

HOUSE BILL NO. 20

INTRODUCED BY MENAHAN  
BY REQUEST OF THE LEGISLATIVE COUNCIL

IN THE HOUSE

DECEMBER 23, 1992	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
JANUARY 4, 1993	FIRST READING.
JANUARY 8, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 11, 1993	PRINTING REPORT.
JANUARY 12, 1993	SECOND READING, DO PASS.
JANUARY 13, 1993	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 99; NOES, 0.
	TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 15, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
JANUARY 21, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
JANUARY 22, 1993	SECOND READING, CONCURRED IN.
JANUARY 23, 1993	THIRD READING, CONCURRED IN. AYES, 44; NOES, 2.
	RETURNED TO HOUSE.

IN THE HOUSE

JANUARY 25, 1993	RECEIVED FROM SENATE.
	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

HOUSE BILL NO. 20

INTRODUCED BY MENAHAN

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, 5-17-103, AND 5-11-210, 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 must be determined in the sole discretion of the house of representatives. The location of the chambers of the senate 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

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

**Section 2.** 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 17--the-department-of-administration-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}~~--The---department---of---administration,---in---the implementation--of--such--plans,--shall-keep-and-maintain-the senate-chambers-in-its-present-location--

~~{4}~~(1) If future senate bodies should determine that the location of the senate chambers is-to should 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 that must be used for legislative purposes. Such The room shall may not be divided in any manner, and the artwork and height of the ceiling

shall must be maintained and preserved.

~~{5}~~(2) 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 that must be used for legislative committee purposes. Such The room shall may not be divided in any manner, and the artwork and height of the ceiling shall must be maintained and preserved."

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

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

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

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

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

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

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

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

"5-17-103. Report to legislature. The committee ~~shall~~ legislative council may prepare a written report of its activities and recommendations related to its duties under 5-17-102(2) ~~and present the report--to--the--legislature--as~~ provided--in--5-11-210 for the purpose of assisting the legislature in determining ~~if--such~~ whether the recommendations should be implemented. ~~To prepare its report~~ ~~and recommendations;--the--committee--may--receive--assistance~~

~~from the legislative council--"~~

**Section 5.** Section 5-11-210, MCA, is amended to read:

"5-11-210. Clearinghouse for reports to legislature.

(1) For the purposes of this section, "report" means:

(a) a document required to be prepared for the legislature as required in any of the sections listed in subsection (10); and

(b) unless otherwise provided by law, any other report required by law to be given to or filed with the legislature.

(2) On or before September 1 of each year preceding the convening of a regular session of the legislature, an entity required to report to the legislature shall provide, in writing, to the executive director of the legislative council:

(a) the final title of the report;

(b) an abstract or description of the contents of the report, not to exceed one page;

(c) a recommendation on how many copies of the report should be provided to the legislature;

(d) the reasons why the number of copies recommended is, in the opinion of the reporting entity, the appropriate number of copies;

(e) an estimated cost for each copy of the report; and

(f) the date on which the entity will deliver the

1 final, published copies of the report to the legislature.

2 (3) After considering all of the information available  
3 about the report, including the number of legislators  
4 requesting copies of the report pursuant to subsection (7),  
5 the legislative council or the executive director shall, in  
6 writing, direct the reporting entity to provide a specific  
7 number of copies. The number of copies required is at the  
8 sole discretion of the legislative council. The legislative  
9 council or the executive director may require the reporting  
10 entity to mail the copies of the report.

11 (4) The legislative council may require that the report  
12 be submitted in an electronic format useable on the  
13 legislature's current computer hardware, in a microform,  
14 such as microfilm or microfiche, or in a CD-ROM format,  
15 meaning compact disc read-only memory.

16 (5) Costs of preparing and distributing a report to the  
17 legislature, including writing, printing, postage,  
18 distribution, and all other costs, accrue to the reporting  
19 agency. Costs incurred in meeting the requirements of this  
20 section may not accrue to the legislative council.

21 (6) The executive director of the legislative council  
22 shall cause to be prepared a list of all reports required to  
23 be presented to the legislature from the list of titles  
24 received under subsection (2).

25 (7) The executive director shall, as soon as possible

1 following a general election, mail to each holdover senator,  
2 senator-elect, and representative-elect a list of the titles  
3 of the reports, along with the abstracts prepared pursuant  
4 to subsection (2)(b), available from the legislative  
5 council. The list must include a form on which each member  
6 or member-elect receiving the list may indicate the report  
7 or reports that the member or member-elect would like to  
8 receive.

