

HOUSE JOINT RESOLUTION NO. 5

Introduced: 01/18/83

Referred to Committee on Legislative Administration, Bills &  
Journal: 01/18/83

Hearing: 2/17/83

Report: 02/17/83, Do Pass, As Amended

2nd Reading: 02/19/83, Do Pass

Rereferred to 2nd Reading: 02/21/83, Do Pass, As Amended

3rd Reading: 02/23/83, Do Pass

Transmitted to Senate: 02/23/83

Referred to Committee on Legislative Administration: /3/1/83

Hearing: 3/3/83

Report: 3/7/83, Be Concurred In, As Amended

2nd Reading, 03/15/83, As Amended

3rd Reading, 03/17/83

Returned to House With Amendments

2nd Reading: 03/31/83, Be Not Concurred In

Conference Committee Appointed: 03/31/83

Conference Committee Report: 4/13/83

House

2nd Reading: 04/14/83, Adopted

3rd Reading: 04/15/83, Adopted

Conference Committee Action Not Adopted By The Senate  
Bill Killed

*House* JOINT RESOLUTION NO. *5*

INTRODUCED BY *Senate* *Antelmo* *Mitcalf* *Vincent*

*FAGG McBride Blaylock Regan*

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA EXPRESSING THE APPROVAL OF THE LEGISLATURE WITH REGARD TO THE ALLOCATION OF SPACE IN THE PLANS FOR THE RENOVATION AND REMODELING OF THE CAPITOL, INCLUDING RELOCATION OF THE SENATE CHAMBERS.

WHEREAS, the completion of the new Justice and State Library Building has provided additional space in the Capitol for legislative functions; and

WHEREAS, a preliminary plan was prepared and presented to the 47th Legislature, providing for new committee rooms, a large hearing room, additional leadership offices, semiprivate space for legislators, expanded toilets and locker space, additional space for legislative support functions, and a new Senate Chamber in the old law library; and

WHEREAS, the 47th Legislature reviewed and discussed Senate Joint Resolution 21, handout literature, and verbal presentations describing the Capitol renovation project; and

WHEREAS, the 47th Legislature passed House Bill 872, expanding the Capitol Building and Planning Committee to 16 members and empowering the committee to serve as the

Legislature's representative in the preparation and implementation of the plans for the renovation and remodeling of the Capitol, including without limitations the location of legislative chambers, committee rooms, and other space allocations; and

WHEREAS, the Capitol Building and Planning Committee recommended that the Senate Chambers be moved from their present location to the old law library; and

WHEREAS, the 47th Legislature appropriated \$6,750,000 from the Capitol Land Grant and authorized the sale of bonds for the purpose of the Capitol renovation project; and

WHEREAS, bonds have been sold and the plans and specifications are nearly completed for the project; and

WHEREAS, two State Senators petitioned the Montana Supreme Court for a declaratory judgment that House Bill 872 violates the Montana Constitution and several other Montana statutes; and

WHEREAS, the Montana Supreme Court granted the declaratory judgment and enjoined the Department of Administration against further proceedings with respect to the Capitol remodeling until consent of the Legislature has been obtained for relocation of the Senate Chamber.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

1        That the Legislature approves the recommendations of  
2        the Capitol Building and Planning Committee to remodel the  
3        Capitol as proposed, including moving the Senate Chamber to  
4        the old law library location on the third floor east wing.

5        BE IT FURTHER RESOLVED, that this resolution be passed  
6        and processed expeditiously to allow timely completion of  
7        the contract documents, bidding, and construction work  
8        before the next legislative session.

9        BE IT FURTHER RESOLVED, that the Secretary of State  
10       deliver a copy of this resolution to the Director of the  
11       Department of Administration.

-End-

Approved by Comm.  
on Leg. Admin.

HOUSE JOINT RESOLUTION NO. 5  
INTRODUCED BY FABREGA, BERTELSEN,  
METCALF, VINCENT, FAGG, MCBRIDE,  
BLAYLOCK, REGAN

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF  
REPRESENTATIVES OF THE STATE OF MONTANA EXPRESSING THE  
APPROVAL OF THE LEGISLATURE WITH REGARD TO THE ALLOCATION OF  
SPACE IN THE PLANS FOR THE RENOVATION AND REMODELING OF THE  
CAPITOL--INCLUDING-RELOCATION-OF-THE-SENATE-CHAMBERS.

