

HOUSE BILL NO. 923

2/26 Introduced
2/26 Referred to Rules
2/26 Fiscal Note Requested
2/26 Hearing
2/27 Committee Report-Bill Do Pass
2/27 On Motion Rules Suspended
 Placed on 2nd Reading This Day
2/27 2nd Reading Pass
2/27 On Motion Rules Suspended
 Placed on 3rd Reading This Day
2/27 3rd Reading Pass

Transmitted to Senate

3/04 Fiscal Note Received
3/05 Referred to Legislative Admin
3/15 Hearing
3/29 On Motion Rules Suspended
 Placed on 3rd Reading 70th Day
3/30 Committee Report-Bill Concurred
4/01 Statement of Intent Attached
4/01 2nd Reading Concurred As Amended
4/01 3rd Reading Concurred

Returned to House With Amendments

4/08 2nd Reading Amendments Not Concurred
4/09 Conference Committee Appointed
4/15 Conference Committee Dissolved
4/15 Free Conference Committee Appointed
4/22 Free Conference Committee Report

House

4/23 2nd Reading Free Conference Committee
 Report Not Adopted

Senate

4/23 2nd reading Free Conference Committee
 Report Adopted
4/23 3rd Reading Free Conference Committee
 Report Adopted
Died in Process

1 HOUSE BILL NO. 923
2 INTRODUCED BY Vincent

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ASSIGN
5 RESPONSIBILITY FOR CUSTODIAL CARE OF AND ASSIGNMENT OF SPACE
6 IN THE CAPITOL TO THE LEGISLATURE; ASSIGNING THE CAPITOL
7 BUILDING AND PLANNING COMMITTEE AS THE LEGISLATURE'S AGENT
8 IN CARRYING OUT THESE RESPONSIBILITIES; AMENDING SECTIONS
9 2-15-121, 2-15-221, 2-17-101, 2-17-103, 2-17-110 THROUGH
10 2-17-112, 5-17-102, AND 5-17-103, MCA; AND PROVIDING AN
11 EFFECTIVE DATE."
12

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

14 Section 1. Section 2-15-121, MCA, is amended to read:

15 "2-15-121. Allocation for administrative purposes
16 only. (1) An agency allocated to a department for
17 administrative purposes only in this chapter shall:

18 (a) exercise its quasi-judicial, quasi-legislative,
19 licensing, and policymaking functions independently of the
20 department and without approval or control of the
21 department;

22 (b) submit its budgetary requests through the
23 department;

24 (c) submit reports required of it by law or by the
25 governor through the department.

1 (2) The department to which an agency is allocated for
2 administrative purposes only in this title shall:

3 (a) direct and supervise the budgeting, record
4 keeping, reporting, and related administrative and clerical
5 functions of the agency;

6 (b) include the agency's budgetary requests in the
7 departmental budget;

8 (c) collect all revenues for the agency and deposit
9 them in the proper fund or account. Except as provided in
10 37-1-101, the department may not use or divert the revenues
11 from the fund or account for purposes other than provided by
12 law.

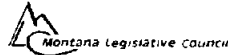
13 (d) provide staff for the agency. Unless otherwise
14 indicated in this chapter, the agency may not hire its own
15 personnel.

16 (e) print and disseminate for the agency any required
17 notices, rules, or orders adopted, amended, or repealed by
18 the agency.

19 (3) The department head of a department to which any
20 agency is allocated for administrative purposes only in this
21 chapter shall:

22 (a) represent the agency in communications with the
23 governor;

24 (b) allocate office space to the agency as necessary,
25 subject to the approval of the department of administration



1 or the capitol building and planning committee if the office
 2 space is in the capitol and not already allocated to the
 3 agency."

4 Section 2. Section 2-15-221, MCA, is amended to read:

5 "2-15-221. Governor-elect -- staff and services
 6 provided. (1) As used in this section, unless the context
 7 clearly indicates otherwise, "governor-elect" means the
 8 person elected at a general election to the office of
 9 governor who is not the incumbent governor.

10 (2) The department of administration shall provide the
 11 governor-elect and his necessary staff with suitable office
 12 space ~~in--the--capitol--building~~, together with furnishings,
 13 supplies, equipment, and telephone service for the period
 14 between the general election and the inauguration.

15 (3) The governor-elect may obtain the assistance of
 16 persons of his own choosing, between the general election
 17 and inauguration, and they shall receive reasonable
 18 compensation for their services. These persons shall be
 19 state employees, but they shall not be subject to any civil
 20 service or personnel laws or rules of the state.

21 (4) In addition, the governor-elect may request that
 22 the department of administration assign one or more
 23 employees of the department of administration to assist the
 24 governor-elect and his staff in the study and interpretation
 25 of information. Employees of the department of

1 administration shall be assigned for the time necessary
 2 between the general election and the inauguration.

3 (5) The funds necessary to carry out the provisions of
 4 this section shall be included in the appropriation request
 5 of the department of administration to the legislature
 6 meeting in regular session immediately prior to a general
 7 election when a governor will be chosen."

8 Section 3. Section 2-17-101, MCA, is amended to read:

9 "2-17-101. Allocation of space. (1) The department of
 10 administration shall periodically survey the needs of state
 11 agencies located in Helena other than the university system
 12 and shall assign space in state buildings, except the
 13 capitol, to such agencies. No state agency shall lease,
 14 rent, or purchase property for quarters in Helena without
 15 prior approval of the department.

16 (2) The location of the chambers for the house of
 17 representatives shall be determined in the sole discretion
 18 of the house of representatives. The location of the
 19 chambers of the senate shall be determined in the sole
 20 discretion of the senate.

