

# **ART AND MEMORIAL PLAN:**

## **GUIDELINES FOR THE PLACEMENT OF ART AND MEMORIALS IN THE MONTANA STATE CAPITOL AND ON THE CAPITOL COMPLEX GROUNDS**

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### **Section 1. Purpose**

In accordance with section 2-17-804, MCA, proposals to place art, busts, monuments, memorials, and statues on a long-term basis in the public space of the Capitol Complex buildings and on the Capitol Complex grounds are subject to the approval of the Capitol Complex Advisory Council and the Montana Legislature. The Council has adopted the following Guidelines to govern the approval process. The purpose of these Guidelines is to:

1. Recognize the State Capitol as Montana's most valuable public building and a work of art in itself;
2. Ensure the preservation of the existing Capitol Complex art work and memorials for future generations;
3. Preserve the 1997-2000 historical renovation of the State Capitol which focused on the historical accuracy of the renovation, unobstructed vistas, specific qualities inherent in the choice of building materials, and a recognition of the form of the building itself, rather than additional ornamentation;
4. Avoid any structural changes to the State Capitol to accommodate art work or memorials;
5. Consider placement of art objects in relation to lighting, materials, colors, and textures of the adjacent conditions;
6. Ensure that art works and memorials reflect subjects of enduring statewide significance for the people of Montana;
7. Preserve the beauty and dignity of the State Capitol and the Capitol Complex grounds;
8. Protect and maintain open space at the State Capitol and the Capitol Complex grounds;
9. Conserve options for placement of art works and memorials by future generations;

10. Ensure that proposals for art works and memorials are fully and fairly considered using a deliberate process, acknowledging the unique environment in which they are to be placed;
  11. Ensure that current and future art works and memorials are adequately maintained for the duration of their placement;
  12. Comply with the Montana State Antiquities Act in sections 22-3-421 through 22-3-442, MCA; and
  13. Comply with the requirements of section 2-17-804, MCA.
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## **Section 2. Definitions**

As used in these Guidelines, the following definitions apply:

1. "**Art and Memorial Plan**" means the plan for the long-term placement or alteration of art, memorials, plaques, statues, busts, displays, or monuments in the Capitol Complex and Capitol Complex grounds;
2. "**Capitol Complex**" means the capitol building and all the state buildings within a 10-mile radius of the capitol building as established in section 2-17-802, MCA;
3. "**Council**" means the Capitol Complex Advisory Council established in section 2-17-803, MCA;
4. "**Department**" means the Department of Administration;
5. "**Director**" means the director of the Department of Administration, who is also a member of the Council, and whose employees serve as the principal staff for the Council;
6. "**Living Memorial**" includes new or replacement trees, shrubs, gardens, or other plantings commemorating an individual or event;
7. "**Long-term Display**" means any placement or alteration of a statue, monument, sculpture, plaque, work of art, memorial, or other structural or landscape feature, including a garden or memorial grove, having a significant impact on its surroundings. The impact of the Work is determined by an evaluation of the combined effect of its subject matter, size, placement, and the degree to which it affects the environment into which it is set. A Long-term Display is to remain in place for a period up to 50 years, subject to renewal if approved by the Council and the Legislature. Plaques placed in the Capitol Complex in recognition of the "National Register of Historic Places" are not subject to review by the Council.

8. **"Proposing Entity"** means any individual or group seeking to place a Long-term Display or Temporary Display at the State Capitol Complex or on the Capitol Complex grounds;
  9. **"Public Space"** means areas open to the public which are not part of the immediate offices of any government agency or elected office;
  10. **"State Capitol"** means the capitol building;
  11. **"Temporary Display"** means a display that is intended to be shown during a specific event or to be placed in the Capitol Complex or on the Capitol Complex grounds for one year or less; and
  12. **"Work"** means either a Long-term Display or a Temporary Display.
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### **Section 3. Cost Considerations**

1. All development and installation costs of a Long-term Display or a Temporary Display, including required modifications and improvements to roads, sidewalks, utilities, building structure, climate control, etc., shall be provided by the Proposing Entity.
  2. Prior to construction or installation of an approved Long-term Display or a Temporary Display, the Director shall determine that the Proposing Entity has sufficient funds available to complete the project. The Proposing Entity shall also make provisions to cover all maintenance and repairs costs throughout the existence of the Work. This is commonly accomplished through an endowment fund estimated at 10 percent of the original project cost, or may be set at an amount determined by the Director. If a Long-term Display or a Temporary Display is incorporated into a state-funded repair or improvement, an agreement will be negotiated between the Proposing Entity and the State specifying how the project costs, including construction, maintenance, and repairs, will be shared.
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### **Section 4. Long-Term Displays**