9 (8) The executive director or the legislative council  
10 shall make copies of reports requested pursuant to  
11 subsection (7) available to those members or members-elect  
12 by either requiring that copies be mailed pursuant to  
13 subsection (3) or by delivering copies of the reports during  
14 the first week of the legislative session.

15 (9) The executive director of the legislative council  
16 may keep as many copies of a report as ~~he considers~~ are  
17 necessary, and ~~copies of the report may be discarded at his~~  
18 discretion discard the rest.

19 (10) (a) A report to the legislature includes a report  
20 required to be made by a board, bureau, commission,  
21 committee, council, department, division, fund, authority,  
22 or officer of the state or a local government in 1-11-204,  
23 2-4-411, 2-7-104, 2-8-112, 2-8-203, 2-8-207, 2-8-208,  
24 2-15-2021, 2-18-209, 2-18-811, 2-18-1103, 3-1-702, 3-1-1126,  
25 5-5-216, 5-13-304, ~~5-17-103~~, 5-18-203, 5-19-108, 10-4-102,

1 15-1-205, 17-4-107, 17-5-1650, 18-7-303, 19-4-201, 20-9-346,  
2 20-25-236, 20-25-301, 22-3-107, 23-7-203, 33-22-1513,  
3 37-1-106, 39-6-101, 39-51-407, 44-2-304, 44-13-103,  
4 46-23-316, 53-2-1107, 53-6-110, 53-20-104, 53-21-104,  
5 53-24-204, 53-24-210, 53-30-133, 69-1-404, 72-16-202,  
6 75-1-203, 75-1-1101, 75-7-304, 75-10-533, 75-10-704,  
7 76-11-203, 76-12-109, 80-7-713, 80-12-402, 82-11-161,  
8 85-1-621, 85-2-105, 87-2-724, 87-5-123, 90-3-203, or  
9 90-4-111.

10 (b) The procedure outlined in this section may also be  
11 used for a report required to be made to the legislature  
12 under the Multistate Tax Compact contained in 15-1-601, the  
13 Vehicle Equipment Safety Compact contained in 61-2-201, the  
14 Multistate Highway Transportation Agreement contained in  
15 61-10-1101, or the Western Interstate Nuclear Compact  
16 contained in 90-5-201."

17 NEW SECTION. **Section 6. Repealer.** Sections 5-17-101  
18 and 5-17-104, MCA, are repealed.

-End-

APPROVED BY COMMITTEE  
ON STATE ADMINISTRATION

HOUSE BILL NO. 20

INTRODUCED BY MENAHAN

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; PROVIDING THAT THE MONTANA HISTORICAL SOCIETY SHALL PROTECT AND PRESERVE PERMANENT ARTWORK IN THE CAPITOL BUILDING; REQUIRING THE LEGISLATIVE COUNCIL TO CONSULT WITH THE HISTORICAL SOCIETY ON THE PLACEMENT OF ARTWORK IN THE CAPITOL BUILDING; AMENDING SECTIONS 2-17-101, 2-17-109, 5-17-102, 5-17-103, AND 5-11-210, 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 must be determined in the sole discretion of the house of representatives. The location of the chambers of the senate 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 division of the department of justice are exempted from consolidation."

**Section 2.** 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-57--chapter-17--part 17--the-department-of-administration-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}--The--department--of--administration,--in--the implementation--of--such--plans,--shall-keep-and-maintain-the senate-chambers-in-its-present-location--~~

~~{4}{1}~~ If future senate bodies should determine that the location of the senate chambers is to should 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~~ that must be used for legislative purposes. ~~Such~~ The room ~~shall~~ may not be divided in any manner, and the artwork and height of the ceiling ~~shall~~ must be maintained and preserved.

~~{5}{2}~~ 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~~ that must be used for legislative committee purposes. ~~Such~~ The room ~~shall~~ may not be divided in any manner, and the artwork and height of the ceiling ~~shall~~ must be maintained and preserved."