21 (3) ~~The department of administration, with the advice~~
 22 ~~of--the capitol building and planning committee, shall~~
 23 ~~allocate other space for--the--use--of--the--legislature,~~
 24 ~~including-but-not-limited-to-space-for-committee--rooms--and~~
 25 ~~legislative-offices in the capitol."~~

1 Section 4. Section 2-17-103, MCA, is amended to read:

2 "2-17-103. Permanent press room. The ~~department--of~~
3 administration capitol building and planning committee is
4 required to provide for the use of representatives of the
5 press a room on the third floor of the capitol to be used as
6 a permanent press room."

7 Section 5. Section 2-17-110, MCA, is amended to read:

8 "2-17-110. Allocation of senate and house of
9 representatives workspace. In the implementation of the
10 plans for remodeling and renovation of the state capitol
11 referred to in 2-17-109, the ~~department-of-administration~~
12 capitol building and planning committee, after having
13 allocated adequate space for the leadership of the house of
14 representatives and the senate and staff, work, and
15 committee room space, shall, with respect to any space in
16 excess of such needs, divide any office space on a
17 proportionate basis determined by the number of house of
18 representatives members and the number of senate members."

19 Section 6. Section 2-17-111, MCA, is amended to read:

20 "2-17-111. Custodial care of capitol and other
21 buildings and grounds. (1) The department of administration
22 is custodian of all state property in the state capitol area
23 except the capitol.

24 (2) It is the duty of the department to supervise and
25 direct the work of caring for and maintaining state

1 buildings, except the capitol, and equipment, and grounds in
2 the capitol area. The department shall include in the
3 department's budget the necessary requests for
4 appropriations for the maintenance, repair, replacement,
5 renewal, or addition to state buildings, except the capitol,
6 and equipment, and grounds in the capitol area.

7 (3) No state agency may alter, improve, repair, or
8 remodel a state building in the capitol area, other than the
9 capitol, without the approval of the department.

10 (4) The legislature is the custodian of the capitol.
11 The capitol building and planning committee shall serve as
12 the legislature's agent in executing the custodial
13 responsibilities. The committee may contract with the
14 department of administration or other agencies for custodial
15 services. The committee shall direct all maintenance,
16 repair, remodeling, or other alteration to the capitol."

17 Section 7. Section 2-17-112, MCA, is amended to read:

18 "2-17-112. Fire protection for state-owned buildings
19 -- department of administration -- fire marshal. (1) The
20 department of administration shall obtain information
21 necessary to prepare a budget for each biennium for fire
22 protection services for state-owned buildings that present
23 particular firefighting problems as determined by the state
24 fire marshal. In preparing the budget, the state may
25 consider providing protection directly or contracting for

1 protection with a local fire service and making payments to
 2 local governments for fire services provided to state
 3 agencies, all of which are subject to appropriation by the
 4 legislature.

5 (2) The state fire marshal shall review provisions for
 6 protection of state-owned buildings in connection with
 7 inspections conducted under 50-3-102.

8 (3) The department of administration and the state
 9 fire marshal shall submit their findings and recommendations
 10 regarding fire protection for the capitol to the capitol
 11 building and planning committee."

12 Section 8. Section 5-17-102, MCA, is amended to read:

13 "5-17-102. Function of committee -- capitol custodian
 14 -- space allocation -- capitol area master plan. (1) The
 15 committee shall serve as the legislature's agent in
 16 assigning space in the capitol and serving as capitol
 17 custodian.

18 (2) The function--of--the committee is---to shall
 19 establish and maintain a master plan for the orderly
 20 development of state buildings in the immediate area of the
 21 capital city. The master plan shall be developed and
 22 maintained with consideration given to the following
 23 factors:

24 (a) the needs of the state relative to the location
 25 and design of buildings to be constructed, purchase of land,

1 parking facilities, traffic management, and landscaping;

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

6 (c) any other factors that bear upon the orderly,
 7 integrated, and cooperative development of the state, the
 8 city of Helena, Lewis and Clark County, and of state
 9 property in the immediate area of the capital city.

10 ~~†2†~~(3) The committee shall consult with and advise the
 11 department of administration concerning the assignment of
 12 space in the capitol complex, except as provided in
 13 subsection (1), and the actual placement of busts, statues,
 14 memorials, or art displays of a permanent nature within
 15 public areas of the capitol complex. No such item may be
 16 permanently displayed unless authorized by the legislature.

17 ~~†3†~~(4) The committee shall serve as a long-range
 18 building committee to recommend to the legislature and the
 19 department of administration construction and remodeling
 20 priorities for the capitol complex."

21 Section 9. Section 5-17-103, MCA, is amended to read:

22 "5-17-103. Report to legislature. The committee shall
 23 prepare a written report of its activities and
 24 recommendations and present the report to the legislature at
 25 each regular session. ~~for--the--purpose--of--assisting--the~~

1 ~~legislature-in-determining-if-such-recommendations-should-be~~
2 ~~implemented,-to-prepare-its-report-and-recommendations,-the~~
3 ~~committee---may---receive---assistance---from---the---legislative~~
4 ~~council-"~~

5 NEW SECTION. Section 10. Assistance of legislative
6 council. The capitol building and planning committee may
7 receive assistance from the legislative council in carrying
8 out its duties.

9 NEW SECTION. Section 11. Effective date. This act is
10 effective July 1, 1985.

-End-

STATE OF MONTANA

FISCAL NOTE

REQUEST NO. FNN 509-85Form BD-15

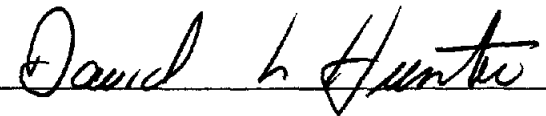
In compliance with a written request received February 26, 19 85, there is hereby submitted a Fiscal Note for House Bill 923 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to assign responsibility for custodial care of an assignment of space in the Capitol to the legislature; assigning the Capitol Building and Planning Committee as the legislature's agent in carrying out these responsibilities

ASSUMPTIONS:

1. The monies in the budget of General Services Division will be sufficient to provide custodial services to the Capitol.
2. The Committee will contract with the Department of Administration for the custodial services.
3. No agency will be moved out of the Capitol during the next biennium. (No moving costs, remodeling costs or rent adjustments have been made in this fiscal note.)
4. There will be 9 Committee meetings during the biennium.
5. No additional demands will be placed on the General Services Division budget than what has been considered to date (through subcommittee action.)
6. Agencies currently in the Capitol will pay rent to the Legislative Council.
7. There are 202,520 square feet in the Capitol of which 143,912 square feet have to be maintained by the General Fund, and 58,608 square feet that are maintained through rent charges to agencies in the building.



