

HOUSE BILL NO. 114

INTRODUCED BY L. JENT, TOOLE

BY REQUEST OF THE CAPITOL COMPLEX ADVISORY COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATING TO THE CAPITOL COMPLEX ADVISORY COUNCIL; CLARIFYING THAT THE DEPARTMENTS OF ADMINISTRATION AND FISH, WILDLIFE, AND PARKS SHARE THE COSTS ASSOCIATED WITH COUNCIL OPERATIONS; REQUIRING THE COUNCIL TO ADOPT AN ART AND MEMORIAL PLAN; REVISING CRITERIA FOR NAMING A STATE BUILDING, SPACE, OR ROOM IN THE CAPITOL COMPLEX AFTER AN INDIVIDUAL OR DISPLAYING A BUST, STATUE, MEMORIAL, MONUMENT, OR ART DISPLAY COMMEMORATING AN INDIVIDUAL OR EVENT; PERMITTING THE DEPARTMENT OF ADMINISTRATION TO APPROVE TEMPORARY DISPLAYS IN THE CAPITOL COMPLEX OR ON THE CAPITOL COMPLEX GROUNDS; CHANGING THE AGENCY RESPONSIBLE FOR MAINTAINING AN INVENTORY OF ART AND MEMORIALS IN THE CAPITOL COMPLEX; PROVIDING FOR THE LONG-TERM PLACEMENT OF CERTAIN ITEMS IN THE CAPITOL OR ON THE CAPITOL COMPLEX GROUNDS; ENTRUSTING CERTAIN ITEMS TO THE MONTANA HISTORICAL SOCIETY; AND AMENDING SECTIONS 2-17-803, 2-17-804, 2-17-805, 2-17-807, AND 2-17-812, MCA."

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

Section 1. Section 2-17-803, MCA, is amended to read:

"2-17-803. Capitol complex advisory council established -- membership -- staff services -- compensation. (1) There is a capitol complex advisory council.

(2) The council consists of nine members as follows:

- (a) two members of the house of representatives appointed by the speaker on a bipartisan basis;
- (b) two members of the senate appointed by the committee on committees on a bipartisan basis;
- (c) a public representative appointed by the governor; and
- (d) the director or the director's designee of each of the following agencies:
 - (i) the Montana historical society established in 22-3-101;
 - (ii) the Montana arts council established in 2-15-1513;

(iii) the department of administration established in 2-15-1001; and

(iv) the department of fish, wildlife, and parks established in 2-15-3401.

(3) The council shall select a presiding officer, who may call meetings to conduct council business. The departments of administration and fish, wildlife, and parks shall provide staff services to the council and share the costs associated with council operations.

(4) (a) The council member appointed under subsection (2)(c) is entitled to compensation not to exceed the daily allowance provided for in 5-2-301(3) for compensation of legislators for each day in which the member is actually and necessarily engaged in performing council duties and to travel expense reimbursement as provided in 2-18-501 through 2-18-503.

(b) A council member designated under subsection (2)(d) is not entitled to compensation for services as a member of the council.

(c) A council member appointed under subsection (2)(a) or (2)(b) is entitled to compensation and expenses as provided in 5-2-302."

Section 2. Section 2-17-804, MCA, is amended to read:

"2-17-804. Council duties and responsibilities. (1) The council shall:

(a) adopt an art and memorial plan for the placement of art and memorials in the capitol complex and on the capitol complex grounds;

~~(a)(b)~~ review proposals for permanent long-term displays of up to 50 years, subject to renewal, in the capitol complex and on the capitol complex grounds ~~or and for~~ the naming of state buildings, spaces, and rooms in the capitol complex;

~~(b)(c)~~ advise the legislature on the placement of busts, statues, memorials, monuments, or art displays of a permanent long-term nature ~~within in~~ public areas of the capitol complex and on the capitol complex grounds, including the executive residence and the original governor's mansion;

~~(c)(d)~~ advise the department of administration on interior decoration of the capitol; and

~~(d)(e)~~ advise the department of fish, wildlife, and parks on grounds maintenance and grounds displays.

(2) In advising the legislature on permanent long-term displays, the council shall consider whether the bust, statue, memorial, monument, or art display:

(a) reasonably fits the long-range master plan for the capitol and adjacent grounds developed under 2-17-805;

- (b) adversely alters the appearance of the ~~capitol or other~~ capitol complex buildings;
- (c) unreasonably affects foot traffic on the capitol complex;
- (d) adversely impacts existing maintenance programs or the utility infrastructure;
- (e) recognizes a person or event of statewide significance and relevance;
- (f) has artistic merit in its design and construction;
- (g) will be safely and aesthetically suited to its installation site; and
- (h) has adequate funding for design, installation, and maintenance.

(3) By November 15 of each year preceding a legislative session, the council shall report to the legislature on requests that it has reviewed for naming buildings, spaces, and rooms and for permanently placing items in the capitol complex or on the capitol complex grounds. The report must include a recommendation to the legislature on whether reviewed requests meet the criteria established by this ~~section~~ part. If a request meets the criteria, the council shall recommend a timeframe during which the project should be authorized."