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

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

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



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

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

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

(3) THE LEGISLATIVE COUNCIL SHALL CONSULT WITH AND ADVISE THE MONTANA HISTORICAL SOCIETY ON THE PLACEMENT OF BUSTS, STATUES, MEMORIALS, OR ART DISPLAYS OF A PERMANENT NATURE WITHIN PUBLIC AREAS OF THE CAPITOL BUILDING. AN ITEM MAY NOT BE PERMANENTLY DISPLAYED UNLESS APPROVED BY THE LEGISLATURE.

(4) THE MONTANA HISTORICAL SOCIETY SHALL PROTECT AND PRESERVE THE PERMANENT ARTWORK IN THE CAPITOL BUILDING AND REQUEST FUNDING FOR PERIODIC INSPECTION, MAINTENANCE, AND REPAIR OF THE ARTWORK FROM THE TRUST FUND ESTABLISHED IN

15-35-108 FOR PROTECTION OF WORKS OF ART IN THE STATE CAPITOL AND OTHER CULTURAL AND AESTHETIC PROJECTS.

~~†3†~~(5) The committee legislative council shall serve as a long-range building committee to recommend to the legislature and the department of administration construction and remodeling priorities for the capitol complex."

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

"5-17-103. Report to legislature. The ~~committee--shall~~ legislative council may prepare a written report of its activities and recommendations related to its duties under 5-17-102(2) and ~~present--the--report--to--the--legislature--as provided--in--5-11-210~~ for the purpose of assisting the legislature in determining ~~if--such~~ whether the recommendations should be implemented. ~~To--prepare--its--report and--recommendations,--the--committee--may--receive--assistance from--the--legislative--council.~~"

**Section 5.** Section 5-11-210, MCA, is amended to read:

"5-11-210. Clearinghouse for reports to legislature.  
(1) For the purposes of this section, "report" means:

(a) a document required to be prepared for the legislature as required in any of the sections listed in subsection (10); and

(b) unless otherwise provided by law, any other report required by law to be given to or filed with the

1 legislature.

2 (2) On or before September 1 of each year preceding the  
3 convening of a regular session of the legislature, an entity  
4 required to report to the legislature shall provide, in  
5 writing, to the executive director of the legislative  
6 council:

7 (a) the final title of the report;

8 (b) an abstract or description of the contents of the  
9 report, not to exceed one page;

10 (c) a recommendation on how many copies of the report  
11 should be provided to the legislature;

12 (d) the reasons why the number of copies recommended  
13 is, in the opinion of the reporting entity, the appropriate  
14 number of copies;

15 (e) an estimated cost for each copy of the report; and

16 (f) the date on which the entity will deliver the  
17 final, published copies of the report to the legislature.

18 (3) After considering all of the information available  
19 about the report, including the number of legislators  
20 requesting copies of the report pursuant to subsection (7),  
21 the legislative council or the executive director shall, in  
22 writing, direct the reporting entity to provide a specific  
23 number of copies. The number of copies required is at the  
24 sole discretion of the legislative council. The legislative  
25 council or the executive director may require the reporting

1 entity to mail the copies of the report.

2 (4) The legislative council may require that the report  
3 be submitted in an electronic format useable on the  
4 legislature's current computer hardware, in a microform,  
5 such as microfilm or microfiche, or in a CD-ROM format,  
6 meaning compact disc read-only memory.

7 (5) Costs of preparing and distributing a report to the  
8 legislature, including writing, printing, postage,  
9 distribution, and all other costs, accrue to the reporting  
10 agency. Costs incurred in meeting the requirements of this  
11 section may not accrue to the legislative council.

12 (6) The executive director of the legislative council  
13 shall cause to be prepared a list of all reports required to  
14 be presented to the legislature from the list of titles  
15 received under subsection (2).

16 (7) The executive director shall, as soon as possible  
17 following a general election, mail to each holdover senator,  
18 senator-elect, and representative-elect a list of the titles  
19 of the reports, along with the abstracts prepared pursuant  
20 to subsection (2)(b), available from the legislative  
21 council. The list must include a form on which each member  
22 or member-elect receiving the list may indicate the report  
23 or reports that the member or member-elect would like to  
24 receive.

25 (8) The executive director or the legislative council

1 shall make copies of reports requested pursuant to  
 2 subsection (7) available to those members or members-elect  
 3 by either requiring that copies be mailed pursuant to  
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 5 the first week of the legislative session.

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 7 may keep as many copies of a report as he--considers are  
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 25 90-4-111.