BUDGET DIRECTOR
Office of Budget and Program Planning

Date: March 4, 1985

HB 923

FISCAL IMPACT:

Department of Administration - General Services Division Budget (Rent Portion Only)

	<u>FY1986</u>		<u>FY1987</u>	
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Current Law</u>	<u>Proposed Law</u>
General Fund	\$ 505,808	\$ 182,006	\$ 517,372	\$ 186,374
Capt. Land Grant	55,356	55,356	58,801	58,801
Proprietary	2,523,002	2,846,804	2,654,620	2,985,618
	<u>\$3,084,166</u>	<u>\$3,084,166</u>	<u>\$3,230,793</u>	<u>\$3,230,793</u>
Legislative Council - Capitol Rent Budget Per H.B.923				
General Fund	\$ -0-	\$ 323,802	\$ -0-	\$ 330,998
Capt. Land Grant	-0-	-0-	-0-	-0-
Proprietary	-0-	174,652	-0-	181,685
		<u>\$ 498,454</u>		<u>\$ 512,683</u>

Legislative Council Current Level Budget For Committee

FY1986-1987 (Biennial Appropriations)

	<u>Current Law</u>	<u>Proposed Law</u>
General Fund	\$ 5,000	\$ 16,390

This will provide 9 Committee meetings at \$1,710 each plus \$1,000 for reports, mailings, etc.

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-2-
 THIRD READING
 ON MOTION RULES SUSPENDED,
 YELLOW PRINTING DISPENSED
 HB 923

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 24 governor-elect and his staff in the study and interpretation
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 17 representatives shall be determined in the sole discretion
 18 of the house of representatives. The location of the
 19 chambers of the senate shall be determined in the sole
 20 discretion of the senate.

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 22 ~~of--the capitol building and planning committee,~~ shall
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17 proportionate basis determined by the number of house of
18 representatives members and the number of senate members."

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23 except the capitol.

24 (2) It is the duty of the department to supervise and
25 direct the work of caring for and maintaining state

1 buildings, except the capitol, and equipment, and grounds in
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3 department's budget the necessary requests for
4 appropriations for the maintenance, repair, replacement,
5 renewal, or addition to state buildings, except the capitol,
6 and equipment, and grounds in the capitol area.

7 (3) No state agency may alter, improve, repair, or
8 remodel a state building in the capitol area, other than the
9 capitol, without the approval of the department.

10 (4) The legislature is the custodian of the capitol.
11 The capitol building and planning committee shall serve as
12 the legislature's agent in executing the custodial
13 responsibilities. The committee may contract with the
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18 "2-17-112. Fire protection for state-owned buildings
19 -- department of administration -- fire marshal. (1) The
20 department of administration shall obtain information
21 necessary to prepare a budget for each biennium for fire
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25 consider providing protection directly or contracting for

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 3 agencies, all of which are subject to appropriation by the
 4 legislature.

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 6 protection of state-owned buildings in connection with
 7 inspections conducted under 50-3-102.

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 9 fire marshal shall submit their findings and recommendations
 10 regarding fire protection for the capitol to the capitol
 11 building and planning committee."

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 14 -- space allocation -- capitol area master plan. (1) The
 15 committee shall serve as the legislature's agent in
 16 assigning space in the capitol and serving as capitol
 17 custodian.

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 19 establish and maintain a master plan for the orderly
 20 development of state buildings in the immediate area of the
 21 capital city. The master plan shall be developed and
 22 maintained with consideration given to the following
 23 factors:

24 (a) the needs of the state relative to the location
 25 and design of buildings to be constructed, purchase of land,

1 parking facilities, traffic management, and landscaping;

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

6 (c) any other factors that bear upon the orderly,
 7 integrated, and cooperative development of the state, the
 8 city of Helena, Lewis and Clark County, and of state
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 11 department of administration concerning the assignment of
 12 space in the capitol complex, except as provided in
 13 subsection (1), and the actual placement of busts, statues,
 14 memorials, or art displays of a permanent nature within
 15 public areas of the capitol complex. No such item may be
 16 permanently displayed unless authorized by the legislature.

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 18 building committee to recommend to the legislature and the
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 23 prepare a written report of its activities and
 24 recommendations and present the report to the legislature at
 25 each regular session. ~~for--the--purpose--of--assisting--the~~

1 ~~legislature-in-determining-if-such-recommendations-should-be~~
2 ~~implemented--To-prepare-its-report-and-recommendations--the~~
3 ~~committee---may--receive--assistance--from--the--legislative~~
4 ~~council--"~~

5 NEW SECTION. Section 10. Assistance of legislative
6 council. The capitol building and planning committee may
7 receive assistance from the legislative council in carrying
8 out its duties.

9 NEW SECTION. Section 11. Effective date. This act is
10 effective July 1, 1985.

-End-

COMMITTEE OF THE WHOLE AMENDMENT

SENATE

4-1-85
DATE

6: 34 p.m.
TIME

SENATE COMMITTEE OF THE WHOLE AMENDMENT
OF APRIL 1, 1985, (4:30) on
HOUSE BILL

No. 923

MR. CHAIRMAN: I MOVE TO AMEND

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ reading copy (~~blue~~) as follows.