Section 3. Section 2-17-805, MCA, is amended to read:

"2-17-805. Function of department of administration -- capitol area master plan -- advice of capitol complex advisory council and legislative council. (1) With advice from the council, the departments of administration and fish, wildlife, and parks shall establish and maintain a long-range master plan for the orderly development of state buildings in the immediate area of the capital city capitol complex. The long-range master plan 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; and

(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 state property in the ~~immediate area of the capital city~~ capitol complex.

(2) The legislative council shall consult with and advise the department of administration concerning the assignment of space in the capitol.

(3) The Montana historical society shall protect and preserve ~~the~~ all publicly held, permanent artwork

1 in the capitol complex and request funding for periodic inspection, maintenance, and repair of the artwork from
2 the trust fund established in 15-35-108 for protection of works of art in the state capitol and other cultural and
3 aesthetic projects.

4 (4) The legislative council shall serve as a long-range building committee to recommend to the
5 legislature and the department of administration construction and remodeling priorities for the capitol."
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7 **Section 4.** Section 2-17-807, MCA, is amended to read:

8 **"2-17-807. Approval for displays and naming buildings, spaces, and rooms.** (1) A state building,
9 space, or room in the capitol complex may not be named after an individual, ~~and or~~ a bust, statue, memorial,
10 monument, or art display may not be ~~permanently~~ displayed on a long-term basis in the capitol complex or on
11 the capitol complex grounds unless the building, space, or room name or display is approved by the legislature
12 and complies with this ~~section~~ part.

13 (2) A state building, space, or room in the capitol complex may not be named after an individual or a
14 bust, statue, memorial, monument, or art display commemorating an individual may not be displayed on a
15 long-term basis in the capitol complex unless the individual has been deceased for at least 5 10 years.

16 (3) A bust, statue, memorial, monument, or art display commemorating an event, including a military
17 event, may not be displayed on a long-term basis in the capitol complex until 10 years after the end of the event.

18 ~~(3)(4)~~ (4) All busts, statues, memorials, monuments, or art displays authorized, but not installed within 5
19 years of authorization, must be reauthorized.

20 (5) The department of administration may review and approve the temporary display of a bust, statue,
21 memorial, monument, or art display for up to 1 year in the capitol complex or on the capitol complex grounds."
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23 **Section 5.** Section 2-17-812, MCA, is amended to read:

24 **"2-17-812. Inventory of improvements.** (1) The department of fish, wildlife, and parks shall maintain
25 an inventory of commemorative displays, statues, artwork, plaques, and other improvements upon the grounds
26 of the capitol complex, including the executive residence and original governor's mansion.

27 (2) ~~The department of administration~~ Montana historical society shall maintain an inventory of all publicly
28 held commemorative displays, statues, artwork, and plaques, ~~and other improvements~~ in the capitol ~~building~~
29 complex.

30 (3) ~~Both departments~~ agencies shall make their inventories available to the council."

1
2 **NEW SECTION. Section 6. Placement of certain busts, statues, memorials, monuments, and art**
3 **displays.** (1) The following busts, statues, memorials, monuments, and art displays are to be placed for up to
4 50 years, subject to renewal, in the capitol:

5 (a) the busts of Thomas J. Walsh, Burton K. Wheeler, and Joseph Dixon;

6 (b) the plaques commemorating Theodore Brantley, Fred Whiteside, the first Montana volunteers who
7 fought in the Spanish-American War, the construction of the capitol from 1899 to 1902, and the 1972 Montana
8 constitutional convention;

9 (c) the murals by Edgar S. Paxson, Ralph E. DeCamp, Charles M. Russell, Amedee Joullin, and F.
10 Pedretti and sons;

11 (d) the portraits of Joseph K. Toole and Wilbur Fiske Sanders;

12 (e) the statues of Wilbur Fiske Sanders, Jeanette Rankin, and Mike and Maureen Mansfield;

13 (f) the Montana statehood centennial bell;

14 (g) the gallery of outstanding Montanans;

15 (h) the Montana constitutional exhibit; and

16 (i) the biographical descriptions of Montana's governors, to be placed near the portraits of the
17 governors.

18 (2) The following busts, statues, memorials, monuments, and art displays are to be placed for up to 50
19 years, subject to renewal, on the grounds of the capitol:

20 (a) the statue of Thomas Francis Meagher;

21 (b) the plaque commemorating Donald Nutter; and

22 (c) two benches with plaques recognizing contributors to the 1997-2000 capitol restoration, repair, and
23 renovation project.

24 (3) The statue by Robert Sriver entitled "symbol of the pros" is to be placed for up to 50 years, subject
25 to renewal, on the capitol complex grounds.

26 (4) The council shall determine the specific placement of the items identified in subsections (1) through
27 (3).

28
29 **NEW SECTION. Section 7. Certain items entrusted to Montana historical society.** A bust, statue,
30 memorial, monument, or art display in possession of the state that may have been associated with the capitol

1 complex but is not listed under [section 6] is entrusted to the Montana historical society for storage or temporary
2 display until a suitable location is identified, recommended for placement by the council, and approved by the
3 legislature for long-term placement.

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5 **NEW SECTION. Section 8. Codification instruction.** [Sections 6 and 7] are intended to be codified
6 as an integral part of Title 2, chapter 17, part 8, and the provisions of Title 2, chapter 17, part 8, apply to [sections
7 6 and 7].

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