1. **Approval by Council.** All proposals for a Long-term Display, including site selection and design, are subject to the approval of the Council and final approval by the Legislature. The Council may request assistance and advice in its evaluation from the Department, the Montana Historical Society, the Montana Arts Council, and the Department of Administration.
2. **Alternatives to Long-Term Display Proposals.** Before accepting proposals for a Long-term Display, the Council will:

- a. Encourage the Proposing Entity to consider alternatives to a Long-term Display, such as a Living Memorial;
- b. Encourage groups with related or similar interests to combine proposals;
- c. Encourage the Proposing Entity to consider a Temporary Display or a temporary placement in the Capitol Complex with permanent placement at another site; and
- d. Promote cooperation with local authorities to develop opportunities for placement of Works outside the State Capitol and Capitol Complex, but within the community of Helena.

3. **Steps for Submission and Review of Long-Term Display Proposals.** The following steps apply to all proposed Long-term Displays:

**Step 1. Preliminary Proposal Submission.** To have a Long-term Display considered, the Proposing Entity must first contact the Department of Administration for an Application for Placement of a Long-Term Display form. The Proposing Entity, through the Department of Administration, must submit this application for a preliminary proposal to the Council.

- a. The preliminary proposal must:
  - (1) Describe the general concept and subject matter;
  - (2) Describe how the proposal meets these Guidelines;
  - (3) Estimate the anticipated cost of the Long-term Display, including all development and installation costs and any required modifications and improvements to sidewalks and utilities;
  - (4) Identify planned sources of funding; and
  - (5) Designate a single contact person.
- b. The preliminary proposal should also address:
  - (1) **Site Selection.** In suggesting a site, a Proposing Entity should address the following:
    - (a) **Setting.** The space surrounding a Long-term Display should provide a setting that is compatible and supportive. In turn, the Long-term Display should be supportive of the surrounding design and public functions, including any applicable part of the Art and Memorial Plan.
    - (b) **Size and Scale.** There should be coordination between the size and scale of the Long-term Display and its setting.
    - (c) **Relationship to Existing Long-term Displays or Features.** The Long-term Display should not be of such size, scale or material as to interfere with any existing Long-term Display or feature.

- c. **Design Description.** In proposing a design for a Long-term Display, a Proposing Entity should include a description of how the proposed Long-term Display design considers and responds to each of the following:
- (1) **Legibility and Meaning.** The intended message of the Long-term Display should be clear and understandable and convey meaning that will have significance to future generations.
  - (2) **Approachability and Accessibility.** The Long-term Display should be accessible and engaging. Because a Long-term Display is often a gathering point, it should be designed to meet all applicable Americans with Disabilities Act standards.
  - (3) **Subject.** Art works and memorials should reflect subjects of enduring statewide significance for the people of Montana.
  - (4) **Materials.** Materials should be chosen for durability, visibility, compatibility, and maintainability.

The Council reserves the right to consider additional issues as may become necessary or relevant to its review.

**Step 2. Initial Review.** When a preliminary proposal is submitted, the Council will review the preliminary proposal to determine if it meets these Guidelines. At the option of the Council, this initial review may be done by the Department. If the preliminary proposal does not meet the Guidelines, the Proposing Entity will be so advised.

**Step 3. Initial Briefing.** If the preliminary proposal meets these Guidelines, the Council may request that the spokesperson for the Proposing Entity provide an initial briefing.

**Step 4. Council Decision on Preliminary Proposal.** After the initial briefing, the Council shall:

- a. Approve the preliminary proposal and advise the Proposing Entity to proceed in accordance with these Guidelines;
- b. Request further consideration by the Director or the Council;
- c. Request that the Proposing Entity reconsider or refine its proposal and resubmit it; or
- d. Deny approval.

**Step 5. Final Design Selection.** When a preliminary proposal has been approved by the Council, the Proposing Entity shall proceed with final design selection if applicable. In making final design decisions, the Proposing Entity may consult with the Council or the Department.

**Step 6. Final Proposal.** The Proposing Entity must submit a final written proposal to the Council that details the proposal's adherence to these Guidelines.

The final proposal must include a scale drawing, illustration, or a scale model of the Long-term Display.

**Step 7. Final Review.** The final proposal shall be reviewed by the Council. At the option of the Council, the spokesperson for the Proposing Entity may present the final proposal to the Council.

**Step 8. Council Decision on Final Proposal.** The Council shall:

- a. Grant final approval, subject to the approval of the Legislature;
- b. Request that the Proposing Entity work with the Department, the Montana Arts Council, and/or the Montana Historical Society to refine, redevelop, and resubmit the proposal; or
- c. Deny approval.

At any time after final approval by the Legislature, the Council may require progress updates.