Amendment No. 4, inserted material.
Line 6 of section 2
Following: "capitol"
Insert: "and shall report their findings for approval to
the 50th legislature

ADOPT
REJECT

GOODOVER

COMMITTEE OF THE WHOLE AMENDMENT

Apr 1, 1985

DATE

4:30

TIME

Page 1 of 3

HOUSE BILL

No. 923

MR. CHAIRMAN: I MOVE TO AMEND

third reading copy (blue) as follows:
Color

1. Title, lines 6 and 7.
Following: "ASSIGNING THE" on line 6
Strike: the remainder of line 6 through "COMMITTEE" on line 7.
Insert: "SELECT COMMITTEE ON THE CAPITOL"

2. Title, line 9.
Strike: "2-17-103,"
Insert: "2-17-109 AND,"

3. Title, line 10.
Following: "2-17-112,"
Strike: "5-17-102, AND 5-17-103,"
Following: "MCA;"
Insert: "REPEALING SECTION 2-17-103, MCA;"

4. Page 1, line 14.
Following: line 13
Insert: "NEW SECTION. Section 1. Select committee on the capitol
-- membership. (1) There is a select committee on the capitol
which is a permanent joint committee of the legislature.
(2) The select committee is composed of the president of
the senate and the minority leader of the senate and the speaker
of the house and the minority leader of the house and the
chairman and a minority member of the legislative administration
committee of each house. The minority member selected from the
legislative administration committee in each house shall be
selected by the minority leader of the respective house.

NEW SECTION. Section 2. Duties of the select committee on the
capitol. The select committee on the capitol shall assign space
in the capitol and shall determine those agencies and offices
that may be tenants in the capitol. The select committee shall
serve as the legislature's agent in implementing the
legislature's duties to allocate space in the capitol."

Renumber: subsequent sections

ADOPT
REJECT

(CONTINUED)

April 1, 1985

5. Page 3, line 1.

Following: "the"

Strike: "capitol building and planning committee"

Insert: "legislature"

6. Page 4, line 22.

Following: "the"

Strike: "capitol building and planning committee"

Insert: "legislature"

7. Page 4, line 23.

Following: line 22

Strike: "allocate"

Insert: "provide in its rules for allocation of"

8. Page 5, lines 1 through 6.

Strike: section 4 in its entirety

Renumber: subsequent sections

9. Page 5, line 7.

Following: line 6

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

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

{3} (2) The ~~department of administration~~ legislature, in the implementation of such plans, shall keep and maintain the senate chambers in its present location.

{4} (3) If future senate bodies should determine that the location of the senate chambers is to be moved, the ~~department of administration~~ legislature shall keep and maintain the physical structure and location of the present senate chambers as a single room which shall be used for legislative purposes. Such room shall not be divided in any manner, and the artwork and height of the ceiling shall be maintained and preserved.

{5} (4) The ~~department of administration~~ legislature shall keep and maintain the physical structure and location of the supreme court chambers, which were occupied by the Montana

(CONTINUED)

HB 923

April 1, 1985

supreme court until the new justice building was completed and dedicated in 1983, as a single room which shall be used for legislative committee purposes. Such room shall not be divided in any manner, and the artwork and height of the ceiling shall be maintained and preserved.

(5) If the senate is not moved to the east wing of the capitol, the legislature shall keep and maintain the physical structure and location of the area formerly occupied by the state law library as a single room which shall be used for legislative committee purposes. The room shall not be divided in any manner, and the artwork and height of the ceiling shall be maintained and preserved."

Renumber: subsequent sections

10. Page 5, line 8.

Following: "Allocation of"

Insert: "space for"

11. Page 5, line 9.

Following: "representatives"

Strike: "workspace"

12. Page 5, line 19 through line 8, page 9.

Strike: Sections 6 through 10 in their entirety.

13. Page 9, line 9.

Following: line 8

Insert: "NEW SECTION. Section 8. Repealer. Section 2-17-103, MCA, is repealed.

Renumber: subsequent section.

ADOPT

REJECT

NORMAN

STATEMENT OF INTENT
House Bill No. 923

A statement of intent is not required for House Bill No. 923 but has been included to provide a clear record of intent.

The legislature intends to provide for the details of administration of and space assignment functions in the capitol through its presiding officers. The rules of the legislature will provide for additional details of administration including additional responsibilities for the select committee on the capitol created by the bill.

It is further the intent of the legislature that the long-term plan for the capitol provide for the capitol as a legislative building. Only functions directly related to the legislative process or the operation of the building will remain in the capitol. The legislature intends to require agencies to move as soon as they can be economically and conveniently provided with alternative quarters.

It is not the intent of the legislature, however, that the office of the governor move from the capitol until or unless the select committee on the capitol shall so decide and adequate quarters are provided for the governor's office.

1 STATEMENT OF INTENT

2 HOUSE BILL 923

3

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14 long-term plan for the capitol provide for the capitol as a
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16 legislative process or the operation of the building will
17 remain in the capitol. The legislature intends to require
18 agencies to move as soon as they can be economically and
19 conveniently provided with alternative quarters.

20 It is not the intent of the legislature, however, that
21 the office of the governor move from the capitol until or
22 unless the select committee on the capitol shall so decide
23 and adequate quarters are provided for the governor's
24 office.

1 HOUSE BILL NO. 923
 2 INTRODUCED BY MARKS, VINCENT
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ASSIGN
 5 RESPONSIBILITY FOR CUSTODIAL CARE OF AND ASSIGNMENT OF SPACE
 6 IN THE CAPITOL TO THE LEGISLATURE; ASSIGNING THE CAPITOL
 7 BUILDING-AND-PLANNING--COMMITTEE SELECT COMMITTEE ON THE
 8 CAPITOL AS THE LEGISLATURE'S AGENT IN CARRYING OUT THESE
 9 RESPONSIBILITIES; AMENDING SECTIONS 2-15-121, 2-15-221,
 10 2-17-101, ~~2-17-103~~, 2-17-109, AND 2-17-110, THROUGH
 11 ~~2-17-112~~, 5-17-102, ~~AND--5-17-103~~, MCA; REPEALING SECTION
 12 2-17-103, MCA; AND PROVIDING AN EFFECTIVE DATE."

