

Amendment - 1st Reading-white - Requested by: Jonathan Karlen - (H) Legislative Administration

- 2023

68th Legislature 2023

Drafter: Joe Kolman, 406-444-3747

HB0920.001.001

1 HOUSE BILL NO. 920
2 INTRODUCED BY D. BEDEY, C. KNUDSEN, A. BUCKLEY, J. DOOLING, S. O'BRIEN, K. BOGNER
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A BUST OR PLAQUE COMMEMORATING
5 THOMAS CARTER, MONTANA'S LAST TERRITORIAL CONGRESSIONAL DELEGATE, FIRST UNITED
6 STATES REPRESENTATIVE, AND A UNITED STATES SENATOR, TO BE PLACED IN THE CAPITOL;
7 REQUIRING PRIVATE FUNDING; ESTABLISHING A SPECIAL REVENUE ACCOUNT; PROVIDING THAT
8 THE MONTANA HISTORICAL SOCIETY PROCURE THE ITEM AND ADMINISTER FUNDS FOR THAT
9 PURPOSE; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 2-17-807 AND 2-17-808, MCA; AND
10 PROVIDING AN EFFECTIVE DATE."
11

12 WHEREAS, Thomas Carter was born on October 30, 1854, in Junior Furnace, Ohio, as the son of Irish
13 immigrants, Edward and Margaret Carter, and brother of Edward, Margaret, and Julia, and spent most of his
14 childhood in the Midwest learning the value of hard work in agriculture; and

15 WHEREAS, Thomas Carter moved on from his publishing career in Iowa to begin practicing law in
16 Helena, Montana, and found love by marrying Ellen Galen; and

17 WHEREAS, Thomas Carter became the public administrator for Lewis and Clark County and climbed
18 further still in his political career when he was nominated and elected as a territorial congressional delegate in
19 1888, and he remained in office throughout the admission of Montana to statehood in 1889; and

20 WHEREAS, Thomas Carter notably held the position as Chairman of the Committee on Mines and
21 Mining during his first year in the United States House of Representatives and was appointed Commissioner of
22 the General Land Office by President Harrison until 1892; and

23 WHEREAS, Thomas Carter was elected Senator in 1895 and 1905 wherein he was Chair of the
24 Committee on the Relations with Canada and the Committee on the Census and President of the Board of
25 Commissioners of the Louisiana Purchase Exposition; and

26 WHEREAS, Thomas Carter served as Chairman of the Republican National Committee, the first
27 Catholic to do so; and

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1 WHEREAS, Thomas Carter is remembered as laying the foundation of Montana politics while
2 maintaining a curiosity and love of learning and being a caring father throughout his entire life; and

3 WHEREAS, Thomas Carter was a true founding father of the State of Montana.
4

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
6

7 NEW SECTION. **Section 1. Commemoration of Thomas Carter -- special revenue account.** (1)

8 Subject to 2-17-807(4) and other provisions of Title 2, chapter 17, part 8, including review by the capitol
9 complex advisory council, a plaque or other item of tribute commemorating Thomas Carter, Montana's last
10 territorial congressional delegate, first U.S. House representative, and a U.S. senator, may be placed in a state
11 capitol complex building or on the grounds of the state capitol.

12 (2) The cost for the procurement, installation, and maintenance of the plaque or other item of
13 tribute must be paid from private funds.

14 (3) There is a special revenue account to the credit of the Montana historical society for the
15 purposes of this section. The Montana historical society shall oversee the procurement and installation of the
16 plaque or other item of tribute and administer funds in the account.

17 (4) The design, installation, maintenance, and funding of the plaque or other item of tribute are
18 subject to the provisions of the art and memorial plan adopted by the council pursuant to 2-17-804.
19

20 **Section 2.** Section 2-17-807, MCA, is amended to read:

21 **"2-17-807. Approval for displays and naming buildings, spaces, and rooms.** (1) A state building,
22 space, or room in the capitol complex may not be named after an individual or a bust, plaque, statue, memorial,
23 monument, or art display may not be displayed on a long-term basis in the capitol complex or on the capitol
24 complex grounds unless the building, space, or room name or display is approved by the legislature and
25 complies with this part. The capitol building, including any future additions and expansions, may not be named
26 after any person, as defined in 2-4-102.

27 (2) (a) Except as provided in subsections (2)(b) through ~~(2)(g)~~ (2)(h), a state building, space, or

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1 room in the capitol complex may not be named after an individual or a bust, plaque, statue, memorial,
2 monument, or art display commemorating an individual may not be displayed on a long-term basis in the capitol
3 complex unless the individual has been deceased for at least 10 years.

4 (b) The statue of Mike and Maureen Mansfield authorized in 2-17-808(1)(d)(iii) and the plaque
5 commemorating President George H. W. Bush authorized in 2-17-808(2)(b)(ii) may continue to be displayed in
6 the capitol complex.

7 (c) Except as provided in subsection (2)(f), a public building within the capitol complex constructed
8 with private funds after April 17, 2007, or a space or room constructed with private funds after April 17, 2007, in
9 a public building, other than the capitol building, may bear a name designated by the benefactor of the building,
10 space, or room if:

11 (i) the building, space, or room is to be owned by or used exclusively or primarily by the Montana
12 historical society to store or display artifacts or other property owned by the Montana historical society; and

13 (ii) the building, space, or room and the designated name are approved by the council and by the
14 board of the historical society, provided for in 2-15-1512.