1 (b) The procedure outlined in this section may also be  
 2 used for a report required to be made to the legislature  
 3 under the Multistate Tax Compact contained in 15-1-601, the  
 4 Vehicle Equipment Safety Compact contained in 61-2-201, the  
 5 Multistate Highway Transportation Agreement contained in  
 6 61-10-1101, or the Western Interstate Nuclear Compact  
 7 contained in 90-5-201."

8 NEW SECTION. **Section 6.** Repealer. Sections 5-17-101  
 9 and 5-17-104, MCA, are repealed.

-End-

## 1 HOUSE BILL NO. 20

2 INTRODUCED BY MENAHAN

3 BY REQUEST OF THE LEGISLATIVE COUNCIL

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5 A BILL FOR AN ACT ENTITLED: "AN ACT ABOLISHING THE CAPITOL  
6 BUILDING AND PLANNING COMMITTEE AND REASSIGNING ITS  
7 FUNCTIONS; PROVIDING THAT THE MONTANA HISTORICAL SOCIETY  
8 SHALL PROTECT AND PRESERVE PERMANENT ARTWORK IN THE CAPITOL  
9 BUILDING; REQUIRING THE LEGISLATIVE COUNCIL TO CONSULT WITH  
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11 CAPITOL BUILDING; AMENDING SECTIONS 2-17-101, 2-17-109,  
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25 the department. The department, in consultation with the

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12 discretion of the house of representatives. The location of  
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17 council, shall allocate other space for the use of the  
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20 (4) For state agencies located in a city other than  
21 Helena, the department of administration shall consolidate  
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"2-17-109. Remodeling and renovation -- senate chambers and former supreme court chambers to be preserved. ~~{1}~~ Notwithstanding--the-provisions-of-Title-57-chapter-17-part 17-the-department-of-administration-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}~~--The---department---of---administration,---in---the implementation--of--such--plans,--shall-keep-and-maintain-the senate-chambers-in-its-present-location;

~~{4}~~{1} If future senate bodies should determine that the location of the senate chambers is to should 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~~ that must be used for legislative purposes. ~~Such~~ The room ~~shall~~ may not be divided in any manner, and the artwork and height of the ceiling ~~shall must~~ be maintained and preserved.

~~{5}~~{2} 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~~ that must be used for legislative committee purposes. ~~Such~~ The room ~~shall~~ may not be divided in any manner, and the artwork and height of the ceiling ~~shall must~~ be maintained and preserved."

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

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

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

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

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

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

(3) THE LEGISLATIVE COUNCIL SHALL CONSULT WITH AND ADVISE THE MONTANA HISTORICAL SOCIETY ON THE PLACEMENT OF BUSTS, STATUES, MEMORIALS, OR ART DISPLAYS OF A PERMANENT NATURE WITHIN PUBLIC AREAS OF THE CAPITOL BUILDING. AN ITEM MAY NOT BE PERMANENTLY DISPLAYED UNLESS APPROVED BY THE LEGISLATURE.

(4) THE MONTANA HISTORICAL SOCIETY SHALL PROTECT AND PRESERVE THE PERMANENT ARTWORK IN THE CAPITOL BUILDING AND REQUEST FUNDING FOR PERIODIC INSPECTION, MAINTENANCE, AND REPAIR OF THE ARTWORK FROM THE TRUST FUND ESTABLISHED IN

15-35-108 FOR PROTECTION OF WORKS OF ART IN THE STATE CAPITOL AND OTHER CULTURAL AND AESTHETIC PROJECTS.

~~(3)~~(5) The committee legislative council shall serve as a long-range building committee to recommend to the legislature and the department of administration construction and remodeling priorities for the capitol complex."

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

"5-17-103. Report to legislature. The ~~committee--shall~~ legislative council may prepare a written report of its activities and recommendations related to its duties under 5-17-102(2) and--present--the--report--to--the--legislature--as provided in--5-11-210 for the purpose of assisting the legislature in determining if--such whether the recommendations should be implemented. ~~To prepare its report and recommendations, the committee--may--receive--assistance from the legislative council.~~"

**Section 5.** Section 5-11-210, MCA, is amended to read:

"5-11-210. Clearinghouse for reports to legislature.  
(1) For the purposes of this section, "report" means:

(a) a document required to be prepared for the legislature as required in any of the sections listed in subsection (10); and

(b) unless otherwise provided by law, any other report required by law to be given to or filed with the

1 legislature.