WHEREAS, the completion of the new Justice and State  
Library Building has provided additional space in the  
Capitol for legislative functions; and

WHEREAS, a preliminary plan was prepared and presented  
to the 47th Legislature, providing for new committee rooms,  
a large hearing room, additional leadership offices,  
semiprivate space for legislators, expanded toilets and  
locker space, additional space for legislative support  
functions, and a new Senate Chamber in the old law library;  
and

WHEREAS, the 47th Legislature reviewed and discussed  
Senate Joint Resolution 21, handout literature, and verbal  
presentations describing the Capitol renovation project; and

WHEREAS, the 47th Legislature passed House Bill 872,

expanding the Capitol Building and Planning Committee to 16  
members and empowering the committee to serve as the  
Legislature's representative in the preparation and  
implementation of the plans for the renovation and  
remodeling of the Capitol, including without limitations the  
location of legislative chambers, committee rooms, and other  
space allocations; and

WHEREAS, the Capitol Building and Planning Committee  
recommended that the Senate Chambers be moved from their  
present location to the old law library; and

WHEREAS, the 47th Legislature appropriated \$6,750,000  
from the Capitol Land Grant and authorized the sale of bonds  
for the purpose of the Capitol renovation project; and

WHEREAS, bonds have been sold and the plans and  
specifications are nearly completed for the project; and

WHEREAS, two State Senators petitioned the Montana  
Supreme Court for a declaratory judgment that House Bill 872  
violates the Montana Constitution and several other Montana  
statutes; and

WHEREAS, the Montana Supreme Court granted the  
declaratory judgment and enjoined the Department of  
Administration against further proceedings with respect to  
the Capitol remodeling until consent of the Legislature has  
been obtained for relocation of the Senate Chamber; AND

~~WHEREAS, CONSENT OF THE LEGISLATURE WAS NOT OBTAINED.~~

1  
2 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE  
3 OF REPRESENTATIVES OF THE STATE OF MONTANA:

4 ~~That the Legislature approves the recommendations of~~  
5 ~~the Capitol Building and Planning Committee to remodel the~~  
6 ~~Capitol as proposed, including moving the Senate Chamber to~~  
7 ~~the old law library location on the third floor east wing.~~

8 THAT THE LEGISLATURE APPROVES THE ALTERNATIVE PLAN AS  
9 PRESENTED TO THE CAPITOL BUILDING AND PLANNING COMMITTEE  
10 LEAVING THE SENATE CHAMBER IN ITS PRESENT LOCATION AND  
11 UTILIZING THE LAW LIBRARY AS A LARGE COMMITTEE ROOM WITH  
12 ADJACENT OFFICES.

13 BE IT FURTHER RESOLVED, THAT THE CAPITOL BUILDING AND  
14 PLANNING COMMITTEE BE ADVISORY ONLY TO THE DEPARTMENT OF  
15 ADMINISTRATION ON ALL MATTERS RELATING TO LEGISLATIVE SPACE  
16 IN THE CAPITOL RENOVATION PROJECT.

17 BE IT FURTHER RESOLVED, that this resolution be passed  
18 and processed expeditiously to allow timely completion of  
19 the contract documents, bidding, and construction work  
20 before the next legislative session.

21 BE IT FURTHER RESOLVED, that the Secretary of State  
22 deliver a copy of this resolution to the Director of the  
23 Department of Administration.

