

HOUSE BILL NO. 920

INTRODUCED BY D. BEDEY, C. KNUDSEN, A. BUCKLEY, J. DOOLING, S. O'BRIEN, K. BOGNER

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A BUST OR PLAQUE COMMEMORATING THOMAS CARTER, MONTANA'S LAST TERRITORIAL CONGRESSIONAL DELEGATE, FIRST UNITED STATES REPRESENTATIVE, AND A UNITED STATES SENATOR, TO BE PLACED IN THE CAPITOL; REQUIRING PRIVATE FUNDING; ESTABLISHING A SPECIAL REVENUE ACCOUNT; PROVIDING THAT THE MONTANA HISTORICAL SOCIETY PROCURE THE ITEM AND ADMINISTER FUNDS FOR THAT PURPOSE; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 2-17-807 AND 2-17-808, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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

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

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

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

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

WHEREAS, Thomas Carter is remembered as laying the foundation of Montana politics while

1 maintaining a curiosity and love of learning and being a caring father throughout his entire life; and

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

3

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

5

6 NEW SECTION. SECTION 1. COMMEMORATION OF THOMAS CARTER -- SPECIAL REVENUE ACCOUNT. (1)

7 SUBJECT TO 2-17-807(4) AND OTHER PROVISIONS OF TITLE 2, CHAPTER 17, PART 8, INCLUDING REVIEW BY THE

8 CAPITOL COMPLEX ADVISORY COUNCIL, A PLAQUE OR OTHER ITEM OF TRIBUTE COMMEMORATING THOMAS CARTER,

9 MONTANA'S LAST TERRITORIAL CONGRESSIONAL DELEGATE, FIRST U.S. HOUSE REPRESENTATIVE, AND A U.S.

10 SENATOR, MAY BE PLACED IN A STATE CAPITOL COMPLEX BUILDING OR ON THE GROUNDS OF THE STATE CAPITOL.

11 (2) THE COST FOR THE PROCUREMENT, INSTALLATION, AND MAINTENANCE OF THE PLAQUE OR OTHER ITEM

12 OF TRIBUTE MUST BE PAID FROM PRIVATE FUNDS.

13 (3) THERE IS A SPECIAL REVENUE ACCOUNT TO THE CREDIT OF THE MONTANA HISTORICAL SOCIETY FOR

14 THE PURPOSES OF THIS SECTION. THE MONTANA HISTORICAL SOCIETY SHALL OVERSEE THE PROCUREMENT AND

15 INSTALLATION OF THE PLAQUE OR OTHER ITEM OF TRIBUTE AND ADMINISTER FUNDS IN THE ACCOUNT.

16 (4) THE DESIGN, INSTALLATION, MAINTENANCE, AND FUNDING OF THE PLAQUE OR OTHER ITEM OF TRIBUTE

17 ARE SUBJECT TO THE PROVISIONS OF THE ART AND MEMORIAL PLAN ADOPTED BY THE COUNCIL PURSUANT TO 2-17-804.

18

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

20 **"2-17-807. Approval for displays and naming buildings, spaces, and rooms.** (1) A state building,

21 space, or room in the capitol complex may not be named after an individual or a bust, plaque, statue, memorial,

22 monument, or art display may not be displayed on a long-term basis in the capitol complex or on the capitol

23 complex grounds unless the building, space, or room name or display is approved by the legislature and

24 complies with this part. The capitol building, including any future additions and expansions, may not be named

25 after any person, as defined in 2-4-102.

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

27 room in the capitol complex may not be named after an individual or a bust, plaque, statue, memorial,

28 monument, or art display commemorating an individual may not be displayed on a long-term basis in the capitol

1 complex unless the individual has been deceased for at least 10 years.

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

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

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

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

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

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

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

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

22 (h) The bust or plaque commemorating Thomas Carter authorized in ~~Section 21~~ 2-17-808(1)(k)  
23 may be displayed in the capitol.

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

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

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

4

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

6 **"2-17-808. Placement of certain busts, plaques, statues, memorials, monuments, and art**

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

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

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

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

15 (d) the statues of:

16 (i) Wilbur Fiske Sanders;

17 (ii) Jeannette Rankin; and

18 (iii) Mike and Maureen Mansfield;

19 (e) the Montana statehood centennial bell;

20 (f) the gallery of outstanding Montanans;

21 (g) the Montana constitutional exhibit;

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

24 (i) a plaque commemorating former representative Francis Bardanouve and lettering naming the  
25 first floor of the east wing of the capitol in honor of Francis Bardanouve; ~~and~~

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

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

- 1           (2)     The following busts, plaques, statues, memorials, monuments, and art displays are to be  
2 placed for up to 50 years, subject to renewal, on the grounds of the capitol:
- 3           (a)     the statues of Thomas Francis Meagher and Lady Liberty;
- 4           (b)     the plaques commemorating:
- 5           (i)     Donald Nutter;
- 6           (ii)    President George H. W. Bush; and
- 7           (iii)   American prisoners of war and personnel of the United States armed services missing in  
8 action;
- 9           (c)     two benches with plaques recognizing contributors to the 1997-2000 capitol restoration, repair,  
10 and renovation project;
- 11          (d)     the Montana centennial square;
- 12          (e)     the monument of the ten commandments; and
- 13          (f)     a statue or bust commemorating Judy Martz, Montana's first woman governor.
- 14          (3)     The following busts, plaques, statues, memorials, monuments, and art displays are to be  
15 placed for up to 50 years, subject to renewal, on the capitol complex grounds:
- 16          (a)     the statue by Robert Scriver entitled "symbol of the pros";
- 17          (b)     the monuments to the liberty bell, the veterans' and pioneer memorial building--landscape  
18 beautification project, Montana veterans, Pearl Harbor survivors, and the peace pole;
- 19          (c)     the sculptures of the herd bull and the eagle;
- 20          (d)     the plaques commemorating the Montana national guard and Lewis and Clark; and
- 21          (e)     the arrastra.
- 22          (4)     The following busts, plaques, statues, memorials, monuments, and art displays are to be  
23 placed for up to 50 years, subject to renewal, in state buildings on the capitol complex:
- 24          (a)     the paintings of Dr. W. F. Cogswell and the paintings entitled "burning bush", "dryland farmer",  
25 "farm girl", "the river rat", "top of the world", "angus #68", "the source", "the Bozeman trail", and "the Mullan  
26 road";
- 27          (b)     the art displays known as "Montana workers--mining, ranching, and building", "copper city  
28 rodeo", "dancing cascade", "save a piece of the sky", and "night light";

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

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

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

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

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

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

10

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

14

15 NEW SECTION. SECTION 5. CONTINGENT VOIDNESS. IF THE PLAQUE OR OTHER ITEM OF TRIBUTE PROVIDED  
16 FOR IN [SECTION 1] IS NOT INSTALLED BY JULY 1, 2028, THEN [THIS ACT] IS VOID.

17

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

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- END -