2 (2) On or before September 1 of each year preceding the  
3 convening of a regular session of the legislature, an entity  
4 required to report to the legislature shall provide, in  
5 writing, to the executive director of the legislative  
6 council:

7 (a) the final title of the report;

8 (b) an abstract or description of the contents of the  
9 report, not to exceed one page;

10 (c) a recommendation on how many copies of the report  
11 should be provided to the legislature;

12 (d) the reasons why the number of copies recommended  
13 is, in the opinion of the reporting entity, the appropriate  
14 number of copies;

15 (e) an estimated cost for each copy of the report; and

16 (f) the date on which the entity will deliver the  
17 final, published copies of the report to the legislature.

18 (3) After considering all of the information available  
19 about the report, including the number of legislators  
20 requesting copies of the report pursuant to subsection (7),  
21 the legislative council or the executive director shall, in  
22 writing, direct the reporting entity to provide a specific  
23 number of copies. The number of copies required is at the  
24 sole discretion of the legislative council. The legislative  
25 council or the executive director may require the reporting

1 entity to mail the copies of the report.

2 (4) The legislative council may require that the report  
3 be submitted in an electronic format useable on the  
4 legislature's current computer hardware, in a microform,  
5 such as microfilm or microfiche, or in a CD-ROM format,  
6 meaning compact disc read-only memory.

7 (5) Costs of preparing and distributing a report to the  
8 legislature, including writing, printing, postage,  
9 distribution, and all other costs, accrue to the reporting  
10 agency. Costs incurred in meeting the requirements of this  
11 section may not accrue to the legislative council.

12 (6) The executive director of the legislative council  
13 shall cause to be prepared a list of all reports required to  
14 be presented to the legislature from the list of titles  
15 received under subsection (2).

16 (7) The executive director shall, as soon as possible  
17 following a general election, mail to each holdover senator,  
18 senator-elect, and representative-elect a list of the titles  
19 of the reports, along with the abstracts prepared pursuant  
20 to subsection (2)(b), available from the legislative  
21 council. The list must include a form on which each member  
22 or member-elect receiving the list may indicate the report  
23 or reports that the member or member-elect would like to  
24 receive.

25 (8) The executive director or the legislative council

1 shall make copies of reports requested pursuant to  
 2 subsection (7) available to those members or members-elect  
 3 by either requiring that copies be mailed pursuant to  
 4 subsection (3) or by delivering copies of the reports during  
 5 the first week of the legislative session.

6 (9) The executive director of the legislative council  
 7 may keep as many copies of a report as he--considers are  
 8 necessary, and ~~copies-of-the-report-may-be-discarded-at-his~~  
 9 ~~discretion~~ discard the rest.

10 (10) (a) A report to the legislature includes a report  
 11 required to be made by a board, bureau, commission,  
 12 committee, council, department, division, fund, authority,  
 13 or officer of the state or a local government in 1-11-204,  
 14 2-4-411, 2-7-104, 2-8-112, 2-8-203, 2-8-207, 2-8-208,  
 15 2-15-2021, 2-18-209, 2-18-811, 2-18-1103, 3-1-702, 3-1-1126,  
 16 5-5-216, 5-13-304, ~~5-17-103~~, 5-18-203, 5-19-108, 10-4-102,  
 17 15-1-205, 17-4-107, 17-5-1650, 18-7-303, 19-4-201, 20-9-346,  
 18 20-25-236, 20-25-301, 22-3-107, 23-7-203, 33-22-1513,  
 19 37-1-106, 39-6-101, 39-51-407, 44-2-304, 44-13-103,  
 20 46-23-316, 53-2-1107, 53-6-110, 53-20-104, 53-21-104,  
 21 53-24-204, 53-24-210, 53-30-133, 69-1-404, 72-16-202,  
 22 75-1-203, 75-1-1101, 75-7-304, 75-10-533, 75-10-704,  
 23 76-11-203, 76-12-109, 80-7-713, 80-12-402, 82-11-161,  
 24 85-1-621, 85-2-105, 87-2-724, 87-5-123, 90-3-203, or  
 25 90-4-111.

