

## 1 HOUSE BILL NO. 623

2 INTRODUCED BY B. HAMLETT

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING INFRASTRUCTURE LAWS RELATED TO THE  
5 HISTORICAL SOCIETY; DIRECTING THE STATE TO ENTER INTO A PUBLIC-PRIVATE PARTNERSHIP  
6 AGREEMENT WITH THE NONPROFIT MONTANA HISTORY CENTER FOUNDATION FOR PURPOSES OF  
7 DESIGNING, FINANCING THROUGH FUNDRAISING EFFORTS, BUILDING, OPERATING, AND MAINTAINING  
8 THE MONTANA HISTORY CENTER; AUTHORIZING THE DEPARTMENT OF ADMINISTRATION DIVISION  
9 OF ARCHITECTURE AND ENGINEERING TO PURCHASE LAND FOR THE MONTANA HISTORY CENTER  
10 AT A CERTAIN LOCATION; PROVIDING FOR TERMS TO BE INCLUDED IN THE AGREEMENT; CREATING  
11 THE JOINT MONTANA HISTORY CENTER BOARD; AMENDING SECTION 22-3-107, MCA; AMENDING  
12 SECTION 2, CHAPTER 499, LAWS OF 2005, SECTION 2, CHAPTER 560, LAWS OF 2005, AND SECTION 20,  
13 CHAPTER 478, LAWS OF 2009; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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15 WHEREAS, the Montana History Center Foundation is a Montana nonprofit whose mission is to secure  
16 the former Capital Hill Mall and build a state-of-the-art Montana History Center; and

17 WHEREAS, the Montana Historical Society has sought to construct a new museum to house its  
18 invaluable collection of artwork and historical artifacts; and

19 WHEREAS, previous legislatures have not provided funding to complete a new museum; and

20 WHEREAS, the state needs to direct available funds to state, county, and municipal infrastructure  
21 projects such as bridges, wastewater treatment system, and other water systems; and

22 WHEREAS, the Montana History Center Foundation is dedicated to raising funds from private sources  
23 to design and build and augment the operation of the museum; and

24 WHEREAS, the purchase of land located at the former site of the Capital Hill Mall in Helena, Montana,  
25 by the state will encourage private donations; and

26 WHEREAS, it is the intent that the new Montana History Center maintain a robust program dedicated to  
27 sharing Montana's artifacts and treasures with museums across Montana.

28

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

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1            **NEW SECTION. Section 1. Definitions.** The following definitions apply to [sections 1 through 5]:

2            (1) "Board" means the joint Montana history board provided for in [section 4].

3            (2) "Foundation" means the Montana history center foundation.

4            (3) "Montana history center" means the area bounded by Prospect avenue, 11th avenue, North Sanders  
5 street, and North Oakes street in Helena, Montana, containing approximately 9.4 acres.

6            (4) "Project" means the construction of the Montana history center.

7            (5) "Public-private partnership" means a cooperative arrangement between the state and nonprofit  
8 sectors, built on the expertise of each partner, that best meets the state's goal to construct a museum for its  
9 artwork and artifacts through the appropriate allocation of resources, risks, and rewards for the purposes of, and  
10 including but not limited to planning, designing, constructing, developing, financing through fundraising efforts,  
11 operating, maintaining, or any combination thereof, the project.

12            (6) "Society" has the same meaning as provided in 22-3-102.

13

14            **NEW SECTION. Section 2. Legislative intent.** (1) It is the intent of the legislature that the Montana  
15 history center be built at the site of the former Capital Hill mall between 11th Avenue and Prospect Avenue in  
16 Helena, Montana.

17            (2) It is the intent of the legislature that a public-private partnership be formed between the state of  
18 Montana and the Montana history center foundation to oversee the fundraising, designing, building, operating,  
19 and maintaining of a new museum to house the collections of the state's Montana historical society, including the  
20 Poindexter and McKay collections of C.M. Russell artwork.

21

22            **NEW SECTION. Section 3. Authorization of public-private partnership.** (1) The department of  
23 administration and Montana historical society shall negotiate and enter into a public-private partnership  
24 agreement with the Montana history center foundation for the purpose of designing, building, operating, and  
25 maintaining the Montana history center. The agreement must be executed by [45 days after the effective date  
26 of this act].

