

1 HOUSE BILL NO. 123

2 INTRODUCED BY SIMPKINS

3 BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A CAPITOL COMPLEX MASTER PLAN ACT;
6 CREATING A CAPITOL COMPLEX ADVISORY COUNCIL; SPECIFYING THE ADVISORY COUNCIL'S DUTIES;
7 REQUIRING LEGISLATIVE APPROVAL FOR NAMING CERTAIN BUILDINGS AND ESTABLISHING CERTAIN
8 PERMANENT DISPLAYS; REQUIRING THE DEPARTMENTS OF ADMINISTRATION AND FISH, WILDLIFE,
9 AND PARKS TO MAINTAIN INVENTORIES OF IMPROVEMENTS; AND AMENDING SECTION 5-11-115,
10 MCA."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13
14 NEW SECTION. **Section 1. Short title.** [Sections 1 through 7] may be cited as the "Capitol
15 Complex Master Plan Act".

16
17 NEW SECTION. **Section 2. Definitions.** As used in [sections 1 through 7], the following definitions
18 apply:

19 (1) "Capitol complex" means the capitol building and all the state buildings within a 10-mile radius
20 of the capitol building.

21 (2) "Council" means the capitol complex advisory council established in [section 3].

22 (3) "Legislative council" means the legislative council established in 5-11-101.

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24 NEW SECTION. **Section 3. Capitol complex advisory council established -- membership -- staff
25 services -- compensation.** (1) There is a capitol complex advisory council.

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

27 (a) two members of the house of representatives appointed by the speaker on a bipartisan basis;

28 (b) two members of the senate appointed by the committee on committees on a bipartisan basis;

29 (c) a public representative appointed by the governor; and

30 (d) the director or the director's designee of each of the following agencies:

- 1 (i) the Montana historical society established in 22-3-101;
2 (ii) the Montana arts council established in 2-15-1513;
3 (iii) the department of administration established in 2-15-1001; and
4 (iv) the department of fish, wildlife, and parks established 2-15-3401.

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

7 (4) (a) The council member appointed under subsection (2)(c) is entitled to compensation not to
8 exceed \$25 for each day in which the member is actually and necessarily engaged in performing council
9 duties and to travel expense reimbursement as provided in 2-18-501 through 2-18-503.

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

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

14

15 **NEW SECTION. Section 4. Council duties and responsibilities.** (1) The council shall:

16 (a) review proposals for permanent displays or the naming of state buildings in the capitol complex;

17 (b) advise the legislature on the placement of busts, statues, memorials, monuments, or art
18 displays of a permanent nature within public areas of the capitol complex, including the executive residence
19 and the original governor's mansion;

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

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

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

25 (a) reasonably fits the master plan for the capitol and adjacent grounds developed under 5-11-115;

26 (b) adversely alters the appearance of the capitol or other capitol complex buildings;

27 (c) unreasonably affects foot traffic on the capitol complex;

28 (d) adversely impacts existing maintenance programs or the utility infrastructure;

29 (e) recognizes a person or event of statewide significance and relevance;

30 (f) has artistic merit in its design and construction;

1 (g) will be safely and aesthetically suited to its installation site; and

2 (h) has adequate funding for design, installation, and maintenance.

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

8

9 **NEW SECTION. Section 5. Approval for displays and naming buildings.** (1) A state building in the
10 capitol complex may not be named after an individual, and a bust, statue, memorial, monument, or art
11 display may not be permanently displayed in the capitol or on the capitol complex grounds unless the
12 building name or display is approved by the legislature and complies with this section.

13 (2) A state building in the capitol complex may not be named after an individual unless the
14 individual has been deceased for at least 5 years.

15 (3) All busts, statues, memorials, monuments, or art displays authorized, but not installed within
16 5 years of authorization, must be reauthorized.

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18 **NEW SECTION. Section 6. Department of administration to establish policies on capitol.** The
19 department of administration, with the advice of the council, shall establish policies governing maintenance
20 and beautification of the capitol, executive residence, and original governor’s mansion. The policies must
21 provide that all historic furnishings original to the capitol remain in the building if an agency relocates and
22 may designate appropriate wall, floor, and window coverings for the capitol. The Montana Administrative
23 Procedures Act does not apply to [sections 1 through 7].

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25 **NEW SECTION. Section 7. Inventory of improvements.** (1) The department of fish, wildlife, and
26 parks shall maintain an inventory of commemorative displays, statues, artwork, plaques, and other
27 improvements upon the grounds of the capitol complex, including the executive residence and original
28 governor’s mansion.

29 (2) The department of administration shall maintain an inventory of commemorative displays,
30 statues, artwork, plaques, and other improvements in the capitol.

1 (3) Both departments shall make their inventories available to the council.

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3 **Section 8.** Section 5-11-115, MCA, is amended to read:

4 "**5-11-115. Function of department of administration -- capitol area master plan -- advice of capitol**
5 **complex advisory council and legislative council.** (1) ~~The~~ With advice from the council, the department
6 departments of administration and fish, wildlife, and parks shall establish and maintain a long-range master
7 plan for the orderly development of state buildings in the immediate area of the capital city. The long-range
8 master plan must be developed and maintained, with consideration given to the following factors:

9 (a) the needs of the state relative to the location and design of buildings to be constructed,
10 purchase of land, parking facilities, traffic management, and landscaping;

11 (b) the ordinances, plans, requirements, and proposed improvements of the city of Helena and
12 Lewis and Clark County, based, without limitation, upon zoning regulations, population trends, and plans
13 for rapid transit development; and

14 (c) any other factors that bear upon the orderly, integrated, and cooperative development of the
15 state, the city of Helena, Lewis and Clark County, and state property in the immediate area of the capital
16 city.

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

19 ~~(3) The legislative council shall consult with and advise the Montana historical society on the~~
20 ~~placement of busts, statues, memorials, or art displays of a permanent nature within public areas of the~~
21 ~~capitol building. An item may not be permanently displayed unless approved by the legislature.~~

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23 ~~building~~ and request funding for periodic inspection, maintenance, and repair of the artwork from the trust
24 fund established in 15-35-108 for protection of works of art in the state capitol and other cultural and
25 aesthetic projects.

26 ~~(5)~~(4) The legislative council shall serve as a long-range building committee to recommend to the
27 legislature and the department of administration construction and remodeling priorities for the capitol."
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29 **NEW SECTION.** **Section 9. Codification instruction.** (1) [Sections 1 through 7] are intended to be
30 codified as an integral part of Title 2, chapter 17, and the provisions of Title 2, chapter 17, apply to

1 [sections 1 through 7].

2 (2) Sections 2-17-109, 2-17-111, 2-17-113, 2-17-131, 5-11-115, and 5-11-116 are intended to
3 be renumbered and codified as an integral part of [sections 1 through 7].

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APPROVED BY COM ON
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8 exceed ~~\$25~~ THE AMOUNT PROVIDED FOR IN 5-2-301(3) FOR COMPENSATION OF LEGISLATORS for each
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1 codified as an integral part of Title 2, chapter 17, and the provisions of Title 2, chapter 17, apply to
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