-End-

HOUSE JOINT RESOLUTION NO. 5  
INTRODUCED BY FABREGA, BERTELSEN,  
METCALF, VINCENT, FAGG, MCBRIDE,  
BLAYLOCK, REGAN

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF  
REPRESENTATIVES OF THE STATE OF MONTANA EXPRESSING THE  
APPROVAL OF THE LEGISLATURE WITH REGARD TO THE ALLOCATION OF  
SPACE IN THE PLANS FOR THE RENOVATION AND REMODELING OF THE  
CAPITOL, ~~INCLUDING RELOCATION OF THE SENATE CHAMBERS, AND~~  
~~REQUESTING PROPORTIONAL ALLOCATION BY THE DEPARTMENT OF~~  
~~ADMINISTRATION TO THE LEGISLATURE OF SPACE AVAILABLE IN THE~~  
~~CAPITOL.~~

WHEREAS, the completion of the new Justice and State  
Library Building has provided additional space in the  
Capitol for legislative functions; and

WHEREAS, a preliminary plan was prepared and presented  
to the 47th Legislature, providing for new committee rooms,  
a large hearing room, additional leadership offices,  
semiprivate space for legislators, expanded toilets and  
locker space, additional space for legislative support  
functions, and a new Senate Chamber in the old law library;  
and

WHEREAS, the 47th Legislature reviewed and discussed

Senate Joint Resolution 21, handout literature, and verbal  
presentations describing the Capitol renovation project; and  
WHEREAS, the 47th Legislature passed House Bill 872,  
expanding the Capitol Building and Planning Committee to 16  
members and empowering the committee to serve as the  
Legislature's representative in the preparation and  
implementation of the plans for the renovation and  
remodeling of the Capitol, including without limitations the  
location of legislative chambers, committee rooms, and other  
space allocations; and

WHEREAS, the Capitol Building and Planning Committee  
recommended that the Senate Chambers be moved from their  
present location to the old law library; and

WHEREAS, the 47th Legislature appropriated \$6,750,000  
from the Capitol Land Grant and authorized the sale of bonds  
for the purpose of the Capitol renovation project; and

WHEREAS, bonds have been sold and the plans and  
specifications are nearly completed for the project; and

WHEREAS, two State Senators petitioned the Montana  
Supreme Court for a declaratory judgment that House Bill 872  
violates the Montana Constitution and several other Montana  
statutes; and

WHEREAS, the Montana Supreme Court granted the  
declaratory judgment and enjoined the Department of  
Administration against further proceedings with respect to

1 the Capitol remodeling until consent of the Legislature has  
2 been obtained for relocation of the Senate Chamber; AND

3 WHEREAS, ~~CONSENT OF THE LEGISLATURE WAS NOT OBTAINED;~~  
4 AND

5 WHEREAS, ~~THE LEGISLATURE, FOR THE CONDUCT OF ITS~~  
6 ~~BUSINESS, REQUIRES ADEQUATE AND SUITABLE SPACE FOR THE~~  
7 ~~SENATE AND FOR THE HOUSE OF REPRESENTATIVES, FOR THE~~  
8 ~~COMMITTEES OF BOTH THE SENATE AND THE HOUSE, AND FOR OFFICES~~  
9 ~~FOR THE LEADERSHIP AND MEMBERS OF BOTH THE SENATE AND THE~~  
10 ~~HOUSE; AND~~

11 WHEREAS, ~~EQUITABLE ALLOCATION REQUIRES THAT AVAILABLE~~  
12 ~~SPACE BE ASSIGNED IN RELATIONSHIP TO THE NUMBER OF MEMBERS~~  
13 ~~AND THE CORRESPONDING OFFICE REQUIREMENTS IN EACH BODY AND~~  
14 ~~IN RELATIONSHIP TO THE NEEDS OF EACH BODY FOR COMMITTEE~~  
15 ~~ROOMS; AND~~

16 WHEREAS, ~~THE DEPARTMENT OF ADMINISTRATION, PURSUANT TO~~  
17 ~~SECTION 2-17-101, MCA, HAS THE RESPONSIBILITY TO ASSIGN~~  
18 ~~SPACE IN STATE OFFICE BUILDINGS.~~

19  
20 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE  
21 OF REPRESENTATIVES OF THE STATE OF MONTANA:

22 ~~That--the--Legislature--approves--the--recommendations--of~~  
23 ~~the--Capitol--Building--and--Planning--Committee--to--remodel--the~~  
24 ~~Capitol--as--proposed--including--moving--the--Senate--Chamber--to~~  
25 ~~the--old--law--library--location--on--the--third--floor--east--wing.~~

