, liquor retail agencies, and offices of
 25 the law enforcement services division and motor vehicle

SECOND READING
SB 12



1 division of the department of justice are exempted from
2 consolidation."

3 **Section 2.** Section 2-17-109, MCA, is amended to read:

4 *2-17-109. Remodeling and renovation -- senate chambers
5 and former supreme court chambers to be preserved. ~~{1}~~
6 ~~Notwithstanding the provisions of Title 5, chapter 17, part~~
7 ~~17, the department of administration shall proceed with the~~
8 ~~plans for the remodeling and renovation of the state capitol~~
9 ~~for which moneys were appropriated by the 47th legislature~~
10 ~~and reappropriated by the 48th legislature.~~

11 ~~{2}--In proceeding with such plans, the department of~~
12 ~~administration shall consult with the capitol building and~~
13 ~~planning committee provided for in 5-17-101; however, such~~
14 ~~plans and the implementation of such plans need not be~~
15 ~~reported to the 49th legislature before implementation.~~

16 ~~{3}--The department of administration, in the~~
17 ~~implementation of such plans, shall keep and maintain the~~
18 ~~senate chambers in its present location.~~

19 ~~{4}{1}~~ If future senate bodies ~~should~~ determine that
20 the location of the senate chambers ~~is to~~ should be moved,
21 the department of administration shall keep and maintain the
22 physical structure and location of the present senate
23 chambers as a single room which ~~shall~~ that must be used for
24 legislative purposes. Such The room ~~shall~~ may not be divided
25 in any manner, and the artwork and height of the ceiling

1 ~~shall~~ must be maintained and preserved.

2 ~~{5}{2}~~ The department of administration shall keep and
3 maintain the physical structure and location of the supreme
4 court chambers, which were occupied by the Montana supreme
5 court until the new justice building was completed and
6 dedicated in 1983, as a single room which ~~shall~~ that must be
7 used for legislative committee purposes. Such The room ~~shall~~
8 may not be divided in any manner, and the artwork and height
9 of the ceiling ~~shall~~ must be maintained and preserved."

10 **Section 3.** Section 5-17-102, MCA, is amended to read:

11 *5-17-102. Function of committee department of
12 administration -- capitol area master plan -- advice of
13 legislative council. (1) ~~The function of the committee is to~~
14 department of administration shall establish and maintain a
15 master plan for the orderly development of state buildings
16 in the immediate area of the capital city. The master plan
17 ~~shall~~ must be developed and maintained, with consideration
18 given to the following factors:

19 (a) the needs of the state relative to the location and
20 design of buildings to be constructed, purchase of land,
21 parking facilities, traffic management, and landscaping;

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

1 (c) any other factors that bear upon the orderly,
 2 integrated, and cooperative development of the state, the
 3 city of Helena, Lewis and Clark County, and of state
 4 property in the immediate area of the capital city.

5 (2) The ~~committee~~ legislative council shall consult
 6 with and advise the department of administration concerning
 7 the assignment of space in the capitol ~~complex~~ and the
 8 actual placement of busts, statues, memorials, or art
 9 displays of a permanent nature within public areas of the
 10 capitol complex. ~~No-such~~ An item may not be permanently
 11 displayed unless authorized by the legislature.

12 (3) The ~~committee~~ legislative council shall serve as a
 13 long-range building committee to recommend to the
 14 legislature and the department of administration
 15 construction and remodeling priorities for the capitol
 16 ~~complex.~~"

17 **Section 4.** Section 5-17-103, MCA, is amended to read:

18 "5-17-103. Report to legislature. The ~~committee~~
 19 legislative council shall prepare a written report of its
 20 activities and recommendations related to its duties under
 21 5-17-102(2) and present the report to the legislature at
 22 each regular session for the purpose of assisting the
 23 legislature in determining if ~~such~~ the recommendations
 24 should be implemented. ~~To---prepare---its---report---and~~
 25 ~~recommendations,---the---committee---may---receive---assistance---from~~

1 ~~the-legislative-council,~~"

2 NEW SECTION. **Section 5.** Repealer. Sections 5-17-101
 3 and 5-17-104, MCA, are repealed.

-End-

1 SENATE BILL NO. 12

2 INTRODUCED BY LYNCH

3 BY REQUEST OF THE LEGISLATIVE COUNCIL

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT ABOLISHING THE CAPITOL
6 BUILDING AND PLANNING COMMITTEE AND REASSIGNING ITS
7 FUNCTIONS; AMENDING SECTIONS 2-17-101, 2-17-109, 5-17-102,
8 AND 5-17-103, MCA; AND REPEALING SECTIONS 5-17-101 AND
9 5-17-104, MCA."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:12 **Section 1.** Section 2-17-101, MCA, is amended to read:

13 **"2-17-101. Allocation of space.** (1) The department of
14 administration shall determine the space required by state
15 agencies other than the university system and shall allocate
16 space in buildings owned or leased by the state, based on
17 each agency's need. To efficiently and effectively allocate
18 space, the department periodically shall identify the
19 amount, location, and nature of space used by each agency.

