

## 1 HOUSE BILL NO. 431

2 INTRODUCED BY M. DUNWELL

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A PLAQUE, STATUE, OR OTHER ITEM OF TRIBUTE  
5 COMMEMORATING MONTANA'S FIRST TERRITORIAL GOVERNOR, SIDNEY EDGERTON, TO BE PLACED  
6 IN A STATE CAPITOL COMPLEX BUILDING OR ON THE GROUNDS OF THE CAPITOL COMPLEX;  
7 PROVIDING THAT THE MONTANA HISTORICAL SOCIETY PROCURE THE ITEM AND ADMINISTER FUNDS  
8 FOR THAT PURPOSE; REQUIRING PRIVATE FUNDING; AMENDING SECTION 2-17-808, MCA; PROVIDING  
9 FOR CONTINGENT VOIDNESS; AND PROVIDING AN EFFECTIVE DATE."

10

11 WHEREAS, Montana owes its creation in large part to the undaunted efforts of Sidney Edgerton, a  
12 self-made man who rose from hardship to being appointed Chief Justice of the Idaho Territory by President  
13 Abraham Lincoln in 1863; and

14 WHEREAS, at the request of Bannack City citizens, Chief Justice Edgerton bravely defied highway  
15 robbers, such as the Plummer Gang, and traveled from Bannack City to Washington, D.C., with thousands of  
16 dollars' worth of gold nuggets sewn into his overcoat so that he could demonstrate the importance of establishing  
17 a new territory; and

18 WHEREAS, in Washington, D.C., his efforts, along with other prominent leaders from the territory, were  
19 instrumental in persuading Congress to pass the act that established the Montana Territory on May 26, 1864, and  
20 in establishing Montana's boundaries so that they encompassed the Bitterroot Mountains, the Flathead Valley,  
21 and Butte and the surrounding area; and

22 WHEREAS, President Lincoln appointed Sidney Edgerton as the first territorial governor of Montana and  
23 he served in the post without a territorial secretary or federal financing; and

24 WHEREAS, Sidney Edgerton financed and kept Montana's territorial government running by spending  
25 a considerable sum of money out of his own pocket to pay the government's expenses; and

26 WHEREAS, Sidney Edgerton was an outspoken critic of slavery and a staunch abolitionist, which was  
27 not a popular position with some of those elected to the first Montana Territorial Legislature; and

28 WHEREAS, the 1867 Territorial Legislature renamed Edgerton County as Lewis and Clark County; and

29 WHEREAS, because of political contention during and after the Civil War, Sidney Edgerton's place in  
30 history was never fully recognized so that now he has been referred to as "the forgotten man who gave Montana

1 its shape"; and

2 WHEREAS, Montana owes a debt of gratitude to Governor Edgerton for using his own money in  
3 establishing Montana; and

4 WHEREAS, it is fitting that Sidney Edgerton's significant contributions toward establishing this great state  
5 of Montana be duly recognized.

6

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

8

9 NEW SECTION. **Section 1. Commemoration of Sidney Edgerton -- ~~special revenue~~ PRIVATE**  
10 **PURPOSE SPECIAL REVENUE account.** (1) Subject to 2-17-807(4), a plaque, statue, or other item of tribute  
11 commemorating Sidney Edgerton, Montana's first territorial governor, may be placed in a state capitol complex  
12 building or on the grounds of the state capitol complex subject to review by the capitol complex advisory council  
13 and the other provisions of Title 2, chapter 17, part 8.

14 (2) The cost for the procurement and installation of the plaque, statue, or other item of tribute must be  
15 paid by gifts, grants, and donations.

16 (3) There is a ~~special revenue PRIVATE PURPOSE TRUST FUND~~ account, ~~AS PROVIDED FOR IN 17-2-102(3)(A),~~  
17 SPECIAL REVENUE ACCOUNT to the credit of the Montana historical society for the purposes of this section. The  
18 Montana historical society shall oversee the procurement and installation of the plaque, statue, or other item of  
19 tribute and administer funds in the account.

20

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

22 **"2-17-808. Placement of certain busts, plaques, statues, memorials, monuments, and art displays.**

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

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

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

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

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

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

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

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

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

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

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

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

13 (g) a plaque, statue, or other item of tribute commemorating Montana's first territorial governor, Sidney  
14 Edgerton.

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

17 (6) The council shall determine the specific placement of the items identified in subsections (1) through

18 (4). (Subsection (1)(j) void on occurrence of contingency--sec. 3, Ch. 279, L. 2011.)"

19  
20 NEW SECTION. Section 3. Contingent voidness. If the plaque, statue, or other item of tribute provided  
21 for in [section 1] is not installed by July 1, 2020, then [section 2] is void.

22  
23 NEW SECTION. Section 4. Effective date. [This act] is effective July 1, 2015.

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