1 THAT THE LEGISLATURE APPROVES THE ALTERNATIVE PLAN AS  
2 PRESENTED TO THE ~~CAPITOL BUILDING AND PLANNING COMMITTEE~~ THE  
3 LEGISLATIVE ADMINISTRATION COMMITTEES OF THE SENATE AND THE  
4 HOUSE LEAVING THE SENATE CHAMBER IN ITS PRESENT LOCATION AND  
5 UTILIZING THE LAW LIBRARY AS A LARGE COMMITTEE ROOM WITH  
6 ADJACENT COMMITTEE ROOMS AND/OR OFFICES.

7 BE IT FURTHER RESOLVED, THAT THE DEPARTMENT OF  
8 ADMINISTRATION, WHEN ASSIGNING TO THE LEGISLATURE SPACE  
9 VACATED BY THE SUPREME COURT, THE LAW LIBRARY, AND THE  
10 ATTORNEY GENERAL:

11 (1) ALLOCATE COMMITTEE ROOMS EQUALLY BETWEEN THE  
12 SENATE AND THE HOUSE OF REPRESENTATIVES; AND

13 (2) ALLOCATE SPACE AVAILABLE FOR OFFICE PURPOSES  
14 BETWEEN THE SENATE AND THE HOUSE OF REPRESENTATIVES IN  
15 PROPORTION TO THE NUMBER OF MEMBERS IN EACH BODY.

16 BE IT FURTHER RESOLVED, THAT THE CAPITOL BUILDING AND  
17 PLANNING COMMITTEE BE ADVISORY ONLY TO THE DEPARTMENT OF  
18 ADMINISTRATION ON ALL MATTERS RELATING TO LEGISLATIVE SPACE  
19 IN THE CAPITOL RENOVATION PROJECT.

20 BE IT FURTHER RESOLVED, that this resolution be passed  
21 and processed expeditiously to allow timely completion of  
22 the contract documents, bidding, and construction work  
23 before the next legislative session.

24 BE IT FURTHER RESOLVED, that the Secretary of State  
25 deliver a copy of this resolution to the Director of the

HJR 0005/03

1 Department of Administration.

-End-



SENATE STANDING COMMITTEE REPORT  
(Legislative Administration)

That House Joint Resolution No. 5 be amended as follows:

1. Page 2, lines 8 and 9.

Strike: "without limitations the location of legislative chambers,"

2. Page 4, line 11.

Following: "ROOMS"

Insert: "office space for legislative and administrative support staff"

3. Page 4, line 13.

Following: "ALLOCATE"

Insert: "the remaining"

March 15, 1983

SENATE COMMITTEE OF THE WHOLE AMENDMENT

That House Joint Resolution No. 5 be amended as follows:

1. Page 4, line 13.

Following: "(2)"

Strike: remainder of line 13 through "BODY." on line 15

March 15, 1983

SENATE COMMITTEE OF THE WHOLE AMENDMENT

That House Joint Resolution No. 5, be amended as follows:

1. Title, line 11.

Strike: "REQUESTING"

Insert: "AUTHORIZING"

2. Page 3, line 1.

Strike: "Legislature"

Insert: "Senate"

3. Page 3, line 3.

Strike: "LEGISLATURE"

Insert: "Senate"

4. Page 3, line 12.

Strike: "ASSIGNED"

Insert: "Allocated"

5. Page 3, line 18.

Following: "BUILDINGS"

Insert: "to state agencies"

6. Page 3, line 18.

Following: line 18

Insert: "WHEREAS, the legislature is not a state agency; and  
WHEREAS, the department of administration may allocate space  
for the legislative branch of government with its consent"

7. Page 4, line 8.

Strike: "ASSIGNING"

Insert: "Allocating"

8. Page 4, line 16.

Following: "THE"

Strike: Remainder of line 16 through "TO" on line 17

Insert: "Legislature advise"