20 (2) An agency requiring additional space shall notify
21 the department. The department, in consultation with the
22 agency, shall determine the amount and nature of the space
23 needed and locate space within a building owned or leased by
24 the state to meet the agency's requirements. If no space is
25 available in a building owned or leased by the state, the

1 department shall locate space to be leased in an appropriate
2 building or recommend alternatives to leasing, such as
3 remodeling or exchanging space with another agency. A state
4 agency may not lease, rent, or purchase property for
5 quarters without prior approval of the department.

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

11 (b) The department of administration, with the advice
12 of the ~~capitol-building-and-planning-committee~~ legislative
13 council, shall allocate other space for the use of the
14 legislature, including but not limited to space for
15 committee rooms and legislative offices.

16 (4) For state agencies located in a city other than
17 Helena, the department of administration shall consolidate
18 the offices of these agencies in a single, central location
19 within the city whenever such the consolidation would result
20 in a cost savings to the state while permitting sufficient
21 space and facilities for the agencies. The department may
22 purchase, lease, or acquire, by exchange or otherwise, land
23 and buildings in the city to achieve consolidation. State
24 retail liquor stores, liquor retail agencies, and offices of
25 the law enforcement services division and motor vehicle

THIRD READING

1 division of the department of justice are exempted from
2 consolidation."

3 **Section 2.** Section 2-17-109, MCA, is amended to read:

4 "2-17-109. Remodeling and renovation -- senate chambers
5 and former supreme court chambers to be preserved. {1}
6 ~~Notwithstanding the provisions of Title 5, chapter 17, part~~
7 ~~17, the department of administration shall proceed with the~~
8 ~~plans for the remodeling and renovation of the state capitol~~
9 ~~for which moneys were appropriated by the 47th legislature~~
10 ~~and reappropriated by the 48th legislature.~~

11 {2} ~~In proceeding with such plans, the department of~~
12 ~~administration shall consult with the capitol building and~~
13 ~~planning committee provided for in 5-17-101, however, such~~
14 ~~plans and the implementation of such plans need not be~~
15 ~~reported to the 49th legislature before implementation.~~

16 {3} ~~The department of administration, in the~~
17 ~~implementation of such plans, shall keep and maintain the~~
18 ~~senate chambers in its present location.~~

19 {4}{1} If future senate bodies should determine that
20 the location of the senate chambers is to should be moved,
21 the department of administration shall keep and maintain the
22 physical structure and location of the present senate
23 chambers as a single room which shall that must be used for
24 legislative purposes. Such The room shall may not be divided
25 in any manner, and the artwork and height of the ceiling

1 shall must be maintained and preserved.

2 {5}{2} The department of administration shall keep and
3 maintain the physical structure and location of the supreme
4 court chambers, which were occupied by the Montana supreme
5 court until the new justice building was completed and
6 dedicated in 1983, as a single room which shall that must be
7 used for legislative committee purposes. Such The room shall
8 may not be divided in any manner, and the artwork and height
9 of the ceiling shall must be maintained and preserved."

10 **Section 3.** Section 5-17-102, MCA, is amended to read:

11 "5-17-102. Function of committee department of
12 administration -- capitol area master plan -- advice of
13 legislative council. (1) ~~The function of the committee is to~~
14 department of administration shall establish and maintain a
15 master plan for the orderly development of state buildings
16 in the immediate area of the capital city. The master plan
17 shall must be developed and maintained, with consideration
18 given to the following factors:

19 (a) the needs of the state relative to the location and
20 design of buildings to be constructed, purchase of land
21 parking facilities, traffic management, and landscaping;

22 (b) the ordinances, plans, requirements, and propose
23 improvements of the city of Helena and Lewis and Clark
24 County, based without limitation upon zoning regulations
25 population trends, and plans for rapid transit development;

1 (c) any other factors that bear upon the orderly,
2 integrated, and cooperative development of the state, the
3 city of Helena, Lewis and Clark County, and of state
4 property in the immediate area of the capital city.

5 (2) The ~~committee~~ legislative council shall consult
6 with and advise the department of administration concerning
7 the assignment of space in the capitol ~~complex~~ and the
8 actual placement of busts, statues, memorials, or art
9 displays of a permanent nature within public areas of the
10 capitol complex. ~~No-such~~ An item may not be permanently
11 displayed unless authorized by the legislature.

12 (3) The ~~committee~~ legislative council shall serve as a
13 long-range building committee to recommend to the
14 legislature and the department of administration
15 construction and remodeling priorities for the capitol
16 ~~complex.~~"

17 **Section 4.** Section 5-17-103, MCA, is amended to read:

18 "5-17-103. Report to legislature. The ~~committee~~
19 legislative council shall prepare a written report of its
20 activities and recommendations related to its duties under
21 5-17-102(2) and present the report to the legislature at
22 each regular session for the purpose of assisting the
23 legislature in determining if ~~such~~ the recommendations
24 should be implemented. ~~To---prepare---its---report---and~~
25 ~~recommendations,--the--committee--may--receive--assistance--from~~

1 ~~the-legislative-council;~~"

2 NEW SECTION. Section 5. Repealer. Sections 5-17-101
3 and 5-17-104, MCA, are repealed.

-End-