1 (b) The procedure outlined in this section may also be  
 2 used for a report required to be made to the legislature  
 3 under the Multistate Tax Compact contained in 15-1-601, the  
 4 Vehicle Equipment Safety Compact contained in 61-2-201, the  
 5 Multistate Highway Transportation Agreement contained in  
 6 61-10-1101, or the Western Interstate Nuclear Compact  
 7 contained in 90-5-201."

8 NEW SECTION. **Section 6. Repealer.** Sections 5-17-101  
 9 and 5-17-104, MCA, are repealed.

-End-



## 1 HOUSE BILL NO. 20

2 INTRODUCED BY MENAHAN

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; PROVIDING THAT THE MONTANA HISTORICAL SOCIETY  
8 SHALL PROTECT AND PRESERVE PERMANENT ARTWORK IN THE CAPITOL  
9 BUILDING; REQUIRING THE LEGISLATIVE COUNCIL TO CONSULT WITH  
10 THE HISTORICAL SOCIETY ON THE PLACEMENT OF ARTWORK IN THE  
11 CAPITOL BUILDING; AMENDING SECTIONS 2-17-101, 2-17-109,  
12 5-17-102, 5-17-103, AND 5-11-210, MCA; AND REPEALING  
13 SECTIONS 5-17-101 AND 5-17-104, MCA."  
14

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

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

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

24 (2) An agency requiring additional space shall notify  
25 the department. The department, in consultation with the

1 agency, shall determine the amount and nature of the space  
2 needed and locate space within a building owned or leased by  
3 the state to meet the agency's requirements. If no space is  
4 available in a building owned or leased by the state, the  
5 department shall locate space to be leased in an appropriate  
6 building or recommend alternatives to leasing, such as  
7 remodeling or exchanging space with another agency. A state  
8 agency may not lease, rent, or purchase property for  
9 quarters without prior approval of the department.

10 (3) (a) The location of the chambers for the house of  
11 representatives shall must be determined in the sole  
12 discretion of the house of representatives. The location of  
13 the chambers of the senate shall must be determined in the  
14 sole discretion of the senate.

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

20 (4) For state agencies located in a city other than  
21 Helena, the department of administration shall consolidate  
22 the offices of these agencies in a single, central location  
23 within the city whenever such the consolidation would result  
24 in a cost savings to the state while permitting sufficient  
25 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 division of the department of justice are exempted from consolidation."

**Section 2.** 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-57,chapter-17,part 17-the-department-of-administration-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}--The---department---of---administration,---in---the implementation--of--such--plans,--shall-keep-and-maintain-the senate-chambers-in-its-present-location:

{4}{1} If future senate bodies should determine that the location of the senate chambers is-to should 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~~ that must be used for legislative purposes. ~~Such~~ The room ~~shall~~ may not be divided in any manner, and the artwork and height of the ceiling ~~shall~~ must be maintained and preserved.

{5}{2} 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~~ that must be used for legislative committee purposes. ~~Such~~ The room ~~shall~~ may not be divided in any manner, and the artwork and height of the ceiling ~~shall~~ must be maintained and preserved."

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

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

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

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

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

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

(3) THE LEGISLATIVE COUNCIL SHALL CONSULT WITH AND ADVISE THE MONTANA HISTORICAL SOCIETY ON THE PLACEMENT OF BUSTS, STATUES, MEMORIALS, OR ART DISPLAYS OF A PERMANENT NATURE WITHIN PUBLIC AREAS OF THE CAPITOL BUILDING. AN ITEM MAY NOT BE PERMANENTLY DISPLAYED UNLESS APPROVED BY THE LEGISLATURE.

(4) THE MONTANA HISTORICAL SOCIETY SHALL PROTECT AND PRESERVE THE PERMANENT ARTWORK IN THE CAPITOL BUILDING AND REQUEST FUNDING FOR PERIODIC INSPECTION, MAINTENANCE, AND REPAIR OF THE ARTWORK FROM THE TRUST FUND ESTABLISHED IN

# 15-35-108 FOR PROTECTION OF WORKS OF ART IN THE STATE CAPITOL AND OTHER CULTURAL AND AESTHETIC PROJECTS.

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

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

"5-17-103. Report to legislature. The committee legislative council may prepare a written report of its activities and recommendations related to its duties under 5-17-102(2) and present the report to the legislature as provided in 5-11-210 for the purpose of assisting the legislature in determining if such whether the recommendations should be implemented. To prepare its report and recommendations, the committee may receive assistance from the legislative council."