HOUSE JOINT RESOLUTION NO. 5  
 INTRODUCED BY FABREGA, BERTELSEN,  
 METCALF, VINCENT, FAGG, MCBRIDE,  
 BLAYLOCK, REGAN

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF  
 REPRESENTATIVES OF THE STATE OF MONTANA EXPRESSING THE  
 APPROVAL OF THE LEGISLATURE WITH REGARD TO THE ALLOCATION OF  
 SPACE IN THE PLANS FOR THE RENOVATION AND REMODELING OF THE  
 CAPITOL--INCLUDING--RELOCATION--OF--THE--SENATE--CHAMBERS--AND  
~~RENEWING AUTHORIZING PROPORTIONAL ALLOCATION BY THE~~  
~~DEPARTMENT OF ADMINISTRATION TO THE LEGISLATURE OF SPACE~~  
~~AVAILABLE IN THE CAPITOL.~~

WHEREAS, the completion of the new Justice and State  
 Library Building has provided additional space in the  
 Capitol for legislative functions; and

WHEREAS, a preliminary plan was prepared and presented  
 to the 47th Legislature, providing for new committee rooms,  
 a large hearing room, additional leadership offices,  
 semiprivate space for legislators, expanded toilets and  
 locker space, additional space for legislative support  
 functions, and a new Senate Chamber in the old law library;  
 and

WHEREAS, the 47th Legislature reviewed and discussed

Senate Joint Resolution 21, handout literature, and verbal  
 presentations describing the Capitol renovation project; and  
 WHEREAS, the 47th Legislature passed House Bill 872,  
 expanding the Capitol Building and Planning Committee to 16  
 members and empowering the committee to serve as the  
 Legislature's representative in the preparation and  
 implementation of the plans for the renovation and  
 remodeling of the Capitol, including ~~without limitations the~~  
~~location of legislative chambers, committee rooms, and other~~  
 space allocations; and

WHEREAS, the Capitol Building and Planning Committee  
 recommended that the Senate Chambers be moved from their  
 present location to the old law library; and

WHEREAS, the 47th Legislature appropriated \$6,750,000  
 from the Capitol Land Grant and authorized the sale of bonds  
 for the purpose of the Capitol renovation project; and

WHEREAS, bonds have been sold and the plans and  
 specifications are nearly completed for the project; and

WHEREAS, two State Senators petitioned the Montana  
 Supreme Court for a declaratory judgment that House Bill 872  
 violates the Montana Constitution and several other Montana  
 statutes; and

WHEREAS, the Montana Supreme Court granted the  
 declaratory judgment and enjoined the Department of  
 Administration against further proceedings with respect to

the Capitol remodeling until consent of the Legislature  
SENATE has been obtained for relocation of the Senate  
Chamber; AND

WHEREAS, CONSENT OF THE LEGISLATURE SENATE WAS NOT  
OBTAINED; AND

WHEREAS, THE LEGISLATURE, FOR THE CONDUCT OF ITS  
BUSINESS, REQUIRES ADEQUATE AND SUITABLE SPACE FOR THE  
SENATE AND FOR THE HOUSE OF REPRESENTATIVES, FOR THE  
COMMITTEES OF BOTH THE SENATE AND THE HOUSE, AND FOR OFFICES  
FOR THE LEADERSHIP AND MEMBERS OF BOTH THE SENATE AND THE  
HOUSE; AND

WHEREAS, EQUITABLE ALLOCATION REQUIRES THAT AVAILABLE  
SPACE BE ASSIGNED ALLOCATED IN RELATIONSHIP TO THE NUMBER OF  
MEMBERS AND THE CORRESPONDING OFFICE REQUIREMENTS IN EACH  
BODY AND IN RELATIONSHIP TO THE NEEDS OF EACH BODY FOR  
COMMITTEE ROOMS; AND

WHEREAS, THE DEPARTMENT OF ADMINISTRATION, PURSUANT TO  
SECTION 2-17-101, MCA, HAS THE RESPONSIBILITY TO ASSIGN  
SPACE IN STATE OFFICE BUILDINGS TO STATE AGENCIES; AND

