

SENATE STATE ADMIN.
EXHIBIT NO. 1
DATE 3.4.05
BILL NO. HB 107

Testimony on HB107
Senate State Administration Committee
March 4, 2005

Testimony presented by
Arnold Olsen, Director
Montana Historical Society

As the current chair of the Capitol Complex Advisory Council, I support HB107.

A few years ago it became evident that a council was necessary to review proposed art and monuments for placement in the State Capitol and on the State Capitol grounds when proposals exceeded space available, competing proposals were submitted to the Legislature for the same location, the Capitol renovation made less wall space available and the need to maintain historic integrity was recognized. This council was established by the Legislature in 1997. The Council was required by statute to adopt an Art and Memorial Plan for the Capitol complex to guide the placement of all future art and memorials in and around the Capitol and to preserve the integrity of the recent Capitol historic renovation. Since the Council has legislators from both houses and both parties and has broad state agency and citizen participation, it functions very well under the laws, rules and guidelines established.

In the 2003 session, this Council came before you to begin a comprehensive process of listing all the current art and memorials around the Capitol complex. During that session, we inventoried all of the indoor pieces and a few of the outdoor pieces and listed them in statute. We are back now in 2005 to complete that listing process.

Over the last two years, the Council completed the inventory of all the art and memorials on the Capitol grounds and in other state buildings and held a public hearing on these items. Overall, we reviewed 35 different pieces and made recommendations concerning them in HB107.

All of the items in this list are already located somewhere on the complex. This is really just a housekeeping bill that seeks to complete the listing of current art and memorials. All items not chosen for placement are held by the Montana Historical Society for safe-keeping. Future legislation of this type will only be necessary if new items are proposed for placement on the grounds or in the Capitol.

As a point of interest, after a public hearing, the Council voted to recommend to the Legislature that we retain the Ten Commandments monument on the Capitol grounds and to recommend that this memorial also be listed in statute, along with everything else on the complex. This decision was based, at least in part, on the similar *Van Orden v. Perry* case in Texas which held that the monument was considered historic in nature and part of a National Register listing nomination. We are also aware that the U.S. Supreme Court is reviewing this issue due to inconsistent rulings in the lower courts regarding retention and/or removal.

This bill also takes care of one more housekeeping item. It will repeal a section of law that established the Pearl Harbor Memorial Committee in 1993. This group was set up to raise funds for a memorial to survivors of Pearl Harbor. That monument was placed on the Capitol grounds several years ago, and the Committee is no longer needed since it accomplished its mission. The Pearl Harbor memorial will now be listed in statute with the other outdoor memorials.

I feel the Capitol Complex Advisory Council works hard to make recommendations in the best interest of Montana citizens and the integrity of the Capitol complex. Therefore, I urge your support of HB107.