**Section 5.** Section 5-11-210, MCA, is amended to read:

"5-11-210. Clearinghouse for reports to legislature. (1) For the purposes of this section, "report" means:

(a) a document required to be prepared for the legislature as required in any of the sections listed in subsection (10); and

(b) unless otherwise provided by law, any other report required by law to be given to or filed with the

1 legislature.

2 (2) On or before September 1 of each year preceding the  
3 convening of a regular session of the legislature, an entity  
4 required to report to the legislature shall provide, in  
5 writing, to the executive director of the legislative  
6 council:

7 (a) the final title of the report;

8 (b) an abstract or description of the contents of the  
9 report, not to exceed one page;

10 (c) a recommendation on how many copies of the report  
11 should be provided to the legislature;

12 (d) the reasons why the number of copies recommended  
13 is, in the opinion of the reporting entity, the appropriate  
14 number of copies;

15 (e) an estimated cost for each copy of the report; and

16 (f) the date on which the entity will deliver the  
17 final, published copies of the report to the legislature.

18 (3) After considering all of the information available  
19 about the report, including the number of legislators  
20 requesting copies of the report pursuant to subsection (7),  
21 the legislative council or the executive director shall, in  
22 writing, direct the reporting entity to provide a specific  
23 number of copies. The number of copies required is at the  
24 sole discretion of the legislative council. The legislative  
25 council or the executive director may require the reporting

1 entity to mail the copies of the report.

2 (4) The legislative council may require that the report  
3 be submitted in an electronic format useable on the  
4 legislature's current computer hardware, in a microform,  
5 such as microfilm or microfiche, or in a CD-ROM format,  
6 meaning compact disc read-only memory.

7 (5) Costs of preparing and distributing a report to the  
8 legislature, including writing, printing, postage,  
9 distribution, and all other costs, accrue to the reporting  
10 agency. Costs incurred in meeting the requirements of this  
11 section may not accrue to the legislative council.

12 (6) The executive director of the legislative council  
13 shall cause to be prepared a list of all reports required to  
14 be presented to the legislature from the list of titles  
15 received under subsection (2).

16 (7) The executive director shall, as soon as possible  
17 following a general election, mail to each holdover senator,  
18 senator-elect, and representative-elect a list of the titles  
19 of the reports, along with the abstracts prepared pursuant  
20 to subsection (2)(b), available from the legislative  
21 council. The list must include a form on which each member  
22 or member-elect receiving the list may indicate the report  
23 or reports that the member or member-elect would like to  
24 receive.

25 (8) The executive director or the legislative council

1 shall make copies of reports requested pursuant to  
 2 subsection (7) available to those members or members-elect  
 3 by either requiring that copies be mailed pursuant to  
 4 subsection (3) or by delivering copies of the reports during  
 5 the first week of the legislative session.

6 (9) The executive director of the legislative council  
 7 may keep as many copies of a report as he--considers are  
 8 necessary, and ~~copies of the report may be discarded at his~~  
 9 discretion discard the rest.

10 (10) (a) A report to the legislature includes a report  
 11 required to be made by a board, bureau, commission,  
 12 committee, council, department, division, fund, authority,  
 13 or officer of the state or a local government in 1-11-204,  
 14 2-4-411, 2-7-104, 2-8-112, 2-8-203, 2-8-207, 2-8-208,  
 15 2-15-2021, 2-18-209, 2-18-811, 2-18-1103, 3-1-702, 3-1-1126,  
 16 5-5-216, 5-13-304, 5-17-103, 5-18-203, 5-19-108, 10-4-102,  
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 24 85-1-621, 85-2-105, 87-2-724, 87-5-123, 90-3-203, or  
 25 90-4-111.

1 (b) The procedure outlined in this section may also be  
 2 used for a report required to be made to the legislature  
 3 under the Multistate Tax Compact contained in 15-1-601, the  
 4 Vehicle Equipment Safety Compact contained in 61-2-201, the  
 5 Multistate Highway Transportation Agreement contained in  
 6 61-10-1101, or the Western Interstate Nuclear Compact  
 7 contained in 90-5-201."

8 NEW SECTION. Section 6. Repealer. Sections 5-17-101  
 9 and 5-17-104, MCA, are repealed.

-End-