WHEREAS, THE LEGISLATURE IS NOT A STATE AGENCY; AND

WHEREAS, THE DEPARTMENT OF ADMINISTRATION MAY ALLOCATE  
SPACE FOR THE LEGISLATIVE BRANCH OF GOVERNMENT WITH ITS  
CONSENT.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE

OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislature approves the recommendations of  
the Capitol Building and Planning Committee to remodel the  
Capitol as proposed, including moving the Senate Chamber to  
the old law library location on the third floor east wing

THAT THE LEGISLATURE APPROVES THE ALTERNATIVE PLAN AS  
PRESENTED TO THE CAPITOL BUILDING AND PLANNING COMMITTEE THE  
LEGISLATIVE ADMINISTRATION COMMITTEES OF THE SENATE AND THE  
HOUSE LEAVING THE SENATE CHAMBER IN ITS PRESENT LOCATION AND  
UTILIZING THE LAW LIBRARY AS A LARGE COMMITTEE ROOM WITH  
ADJACENT COMMITTEE ROOMS AND/OR OFFICES.

BE IT FURTHER RESOLVED, THAT THE DEPARTMENT OF  
ADMINISTRATION, WHEN ASSIGNING ALLOCATING TO THE LEGISLATURE  
SPACE VACATED BY THE SUPREME COURT, THE LAW LIBRARY, AND THE  
ATTORNEY GENERAL;:

1. ALLOCATE COMMITTEE ROOMS AND OFFICE SPACE FOR  
LEGISLATIVE AND ADMINISTRATIVE SUPPORT STAFF EQUALLY BETWEEN  
THE SENATE AND THE HOUSE OF REPRESENTATIVES; AND

2. ALLOCATE THE REMAINING SPACE AVAILABLE FOR OFFICE  
PURPOSES BETWEEN THE SENATE AND THE HOUSE OF REPRESENTATIVES  
IN PROPORTION TO THE NUMBER OF MEMBERS IN EACH BODY.

BE IT FURTHER RESOLVED, THAT THE CAPITOL BUILDING AND  
PLANNING COMMITTEE BE ADVISED ONLY TO LEGISLATURE ADVISE  
THE DEPARTMENT OF ADMINISTRATION ON ALL MATTERS RELATING TO  
LEGISLATIVE SPACE IN THE CAPITOL RENOVATION PROJECT.

HJR 0005/04

1       BE IT FURTHER RESOLVED, that this resolution be passed  
2   and processed expeditiously to allow timely completion of  
3   the contract documents, bidding, and construction work  
4   before the next legislative session.

5       BE IT FURTHER RESOLVED, that the Secretary of State  
6   deliver a copy of this resolution to the Director of the  
7   Department of Administration.

-End-

.....April 12,..... 19 83.....

CONFERENCE COMMITTEE  
ON HOUSE JOINT RESOLUTION NO. 5  
(Report No. 1, April 12, 1983)

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Conference Committee on House Joint Resolution No. 5 met April 12, 1983, and considered:

Senate Legislative Administration Committee Amendments to the third reading, blue copy, dated March 7, 1983; and

Senate Committee of the Whole Amendments to third reading (blue copy) dated March 15, 1983, and Senate Committee of the Whole Amendment (by Sen. Blaylock) to third reading (blue copy) dated March 15, 1983; and recommend as follows:

That the House accede to Senate Committee of the Whole amendments nos. 1 thru 7 (of 8), dated March 15, 1983; and

That the House accede to Senate Legislative Administration Committee amendments dated March 7, 1983; and

That the Senate recede from Senate Committee of the Whole amendment no. 8, dated March 15, 1983; and

That the Senate recede from Senate Committee of the Whole amendment no. 1 (of 1 by Sen. Blaylock), dated March 15, 1983;

And, that the Conference Committee Report on House Joint Resolution No. 5 be adopted.

FOR THE HOUSE:

Menahan  
MENAHAN, Chairman

Marks  
MARKS

Zabrocki  
ZABROCKI

FOR THE SENATE:

Goodover  
GOODOVER, Chairman

Kolstad  
KOLSTAD

Graham  
GRAHAM