15 (d) The classroom building authorized in May 2007 to be built at the Montana law enforcement
16 academy may be named after Karl Ohs, and a plaque and the Lou Peters award commemorating Karl Ohs may
17 be displayed there.

18 (e) The justice building located at 215 north Sanders in Helena must be named after Joseph P.
19 Mazurek, and a plaque and memorial commemorating him may be displayed on the capitol complex grounds.

20 (f) The Montana heritage center must be named after Betty Babcock, and a plaque
21 commemorating her must be displayed there.

22 (g) The statue or bust of Judy Martz authorized in 2-17-808(2)(f) may continue to be displayed in
23 the capitol or on the grounds immediately surrounding the capitol.

24 (h) The bust or plaque commemorating Thomas Carter authorized in ~~section 2~~ 2-17-808(1)(k)
25 may be displayed in the capitol.

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

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1 the event.

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

4 (5) The department of administration may review and approve the temporary display of a bust,
5 plaque, statue, memorial, monument, or art display for up to 1 year in the capitol complex or on the capitol
6 complex grounds. (Subsection (2)(g) void on occurrence of contingency--sec. 4, Ch. 164, L. 2019.)"

7

8 **Section 3.** Section 2-17-808, MCA, is amended to read:

9 **"2-17-808. Placement of certain busts, plaques, statues, memorials, monuments, and art**

10 **displays.** (1) The following busts, plaques, statues, memorials, monuments, and art displays are to be placed
11 for up to 50 years, subject to renewal, in the capitol:

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

13 (b) the plaques commemorating Theodore Brantley, Fred Whiteside, the first Montana volunteers
14 who fought in the Spanish-American War, the construction of the capitol from 1899 to 1902, the 1972 Montana
15 constitutional convention, and the women legislators' centennial;

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

18 (d) the statues of:

19 (i) Wilbur Fiske Sanders;

20 (ii) Jeannette Rankin; and

21 (iii) Mike and Maureen Mansfield;

22 (e) the Montana statehood centennial bell;

23 (f) the gallery of outstanding Montanans;

24 (g) the Montana constitutional exhibit;

25 (h) the biographical descriptions of Montana's governors, to be placed near the portraits of the
26 governors;

27 (i) a plaque commemorating former representative Francis Bardanouve and lettering naming the

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1 first floor of the east wing of the capitol in honor of Francis Bardanoue; ~~and~~

2 (j) a mural honoring the historical contributions of women as community builders; and

3 (k) a bust or plaque commemorating Thomas Carter, who served as the last territorial
4 congressional delegate, the first United States representative, and a United States senator for the state.

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

7 (a) the statues of Thomas Francis Meagher and Lady Liberty;

8 (b) the plaques commemorating:

9 (i) Donald Nutter;

10 (ii) President George H. W. Bush; and

11 (iii) American prisoners of war and personnel of the United States armed services missing in
12 action;

13 (c) two benches with plaques recognizing contributors to the 1997-2000 capitol restoration, repair,
14 and renovation project;

15 (d) the Montana centennial square;

16 (e) the monument of the ten commandments; and

17 (f) a statue or bust commemorating Judy Martz, Montana's first woman governor.

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

20 (a) the statue by Robert Scriver entitled "symbol of the pros";

21 (b) the monuments to the liberty bell, the veterans' and pioneer memorial building--landscape
22 beautification project, Montana veterans, Pearl Harbor survivors, and the peace pole;

23 (c) the sculptures of the herd bull and the eagle;

24 (d) the plaques commemorating the Montana national guard and Lewis and Clark; and

25 (e) the arrastra.

26 (4) The following busts, plaques, statues, memorials, monuments, and art displays are to be
27 placed for up to 50 years, subject to renewal, in state buildings on the capitol complex:

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1 (a) the paintings of Dr. W. F. Cogswell and the paintings entitled "burning bush", "dryland farmer",
2 "farm girl", "the river rat", "top of the world", "angus #68", "the source", "the Bozeman trail", and "the Mullan
3 road";

4 (b) the art displays known as "Montana workers--mining, ranching, and building", "copper city
5 rodeo", "dancing cascade", "save a piece of the sky", and "night light";

6 (c) the plaque commemorating Walt Sullivan, the plaque of the Sam W. Mitchell building, and the
7 plaque commemorating the original headquarters of the Montana highway patrol;

8 (d) the busts of Lee Metcalf and Sam W. Mitchell;

9 (e) the plaque and Lou Peters award commemorating Karl Ohs; and

10 (f) the plaque and memorial commemorating Joseph P. Mazurek.

11 (5) The senate sculpture depicting the Lewis and Clark expedition is to be placed for up to 50
12 years, subject to renewal, on the west wall in the senate chambers.

13 (6) The council shall determine the specific placement of the items identified in subsections (1)
14 through (4). (Subsection (2)(f) void on occurrence of contingency--sec. 4, Ch. 164, L. 2019.)"

15
16 **NEW SECTION. Section 4. Appropriation.** There is appropriated ~~\$45,000~~ \$100 from the general
17 fund to the Montana historical society for the biennium beginning July 1, 2023, for the costs associated with the
18 procurement and installation of the bust or plaque commemorating Thomas Carter.

19
20 **NEW SECTION. Section 5. Contingent voidness.** If the plaque or other item of tribute provided for
21 in [section 1] is not installed by July 1, 2028, then [this act] is void.

22
23 **NEW SECTION. Section 6. Effective date.** [This act] is effective July 1, 2023.

24 - END -