

## HOUSE BILL NO. 316

INTRODUCED BY K. WHITE, B. HAMLETT, M. HOPKINS

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A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE AMOUNT OF SQUARE FOOTAGE THAT MAY BE LEASED WITHOUT LEGISLATIVE APPROVAL; AMENDING SECTION 2-17-101, MCA; AND PROVIDING AN EFFECTIVE DATE."

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 -- leasing -- definition.** (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 shall identify the amount, location, and nature of space used by each agency, including summary information on average cost per square foot for each municipality, and report this to the office of budget and program planning and to the legislative fiscal analyst by September 1 of each even-numbered year. The report must be provided in an electronic format.

(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, including buildings in Helena and in other areas, to meet the agency's requirements. If space is not available in a building owned or leased by the state, the department shall locate space to be leased in an appropriate existing building or a build-to-lease building, including buildings in Helena and in other areas, or recommend alternatives to leasing, such as remodeling or exchanging space with another agency. A state agency may not lease, rent, or purchase real property without prior approval of the department.

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

(b) Subject to 2-17-108, the department, with the advice of the 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) The department shall consolidate the offices of state agencies in a single, central location within a

1 municipality whenever the consolidation would result in a cost savings to the state while permitting sufficient  
2 space and facilities for the agencies. The department may purchase, lease, or acquire, by exchange or otherwise,  
3 land and buildings in a municipality to achieve consolidation. Offices of the law enforcement services division and  
4 motor vehicle division of the department of justice are exempted from consolidation.

5 (5) Any lease for more than ~~40,000~~ 45,000 square feet or for a term of more than 20 years must be  
6 submitted as part of the long-range building program and approved by the legislature before the department of  
7 administration may proceed with the lease. Multiple leases in the same building entered into within any 60-day  
8 period are to be aggregated for purposes of this threshold calculation. When immediate relocation of agency  
9 employees is required due to a public exigency, the requirements of this subsection do not apply, but the new  
10 lease must be reported as required by subsection (1).

11 (6) The department shall include language in every lease providing that if funds are not appropriated or  
12 otherwise made available to support continued performance of the lease in subsequent fiscal periods, the lease  
13 must be canceled.

14 (7) "Public exigency" means that due to unforeseen circumstances a facility occupied by state employees  
15 is uninhabitable due to immediate conditions that adversely impact the health or safety of the occupants of the  
16 facility."

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18 NEW SECTION. **Section 2. Effective date.** [This act] is effective July 1, 2019.

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