13
 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 15 NEW SECTION. SECTION 1. SELECT COMMITTEE ON THE
 16 CAPITOL -- MEMBERSHIP. (1) THERE IS A SELECT COMMITTEE ON
 17 THE CAPITOL, WHICH IS A PERMANENT JOINT COMMITTEE OF THE
 18 LEGISLATURE.
 19 (2) THE SELECT COMMITTEE IS COMPOSED OF THE PRESIDENT
 20 OF THE SENATE AND THE MINORITY LEADER OF THE SENATE AND THE
 21 SPEAKER OF THE HOUSE AND THE MINORITY LEADER OF THE HOUSE
 22 AND THE CHAIRMAN AND A MINORITY MEMBER OF THE LEGISLATIVE
 23 ADMINISTRATION COMMITTEE OF EACH HOUSE. THE MINORITY MEMBER
 24 SELECTED FROM THE LEGISLATIVE ADMINISTRATION COMMITTEE IN
 25 EACH HOUSE SHALL BE SELECTED BY THE MINORITY LEADER OF THE

1 RESPECTIVE HOUSE.
 2 NEW SECTION. SECTION 2. DUTIES OF THE SELECT
 3 COMMITTEE ON THE CAPITOL. THE SELECT COMMITTEE ON THE
 4 CAPITOL SHALL ASSIGN SPACE IN THE CAPITOL AND SHALL
 5 DETERMINE THOSE AGENCIES AND OFFICES THAT MAY BE TENANTS IN
 6 THE CAPITOL. THE SELECT COMMITTEE SHALL SERVE AS THE
 7 LEGISLATURE'S AGENT IN IMPLEMENTING THE LEGISLATURE'S DUTIES
 8 TO ALLOCATE SPACE IN THE CAPITOL AND SHALL REPORT THEIR
 9 FINDINGS FOR APPROVAL TO THE 50TH LEGISLATURE.

10 Section 3. Section 2-15-121, MCA, is amended to read:
 11 "2-15-121. Allocation for administrative purposes
 12 only. (1) An agency allocated to a department for
 13 administrative purposes only in this chapter shall:
 14 (a) exercise its quasi-judicial, quasi-legislative,
 15 licensing, and policymaking functions independently of the
 16 department and without approval or control of the
 17 department;
 18 (b) submit its budgetary requests through the
 19 department;
 20 (c) submit reports required of it by law or by the
 21 governor through the department.
 22 (2) The department to which an agency is allocated for
 23 administrative purposes only in this title shall:
 24 (a) direct and supervise the budgeting, record
 25 keeping, reporting, and related administrative and clerical



1 functions of the agency;

2 (b) include the agency's budgetary requests in the
3 departmental budget;

4 (c) collect all revenues for the agency and deposit
5 them in the proper fund or account. Except as provided in
6 37-1-101, the department may not use or divert the revenues
7 from the fund or account for purposes other than provided by
8 law.

9 (d) provide staff for the agency. Unless otherwise
10 indicated in this chapter, the agency may not hire its own
11 personnel.

12 (e) print and disseminate for the agency any required
13 notices, rules, or orders adopted, amended, or repealed by
14 the agency.

15 (3) The department head of a department to which any
16 agency is allocated for administrative purposes only in this
17 chapter shall:

18 (a) represent the agency in communications with the
19 governor;

20 (b) allocate office space to the agency as necessary,
21 subject to the approval of the department of administration
22 or the capitol-building-and-planning-committee LEGISLATURE
23 if the office space is in the capitol and not already
24 allocated to the agency."

25 Section 4. Section 2-15-221, MCA, is amended to read:

1 "2-15-221. Governor-elect -- staff and services
2 provided. (1) As used in this section, unless the context
3 clearly indicates otherwise, "governor-elect" means the
4 person elected at a general election to the office of
5 governor who is not the incumbent governor.

6 (2) The department of administration shall provide the
7 governor-elect and his necessary staff with suitable office
8 space ~~in--the--capitol-building,~~ together with furnishings,
9 supplies, equipment, and telephone service for the period
10 between the general election and the inauguration.

11 (3) The governor-elect may obtain the assistance of
12 persons of his own choosing, between the general election
13 and inauguration, and they shall receive reasonable
14 compensation for their services. These persons shall be
15 state employees, but they shall not be subject to any civil
16 service or personnel laws or rules of the state.

17 (4) In addition, the governor-elect may request that
18 the department of administration assign one or more
19 employees of the department of administration to assist the
20 governor-elect and his staff in the study and interpretation
21 of information. Employees of the department of
22 administration shall be assigned for the time necessary
23 between the general election and the inauguration.

24 (5) The funds necessary to carry out the provisions of
25 this section shall be included in the appropriation request

1 of the department of administration to the legislature
 2 meeting in regular session immediately prior to a general
 3 election when a governor will be chosen."

4 Section 5. Section 2-17-101, MCA, is amended to read:

5 "2-17-101. Allocation of space. (1) The department of
 6 administration shall periodically survey the needs of state
 7 agencies located in Helena other than the university system
 8 and shall assign space in state buildings, except the
 9 capitol, to such agencies. No state agency shall lease,
 10 rent, or purchase property for quarters in Helena without
 11 prior approval of the department.

12 (2) The location of the chambers for the house of
 13 representatives shall be determined in the sole discretion
 14 of the house of representatives. The location of the
 15 chambers of the senate shall be determined in the sole
 16 discretion of the senate.