At no time throughout the approval process is the Council or the State responsible for any costs associated with asking a Proposing Entity to refine, redevelop, or resubmit its proposal.

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## **Section 5. Temporary Displays**

1. Approval and coordination of Temporary Displays in the Capitol Complex will be made by the Director. A Proposing Entity must contact the Department by phone or in writing to request permission to set up a Temporary Display. If approved, the Department will work with the Proposing Entity to locate a suitable area in the Capitol Complex for the Temporary Display for a period not to exceed one year.

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## **Section 6. Living Memorials**

1. A Proposing Entity must present requests for Living Memorials to the Department. Living Memorials are not subject to the approval of the Council unless the request will have a significant impact on the Capitol Complex grounds. At the discretion of the Council, a request for a Living Memorial may be subject to the approval of the Legislature.
2. Selection of plant types shall be the responsibility of the Department for compatibility with landscape plans and existing plantings. The replacement of existing, aging, or ailing trees and shrubs in lieu of new plantings is encouraged. If a Living Memorial dies, the Department will decide whether or not it is replaced. If desired, Living Memorials dedicated to individuals may be marked by a small, ground level plaque with appropriate language. The cost of the Living Memorial, including the commemorative plaque, is the responsibility of the Proposing Entity.

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## **Section 7. Removal or Relocation of Art Work or Memorials**

1. The Council reserves the right to relocate or remove any Long-term Display, subject to the approval of the Legislature. A public hearing will be held by the Council prior to recommending the relocation or removal of any Long-term Display.
2. Every 15 years beginning in 2003, the Council shall review all Long-term Displays in the Capitol Complex or on the Capitol Complex grounds to evaluate compliance with the purposes of the Art and Memorial Plan.
3. At the time of the above-referenced review, the Council will consider the historical significance and artistic quality of the Long-term Display. Those not meeting four of the following six criteria will be recommended to the Legislature for removal or relocation:
  - a. The art work or memorial is significant to the history of Montana;
  - b. The art work or memorial fits within the Art and Memorial Plan;
  - c. The art work or memorial enhances the aesthetics of the State Capitol;
  - d. The art work or memorial is in good condition;
  - e. The art work or memorial is protected from environmental damage from sunlight, direct airflow, humidity, etc.; and
  - f. A better location for the art work or memorial has been determined.
4. The State will assume the costs associated with the removal or relocation of the art work or memorial.
5. An art work or memorial identified for relocation will be moved to another location in the State Capitol, moved to an exterior site on the Capitol Complex grounds, or moved to another state building or grounds location. If the art work or memorial is relocated to a site within the Capitol Complex or on the Capitol Complex grounds, it will be coordinated with the Art and Memorial Plan.

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## **Section 8. Rights to Ownership of Acquired Long-term Displays**

Upon final placement and completion of an art work or memorial that has been donated for display at the Capitol Complex or on the Capitol Complex grounds, the State, through the Montana Historical Society, shall become the sole owner of the art work or memorial. The original artist or designer shall hold no rights to any art work or memorial commissioned, donated, or purchased for display at the Capitol Complex or on the Capitol Complex grounds, including reproduction, access, modification, relocation, or resale unless the following rights are specifically allowed in a formal written agreement between the State and the artist:

1. The right to claim authorship of the art work or memorial;
  2. The right to have the artist's name associated with the art work or memorial; and
  3. The right to prevent degradation, mutilation, or aesthetic ruining of the art work or memorial.
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### **Section 9. Records**

1. The Montana Historical Society shall maintain a written record of all Long-term Displays for the Council.
  2. Complete conservation and curatorial records, including specific information on the selected artist, materials, and sources used in the execution, methods of fabrication, installation specifications, and recommended method and frequency of maintenance, shall be provided to the Council by the Proposing Entity upon completion of all Long-term Displays.
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### **Section 10. Art Work or Memorials in Other Public Buildings or Space**

1. A specific state agency or office shall have the authority to decide which art works or memorials, directly associated with its activities, will be installed in its main or subordinate office space, excluding public spaces.
  2. A current elected official housed in the State Capitol shall have the authority to decide which art works or memorials are displayed in their lobby, except that the portraits of past Governors will be displayed in the lobby outside of the main Governor's Reception Room unless a new location is approved by the Council.
  3. While still recognizing that the basement of the Capitol is public space, the legislative services division may display works of art or historic significance in the basement with the approval of the Department for an indefinite period of time without prior approval by the Council.
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### **Section 11. Capitol Curator**

In order to ensure the preservation of the existing and future Capitol Complex art work and memorials for future generations, the Council supports the permanent assignment of a Curator for the Montana State Capitol Complex. This position will be under the supervision of the Montana Historical Society.