27            (2) The agreement must include the following provisions:

28            (a) that the site of the museum be located on the area bounded by Prospect avenue, 11th avenue, North  
29 Sanders street, and North Oakes street, in Helena;

30            (b) that the land for the museum be purchased by the state for fair market value or less based on a

1 third-party appraisal of the land;

2 (c) that the state purchase the land by June 30, 2019, with previously issued bond authority for the  
3 museum, or as soon as possible after that date;

4 (d) that the state retain title to the land;

5 (e) that the museum be a state building upon the expiration of the agreement;

6 (f) that all naming rights of the center belong to the foundation for purposes of fundraising;

7 (g) that the final design and architecture of the exterior and layout of the interior must be approved by  
8 the board;

9 (h) that the display and required climate control, security systems, lighting, and maintaining of the  
10 integrity of the artifacts and artwork on display and archived must be approved by the board;

11 (i) that the foundation raise funds for the museum;

12 (j) that the board be established to govern the designing, building, operating, and maintaining of the  
13 Montana history center;

14 (k) that the department of administration maintain the grounds of the Montana history center; and

15 (l) that the society maintain the interior of the museum.

16

17 **NEW SECTION. Section 4. Joint Montana history board.** (1) There is a joint Montana history board  
18 composed of five trustees from the society and five members from the foundation. The board is responsible for  
19 designing, building, operating, and maintaining the Montana history center. A tie vote at any meeting may be  
20 broken by the governor, who is an ex officio member of the board.

21 (2) (a) The foundation may select a member to chair the board.

22 (b) The society may select a member to serve as vice chair of the board.

23 (c) The board may select a treasurer and a secretary. One position must be filled by a member from the  
24 society and the other position must be filled by a member of the foundation.

25 (3) A member is appointed for a term of 6 years. The terms of board members must be staggered. A  
26 member of the board may serve no more than two 6-year terms. A member shall hold office until a successor is  
27 appointed.

28 (4) The board may revise how board members are selected by a vote of a two-thirds majority after two  
29 full 6-year terms have been completed.

30 (5) The board is administratively attached to the department of administration.

- 1
- 2 **NEW SECTION. Section 5. Inaugural terms.** (1) By [30 days after the effective date of this act]:
- 3 (a) the society must choose two class 1 members, one class 2 member, and two class 3 members;
- 4 (b) the foundation must choose one class 1 member, two class 2 members, and two class 3 members.
- 5 (2) The inaugural term of each class is as follows:
- 6 (a) for a class 1 member, 2 years;
- 7 (b) for a class 2 member, 4 years; and
- 8 (c) for a class 3 member, 6 years.

- 9
- 10 **Section 6.** Section 22-3-107, MCA, is amended to read:
- 11 **"22-3-107. Authority of board.** The powers and duties of the trustees are as follows:
- 12 (1) to elect annually from among their number a president, a vice president, and a secretary;
- 13 (2) to adopt bylaws for their own government and to make rules, not inconsistent with law, for the proper
- 14 administration of the society in the interests of preserving the rich heritage of this state and its people;
- 15 (3) to appoint a director, fix the director's salary, and prescribe the director's duties and responsibilities;
- 16 (4) to create classes of memberships in the society as they consider desirable, to determine the
- 17 qualifications for any class of membership, and to set the fees to be paid for memberships;
- 18 (5) to sell or exchange publications and other museum or art objects and use the money arising from
- 19 sales for the operation of the society and for the acquisition of historical materials and objects of art in conjunction
- 20 with the joint board established in [section 4];
- 21 (6) to sell or exchange surplus or duplicate books, surplus museum or art objects, or artifacts not
- 22 pertinent to the region encompassed by the Montana historical society mission and to use the money arising from
- 23 the sales exclusively for acquisitions of library, art, and museum artifacts in conjunction with the joint board
- 24 established in [section 4];
- 25 (7) to see that the collections and properties of the society are maintained in good order and repair;
- 26 (8) to report to the governor and, as provided in 5-11-210, the legislature biennially. The report must
- 27 include a statement of all important transactions and acquisitions, with suggestions and recommendations for the
- 28 better realization of the purposes of the society and the improvement of its collections and services.
- 29 (9) to accept, receive, and administer in the name of the society any gifts, donations, properties,
- 30 securities, bequests, and legacies that may be made to the society. Money received by donation, gift, bequest,

1 or legacy, unless otherwise provided by the donor, must be deposited in the state treasury and used for the  
2 general operation of the society.