17 (3) The ~~department of administration, with the advice~~
 18 ~~of the capitol building and planning committee~~ LEGISLATURE,
 19 shall allocate PROVIDE IN ITS RULES FOR ALLOCATION OF other
 20 ~~space for the use of the legislature, including but not~~
 21 ~~limited to space for committee rooms and legislative offices~~
 22 in the capitol."

23 ~~Section 4. Section 2-17-103, MCA, is amended to read:~~

24 ~~"2-17-103. Permanent press room. The department of~~
 25 ~~administration~~ capitol building and planning committee is

1 ~~required to provide for the use of representatives of the~~
 2 ~~press a room on the third floor of the capitol to be used as~~
 3 ~~a permanent press room."~~

4 SECTION 6. SECTION 2-17-109, MCA, IS AMENDED TO READ:

5 "2-17-109. Remodeling and renovation -- senate
 6 chambers and former supreme court chambers to be preserved.
 7 (1) Notwithstanding the provisions of Title 5, chapter 17,
 8 part 1, the ~~department of administration~~ legislature shall
 9 proceed with the plans for the remodeling and renovation of
 10 the state capitol for which moneys were appropriated by the
 11 47th legislature and reappropriated by the 48th legislature.

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

17 ~~{3}~~ {2} The ~~department of administration~~ legislature,
 18 in the implementation of such plans, shall keep and maintain
 19 the senate chambers in its present location.

20 ~~{4}~~ {3} If future senate bodies should determine that
 21 the location of the senate chambers is to be moved, the
 22 ~~department of administration~~ legislature shall keep and
 23 maintain the physical structure and location of the present
 24 senate chambers as a single room which shall be used for
 25 legislative purposes. Such room shall not be divided in any

1 manner, and the artwork and height of the ceiling shall be
2 maintained and preserved.

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

11 (5) If the senate is not moved to the east wing of the
12 capitol, the legislature shall keep and maintain the
13 physical structure and location of the area formerly
14 occupied by the state law library as a single room which
15 shall be used for legislative committee purposes. The room
16 shall not be divided in any manner, and the artwork and
17 height of the ceiling shall be maintained and preserved."

18 Section 7. Section 2-17-110, MCA, is amended to read:

19 "2-17-110. Allocation of SPACE FOR senate and house of
20 representatives workspace. In the implementation of the
21 plans for remodeling and renovation of the state capitol
22 referred to in 2-17-109, the ~~department--of--administration~~
23 capitol building and planning committee, after having
24 allocated adequate space for the leadership of the house of
25 representatives and the senate and staff, work, and

1 committee room space, shall, with respect to any space in
2 excess of such needs, divide any office space on a
3 proportionate basis determined by the number of house of
4 representatives members and the number of senate members."

5 ~~Section 6,--Section 2-17-111, MCA, is amended to read:~~

6 ~~"2-17-111,--Custodial--care--of--capitol and--other~~
7 ~~buildings--and--grounds,--(1)--The--department--of--administration~~
8 ~~is--custodian--of--all--state--property--in--the--state--capitol--area~~
9 ~~except--the--capitol;~~

10 ~~(2)--It--is--the--duty--of--the--department--to--supervise--and~~
11 ~~direct--the--work--of--caring--for--and--maintaining--state~~
12 ~~buildings,--except--the--capitol,--and--equipment,--and--grounds--in~~
13 ~~the--capitol--area;--The--department--shall--include--in--the~~
14 ~~department's--budget--the--necessary--requests--for~~
15 ~~appropriations--for--the--maintenance,--repair,--replacement,~~
16 ~~renewal,--or--addition--to--state--buildings,--except--the--capitol,~~
17 ~~and--equipment,--and--grounds--in--the--capitol--area;~~

18 ~~(3)--No--state--agency--may--alter,--improve,--repair,--or~~
19 ~~remodel--a--state--building--in--the--capitol--area,--other--than--the~~
20 ~~capitol,--without--the--approval--of--the--department;~~

21 ~~(4)--The--legislature--is--the--custodian--of--the--capitol;~~
22 ~~The--capitol--building--and--planning--committee--shall--serve--as~~
23 ~~the--legislature's--agent--in--executing--the--custodial~~
24 ~~responsibilities;--The--committee--may--contract--with--the~~
25 ~~department--of--administration--or--other--agencies--for--custodial~~

1 services;--The--committee--shall--direct--all--maintenance,
2 repair, remodeling, or other alteration to the capitol; "

3 Section 7--Section--2-17-112, MCA, is amended to read:

4 "2-17-112--Fire-protection-for--state-owned--buildings
5 ---department--of--administration---fire-marshal;--(1)--The
6 department--of--administration--shall--obtain---information
7 necessary--to--prepare--a--budget-for--each-biennium--for--fire
8 protection-services-for--state-owned-buildings--that--present
9 particular--firefighting-problems-as-determined-by-the-state
10 fire-marshal;--In--preparing--the--budget,--the--state--may
11 consider--providing--protection--directly-or-contracting-for
12 protection-with-a-local-fire-service-and-making-payments--to
13 local--governments--for--fire--services--provided--to--state
14 agencies;--all--of-which-are-subject-to-appropriation-by-the
15 legislature;

16 (2)--The-state-fire-marshal-shall-review-provisions-for
17 protection--of--state-owned--buildings--in--connection--with
18 inspections-conducted-under-50-3-102;

19 (3)--The--department--of--administration--and--the--state
20 fire-marshal--shall--submit--their--findings--and--recommendations
21 regarding--fire-protection--for--the--capitol--to--the--capitol
22 building--and--planning--committee; "

23 Section 8--Section--5-17-102, MCA, is amended to read:

24 "5-17-102--Function-of-committee--capitol--custodian
25 ---space--allocation ---capitol-area-master-plan;--(1)--The

1 committee--shall--serve--as--the--legislature's--agent--in
2 assigning--space--in--the--capitol--and--serving--as--capitol
3 custodian;

