

Amendment - 2nd Reading-yellow - Requested by: Steve Fitzpatrick - (S) Committee of Whole

- 2023
68th Legislature 2023

Drafter: Joe Carroll, 406-444-3804

HB0855.001.002

1 HOUSE BILL NO. 855
2 INTRODUCED BY L. SMITH, F. SMITH, E. BUTTREY, E. MCCLAFFERTY, S. STEWART PEREGOY, J.
3 COHENOUR, B. MOLNAR, G. HERTZ, A. OLSEN, M. DUNWELL, J. ELLIS, D. HAYMAN, C. POPE, J.
4 TREBAS, T. WELCH, E. BOLDMAN, S. MORIGEAU, E. KERR-CARPENTER, K. BOGNER, K. SULLIVAN, P.
5 FLOWERS, M. FOX, E. STAFMAN, T. FRANCE, M. THANE, C. FRIEDEL, T. BROCKMAN, E. MATTHEWS, T.
6 VERMEIRE, C. SPRUNGER, P. TUSS, D. BAUM, M. ROMANO, S. HOWELL

7
8 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A PLAQUE ~~OR OTHER ITEM OF TRIBUTE~~
9 COMMEMORATING CHARLES S. JOHNSON, MONTANA'S LONGEST-SERVING STATEHOUSE
10 REPORTER, TO BE PLACED IN A STATE CAPITOL COMPLEX BUILDING OR ON THE GROUNDS OF THE
11 STATE CAPITOL COMPLEX; REQUIRING PRIVATE FUNDING; ESTABLISHING A SPECIAL REVENUE
12 ACCOUNT; PROVIDING THAT THE MONTANA HISTORICAL SOCIETY PROCURE THE ITEM AND
13 ADMINISTER FUNDS FOR THAT PURPOSE; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 2-
14 17-807 AND 2-17-808, MCA; PROVIDING FOR CONTINGENT VOIDNESS; AND PROVIDING AN
15 EFFECTIVE DATE."

16
17 WHEREAS, Charles S. Johnson was born in Montana and dedicated his life to observing,
18 documenting, and explaining the place and its people; and

19 WHEREAS, while the name Charles S. Johnson graced newspaper bylines in the state for nearly half a
20 century over the most important of stories, the dean of Montana journalism always introduced himself as
21 simply, Chuck; and

22 WHEREAS, one of Chuck's first reporting assignments was covering the 1972 Constitutional
23 Convention where he could not believe his good fortune to have a front row seat to history in the making; and

24 WHEREAS, his experience with the building of the state constitution became the cornerstone of
25 Chuck's career as the state's longest-serving statehouse reporter; and

26 WHEREAS, despite his stature and intellect, Chuck never thought he was more important or interesting
27 than anyone he covered. He treated those he encountered with respect and curiosity, be it a U.S. Senator, a

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1 governor, or a committee secretary; and

2 WHEREAS, Chuck's grin and gentle demeanor made him approachable to generations of young
3 journalists who quickly learned that he was generous with his time and knowledge, not just for a minute, but for
4 a lifetime. He continued to be a mentor, friend, and cheerleader for them until his last day; and

5 WHEREAS, Chuck saw each day as an opportunity to learn. Most of us eschew change, but Chuck
6 treated life as a developing story. Ink ran in his veins, yet he embraced the opportunity to tell stories in any
7 medium—he found his way to radio, television, and was tweeting gems until the end; and

8 WHEREAS, those who were interviewed by Charles S. Johnson could expect him to offer the benefit of
9 the doubt and exercise fairness, but his loyalty was always anchored to the truth; and

10 WHEREAS, Chuck was the best of Montana in all respects. He will be missed and remembered.

11

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

13

14 **NEW SECTION. Section 1. Commemoration of Charles S. Johnson -- special revenue account.**

15 (1) Subject to 2-17-807(4) and other provisions of Title 2, chapter 17, part 8, including review by the capitol
16 complex advisory council, a plaque ~~or other item of tribute~~ commemorating Charles S. Johnson, Montana's
17 longest-serving statehouse reporter, may be placed in a state capitol complex building or on the grounds of the
18 state capitol.

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

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

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

26

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

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

7 (2) (a) Except as provided in subsections (2)(b) through ~~(2)(g)~~ (2)(h), a state building, space, or
8 room in the capitol complex may not be named after an individual or a bust, plaque, statue, memorial,
9 monument, or art display commemorating an individual may not be displayed on a long-term basis in the capitol
10 complex unless the individual has been deceased for at least 10 years.

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

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

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

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

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

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

27 (f) The Montana heritage center must be named after Betty Babcock, and a plaque

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1 commemorating her must be displayed there.

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

4 (h) ~~A plaque or other item of tribute~~ commemorating Charles S. Johnson, Montana's longest-
5 serving statehouse reporter, may be placed in a state capitol complex building or on the grounds of the state
6 capitol complex.

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

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

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

15

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

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

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

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

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

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

26 (d) the statues of:

27 (i) Wilbur Fiske Sanders;

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- 1 (ii) Jeannette Rankin; and
- 2 (iii) Mike and Maureen Mansfield;
- 3 (e) the Montana statehood centennial bell;
- 4 (f) the gallery of outstanding Montanans;
- 5 (g) the Montana constitutional exhibit;
- 6 (h) the biographical descriptions of Montana's governors, to be placed near the portraits of the
- 7 governors;
- 8 (i) a plaque commemorating former representative Francis Bardanouve and lettering naming the
- 9 first floor of the east wing of the capitol in honor of Francis Bardanouve; and
- 10 (j) a mural honoring the historical contributions of women as community builders.
- 11 (2) The following busts, plaques, statues, memorials, monuments, and art displays are to be
- 12 placed for up to 50 years, subject to renewal, on the grounds of the capitol:
- 13 (a) the statues of Thomas Francis Meagher and Lady Liberty;
- 14 (b) the plaques commemorating:
- 15 (i) Donald Nutter;
- 16 (ii) President George H. W. Bush; and
- 17 (iii) American prisoners of war and personnel of the United States armed services missing in
- 18 action;
- 19 (c) two benches with plaques recognizing contributors to the 1997-2000 capitol restoration, repair,
- 20 and renovation project;
- 21 (d) the Montana centennial square;
- 22 (e) the monument of the ten commandments; and
- 23 (f) a statue or bust commemorating Judy Martz, Montana's first woman governor.
- 24 (3) The following busts, plaques, statues, memorials, monuments, and art displays are to be
- 25 placed for up to 50 years, subject to renewal, on the capitol complex grounds:
- 26 (a) the statue by Robert Scriver entitled "symbol of the pros";
- 27 (b) the monuments to the liberty bell, the veterans' and pioneer memorial building--landscape

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1 beautification project, Montana veterans, Pearl Harbor survivors, and the peace pole;

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

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

4 (e) the arrastra.

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

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

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

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

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

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

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

17 (g) ~~the plaque or other item of tribute~~ commemorating Charles S. Johnson.

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

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

22
23 **NEW SECTION. Section 4. Appropriation.** There is appropriated \$100 from the general fund to the
24 Montana historical society for the biennium beginning July 1, 2023, for the initial costs associated with the
25 procurement and installation of the plaque ~~or other item of tribute~~ commemorating Charles S. Johnson.

26
27 **NEW SECTION. Section 5. Contingent voidness.** If the plaque ~~or other item of tribute~~ provided for

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1 in [section 1] is not installed by July 1, 2028, then [this act] is void.

2

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

4 - END -

AMENDED