3 (10) to collect, assemble, preserve, and display, when appropriate, all obtainable books, pamphlets,  
4 maps, charts, manuscripts, journals, diaries, papers, business records, paintings, drawings, engravings,  
5 photographs, statuary, models, relics, and all other materials illustrative of the history of Montana in particular and  
6 generally of the Pacific Northwest, Northern Rocky Mountain, and Northern Great Plains regions and of the United  
7 States of America when pertinent;

8 (11) to procure from pioneers, early settlers, and others narratives of the events relative to the early  
9 settlement of Montana, the Indian occupancy, Indian and other wars, overland travel and immigration to the  
10 territories of the west, and all other related documents of Montana's history, development, and society;

11 (12) to gather contemporary information, specimens, and all other materials that exhibit faithfully the  
12 distinctive historical and contemporary characteristics of the area, with particular attention to Indian, military, and  
13 pioneer artifacts and implements;

14 (13) to collect and preserve such natural history objects as fossils, plants, minerals, and animals;

15 (14) to collect and preserve books, maps, manuscripts, and other materials as will tend to facilitate  
16 historical, scientific, and antiquarian research;

17 (15) to promote the study of Montana history by lectures and publications;

18 (16) to publish a roadside history of Montana, with maps, photographs, and text that will enable tourists,  
19 citizens, and students to understand the history of the countryside seen from the state's main roads;

20 (17) to generally foster and encourage the fine arts and cultural activities in Montana;

21 (18) to receive for and on behalf of the state, by donation or otherwise, art objects of any kind and  
22 description and to exhibit and circulate the objects in Montana and elsewhere;

23 (19) to microfilm papers or documents in danger of disappearance or injury; ~~and~~

24 (20) to coordinate the administration of the historic records network established in 22-3-211; and

25 (21) to elect five members to serve on the joint Montana history board established in [section 4]."

26

27 **Section 7.** Section 2, Chapter 499, Laws of 2005, is amended to read:

28 **"Section 2. Appropriation of bond proceeds.** (1) The following money is appropriated from the CPF  
29 from the proceeds for the bonds authorized by [section 3] to the department of administration for the capital  
30 projects described in this section, contingent upon the authorization of general obligation bonds by the 59th

1 legislature and the sale of bonds by the board of examiners:  
 2 Agency/Project  
 3 MONTANA HISTORICAL SOCIETY  
 4 Montana Historical Society Building and Land Purchase \$7,500,000  
 5 MONTANA UNIVERSITIES AND COLLEGES  
 6 Montana State University  
 7 Great Falls College of Technology 11,000,000  
 8 Billings College of Technology 9,000,000  
 9 University of Montana  
 10 Helena College of Technology 7,500,000  
 11 Montana Tech of the University of Montana  
 12 Petroleum Building 9,000,000  
 13 Gaines Hall Renovation, Phase I 3,500,000  
 14 MSUAES Projects 500,000

15 (2) The following money is appropriated from the CPF from the proceeds for the bonds authorized by  
 16 [section 3] to the department of natural resources and conservation for the capital projects described in this  
 17 section, contingent upon the authorization of general obligation bonds by the 59th legislature and the sale of  
 18 bonds by the board of examiners:

19 DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION  
 20 St. Mary Water Project -- State Support 10,000,000  
 21 State Cost Share -- Fort Belknap Water Compact 9,500,000"

22  
 23 **Section 8.** Section 2(4), Chapter 560, Laws of 2005, as inserted by section 20, Chapter 478, Laws of  
 24 2009, is amended to read:

25 "(4) It is the intent of the legislature that the department of administration division of architecture and  
 26 engineering purchase the land bounded by Prospect avenue, 11th avenue, North Sanders street, and North  
 27 Oakes street and to plan and construct a Montana historical society building at the 6th avenue and Roberts street  
 28 site in conjunction with the Montana history center foundation pursuant to a public-private partnership agreement  
 29 in Helena, Montana, with the remaining balance of the \$7.5 million of bonds authorized in Chapter 499, Laws of  
 30 2005, and the \$30 million in donation and grant authority in this section."

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2           **NEW SECTION. Section 9. Severability.** If a part of [this act] is invalid, all valid parts that are severable  
3 from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part  
4 remains in effect in all valid applications that are severable from the invalid applications.

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6           **NEW SECTION. Section 10. Special legislation.** The legislature finds and declares that a special law  
7 is necessary and that a general law cannot be made applicable within the meaning of Art. V, sec. 12, of the  
8 Montana Constitution because of the unique and special circumstances surrounding the construction, financing,  
9 operation, and maintenance of the Montana history center.

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11           **NEW SECTION. Section 11. Codification instruction.** [Sections 1 through 5] are intended to be  
12 codified as an integral part of Title 22, chapter 3, and the provisions of Title 22, chapter 3, apply to [sections 1  
13 through 5].

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15           **NEW SECTION. Section 12. Effective date.** [This act] is effective on passage and approval.

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