4 (2)--The--function--of--the--committee--is--to shall
5 establish--and--maintain--a--master--plan--for--the--orderly
6 development--of--state-buildings--in--the--immediate-area--of--the
7 capital--city;--The--master--plan--shall--be--developed--and
8 maintained--with--consideration--given--to--the--following
9 factors:

10 (a)--the--needs--of--the--state--relative--to--the--location
11 and--design--of--buildings--to--be--constructed, purchase-of-land,
12 parking-facilities, traffic-management, and-landscaping;

13 (b)--the--ordinances, plans, requirements, and--proposed
14 improvements--of--the--city--of--Helena--and--Lewis--and--Clark
15 County,--based--without--limitation--upon--zoning--regulations,
16 population--trends, and-plans-for-rapid-transit-development;

17 (c)--any--other--factors--that--bear--upon--the--orderly,
18 integrated,--and--cooperative--development--of--the--state, the
19 city--of--Helena, Lewis--and--Clark--County,--and--of--state
20 property--in--the--immediate-area--of--the--capital--city;

21 (2)(3)--The--committee--shall--consult--with--and--advise--the
22 department--of--administration--concerning--the--assignment--of
23 space--in--the--capitol--complex, except--as--provided--in
24 subsection--(1), and--the--actual--placement--of--busts, statues,
25 memorials, or-art-displays--of--a--permanent--nature--within

1 public--areas--of--the--capitol--complex--No--such--item--may--be
2 permanently--displayed--unless--authorized--by--the--legislature.
3 ~~(3)(4)~~--The--committee--shall--serve--as--a--long--range
4 building--committee--to--recommend--to--the--legislature--and--the
5 department--of--administration--construction--and--remodeling
6 priorities--for--the--capitol--complex."

7 Section 9:--Section 5-17-103, MCA, is amended to read:
8 "5-17-103--Report--to--legislature--The--committee--shall
9 prepare--a--written--report--of--its--activities--and
10 recommendations--and--present--the--report--to--the--legislature--at
11 each--regular--session; for--the--purpose--of--assisting--the
12 legislature--in--determining--if--such--recommendations--should--be
13 implemented;--To--prepare--its--report--and--recommendations,--the
14 committee--may--receive--assistance--from--the--legislative
15 council."

16 NEW SECTION.--Section 10:--Assistance--of--legislative
17 council;--The--capitol--building--and--planning--committee--may
18 receive--assistance--from--the--legislative--council--in--carrying
19 out--its--duties.

20 NEW SECTION. SECTION 8. REPEALER. SECTION 2-17-103,
21 MCA, IS REPEALED.

22 NEW SECTION. Section 9. Effective date. This act is
23 effective July 1, 1985.

-End-

CONFERENCE COMMITTEE REPORT

Report No. 1

April 19 1985

FREE CONFERENCE COMMITTEE REPORT

HB 923

PAGE 2 of 6.

April 20 1985

MR. SPEAKER

WITHOUT RECOMMENDATION

We, your FREE Conference Committee on

House Bill 923, reference copy (salmon),

met and considered House Bill 923 in its entirety.

We recommend as follows:

- 1. Statement of Intent, lines 7 through 24. Strike: lines 7 through 24 in their entirety. Insert: "The legislature intends by this bill to establish a basis for beginning to provide for the needs of the people of the state to be able to meet with and appear before the legislature in adequate committee rooms and ancillary facilities. To accomplish this goal, some functions and agencies currently occupying the capitol will be required to move to other quarters and some space will need to be renovated. By this bill and statement of intent, the legislature intends to provide sufficient guidance to the department of administration in executing its responsibilities for space management and renovation activities to enable an aggressive, well-planned, and flexible approach to the solution of the space problems in the capitol. The legislature expects tangible progress to be shown prior to the convening date of the 50th legislature, but recognizes that it will not be possible to see the entire renovation project completed by that time.

(CONTINUED)

PAGE 1 OF 6

~~And that the Conference Committee report be printed.~~

~~FOR THE SENATE~~

~~FOR THE HOUSE~~

ADOPT REJECT

Section 1 of the bill provides a list of agencies and functions that must be provided with adequate space in the capitol. This list does not preclude agencies or functions not listed from continuing tenancy in the capitol should sufficient space be available after the required space for the listed tenants has been provided. In allocating space to tenants not listed in section 1, the department of administration should give priority to those agencies and functions that provide direct services to the legislature during legislative sessions. The department should also consider the desirability of maintaining agencies in unified quarters.

Section 1 requires that the two largest committee rooms be allocated one to each house. Under the configuration of the capitol during the 49th legislature, which is assumed to be similar in this respect during the 50th legislature, the two rooms involved are room 325, which was the former supreme court chamber, and room 312 II, which was the central portion of the former law library. It is intended further that legislative leadership will provide for an adequate and equitable allocation of designated committee rooms for the use of each house of the legislature. Such allocation shall include allocation to joint subcommittees of appropriations and finance and claims. During the transition session that the 50th legislature will represent, cooperation and consideration for the smooth operation of the legislature as a whole will be a paramount necessity in allocation of legislative space. In coordination with other existing statutes, this bill leaves the capitol building and planning committee in an advisory role to the department of administration, which has been the committee's traditional role. The legislature intends that the department of administration consult with the committee to determine what construction activities utilizing the capitol renovation appropriation funds are advisable. The legislature anticipates the likelihood that the following sorts of projects may be undertaken during the interim:

(a) room remodeling as required to fulfill the purposes of this act;

(b) completion of exterior restoration work including additional work discovered to be needed during the execution of the phase I project;

(CONTINUED)

April 20, 1985

- (c) building insulation;
- (d) window replacement/repair to achieve thermal efficiency with historic sensitivity; and
- (e) related projects.

It is not intended that any major renovation or restoration project involving major architectural, mechanical, or electrical work be undertaken at this time.

It is intended by the legislature that any work that is done on the capitol give consideration to maintaining and enhancing the historical fabric of the building both with regard to architectural and historical use of the building. Spaces required to be renovated to accomplish the purposes of this act shall be remodeled with sensitivity to the historical fabric of the space involved."

2. Title, lines 4 through 12.

Following: "TO" on line 4.

Strike: the remainder of line 4 through "2-17-103" on line 12.

Insert: "PROVIDE FOR MATTERS RELATING TO THE OCCUPANCY AND RENOVATION OF THE CAPITOL; ASSURING ADEQUATE SPACE FOR LEGISLATIVE PURPOSES IN THE CAPITOL; AMENDING SECTIONS 2-15-221 AND 2-17-109, MCA; REPEALING SECTIONS 2-17-103 AND 2-17-110"

3. Page 1, line 15 through line 23, page 11.

Strike: everything following the enacting clause.

Insert: "NEW SECTION. Section 1. Long-term plan for occupancy of the capitol. (1) It is the intent of the legislature that adequate space be provided in the capitol for the following agencies and functions:

- (a) the legislature;
- (b) the office of the governor;
- (c) the office of budget and program planning;
- (d) the office of the legislative council;
- (e) the office of the legislative fiscal analyst;
- (f) a print shop to serve the legislature;
- (g) post office; and
- (h) building custodial and support services.

(2) Space provided for the legislature must include the following, in addition to the chambers designated for each house to sit:

(CONTINUED)

April 20, 1985

- (a) not less than 17 committee rooms of which no committee room may be less than 400 square feet;
- (b) individual office space for 14 legislative leaders;
- (c) offices in reasonable proximity to committee rooms for 34 committee chairmen and secretaries;
- (d) space for house and senate staff functions, including offices for the chief clerk of the house and the secretary of the senate and their respective staffs, the sergeant-at-arms of the two houses and their staffs, and the stenographic pool personnel of each house; and
- (e) shared conference/office space for members of the legislature exclusive of those in leadership or chairmanship positions.

(3) Legislative leadership shall allocate legislative space to be used for the functions listed in subsection (2). Space to be used for conference/office purposes as provided in subsection (2)(e) shall be divided on a proportionate basis to be determined by the number of house of representatives members and the number of senate members.

(4) Each house of the legislature shall have allocated for its use one of the two largest committee hearing rooms in the capitol, which shall be approximately equal in size and quality.

NEW SECTION. Section 2. Capitol long-term occupancy implementation schedule -- 1987 biennium. (1) The goal of the legislature is to accomplish that portion of the long-term plan for occupancy of the capitol provided in [section 1] as may be feasible during the 1987 biennium. To that end, the department of administration shall:

(a) provide for alternate quarters and remove from the capitol agencies and functions not listed in [section 1] as may be required to provide adequate space for those agencies and functions remaining in the capitol; and

(b) plan, let to contract, and begin to construct facilities designed to implement the long-term occupancy plan for the capitol.

(2) In executing its duties under this section, the department of administration shall endeavor to schedule work as best it can to coordinate with the regular session of the 50th legislature. This section does not require completion of all work prior to the convening of the session.

(CONTINUED)

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Section 3. Section 2-17-109 is amended to read:
"2-17-109. Remodeling and renovation -- senate chambers and former supreme court chambers to be preserved. (1) Notwithstanding the provisions of Title 5, chapter 17, part 1, the department of administration shall proceed with the plans for the remodeling and renovation of the state capitol for which moneys were are appropriated ~~by the 47th legislature and reappropriated by the 48th legislature.~~

(2) In proceeding with such plans, the department of administration shall consult with the capitol building and planning committee provided for in 5-17-101; however, such plans and the implementation of such plans need not be reported to the 49th legislature before implementation.

(3) The department of administration, in the implementation of such plans, shall keep and maintain the senate chambers in its present location.

(4) If future senate bodies should determine that the location of the senate chambers is to be moved, the department of administration shall keep and maintain the physical structure and location of the present senate chambers as a single room which shall be used for legislative purposes. Such room shall not be divided in any manner, and the artwork and height of the ceiling shall be maintained and preserved.

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

Section 4. Section 2-15-221, MCA, is amended to read:
"2-15-221. Governor-elect -- staff and services provided. (1) As used in this section, unless the context clearly indicates otherwise, "governor-elect" means the person elected at a general election to the office of governor who is not the incumbent governor.

(CONTINUED)

KMK

(2) The department of administration shall provide the governor-elect and his necessary staff with suitable office space ~~in the capitol building~~, together with furnishings, supplies, equipment, and telephone service for the period between the general election and the inauguration.

(3) The governor-elect may obtain the assistance of persons of his own choosing, between the general election and inauguration, and they shall receive reasonable compensation for their services. These persons shall be state employees, but they shall not be subject to any civil service or personnel laws or rules of the state.

(4) In addition, the governor-elect may request that the department of administration assign one or more employees of the department of administration to assist the governor-elect and his staff in the study and interpretation of information. Employees of the department of administration shall be assigned for the time necessary between the general election and the inauguration.

(5) The funds necessary to carry out the provisions of this section shall be included in the appropriation request of the department of administration to the legislature meeting in regular session immediately prior to a general election when a governor will be chosen."

NEW SECTION. Section 5. Repealer. Sections 2-17-103 and 2-17-110, MCA, are repealed.

NEW SECTION. Section 6. Effective date. This act is effective on passage and approval."

And that this Conference Committee report be adopted.

FOR THE SENATE:

Bill Norman

NORMAN

Ed Van Valkenburg

VAN VALKENBURG

St. Stephens

STEPHENS

FOR THE HOUSE:

JAN BROWN

Keyser

KEYSER

Marks

MARKS

ADOPT REJECT

VINCENT