

HOUSE No. 3002

The Commonwealth of Massachusetts

PRESENTED BY:

Martha M. Walz

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the State House art commission and State House architect.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Martha M. Walz</i>	<i>8th Suffolk</i>	<i>1/16/2013</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>	<i>1/23/2013</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/16/2013</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>	<i>1/16/2013</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>1/16/2013</i>
<i>Ellen Story</i>	<i>3rd Hampshire</i>	<i>1/16/2013</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>	<i>1/16/2013</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>1/16/2013</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>	<i>1/16/2013</i>
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>	<i>1/16/2013</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>	<i>1/16/2013</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	<i>1/16/2013</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>1/16/2013</i>
<i>Timothy R. Madden</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>1/16/2013</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>	<i>1/16/2013</i>
<i>Byron Rushing</i>	<i>9th Suffolk</i>	<i>1/16/2013</i>

HOUSE No. 3002

By Ms. Walz of Boston, a petition (accompanied by bill, House, No. 3002) of Martha M. Walz and others relative to the State House Art Commission and creating the position of State House architect. Tourism, Arts and Cultural Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 4124 OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to the State House art commission and State House architect.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to allow the State House Art Commission to operate more effectively and create the honorary position of State House Architect, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 19 of chapter 6 of the General Laws, as appearing in the 2010
2 Official Edition, is hereby repealed.

3 SECTION 2. Said chapter 6 is hereby further amended by striking out section 20, as so
4 appearing, and inserting in place thereof the following section:-

5 Section 20. (a) There shall be an art commission for the state house consisting of 7
6 members, all of whom shall be qualified by training or experience in public art, museum
7 collections or historic preservation. Four of the commission members shall be appointed by the
8 governor, 1 shall be appointed by the senate president, 1 shall be appointed by the speaker of the
9 house and 1 shall be appointed by the secretary of the commonwealth. Each member shall serve
10 a term of 5 years or until a successor is appointed and may be reappointed. Each member shall be
11 a resident of the commonwealth. The members shall not be compensated for their services but
12 shall be reimbursed for travel and other expenses necessary for the performance of their duties.

13 The commission shall have the power to adopt its own rules and elect such officers as may be
14 deemed proper.

15 (b) The superintendent of the state house shall appoint a state house curator from among
16 candidates recommended by the commission. The curator shall be qualified by training and
17 experience in historic preservation and art collections management, care and conservation. The
18 curator shall report to the commission and be responsible for the administrative and professional
19 duties associated with both the day to day oversight of the state house art and artifact collection
20 and all aspects of the historic preservation of the state house and its grounds. The curator shall be
21 classified in accordance with section 45 of chapter 30 and the salary shall be determined in
22 accordance with section 46C of chapter 30. The curator may be employed on a full-time or part-
23 time basis.

24 (c) The commission shall maintain care and custody of all works of art and historical
25 artifacts in the state house art collection, including those inside the state house, on its grounds, on
26 display and in storage. The commission shall oversee their care according to the codes of ethics
27 and standards for practice established by the American Alliance of Museums and the American
28 Institute for Conservation of Historic and Artistic Works, as the codes and standards may be
29 amended from time to time.

30 The commission shall oversee the handling and display of works of art and historical
31 artifacts in public areas and private offices, provided, however, that said commission shall not
32 place in or remove from any space in the state house assigned to the general court any such
33 works of art or historical artifact without the approval of the committees on rules of the 2
34 branches, acting concurrently.

35 (d) The commission shall serve as an advisor to the governor and legislature on all artistic
36 matters at the state house, including the historic preservation of the building.

37 (e) The commission shall direct the process of acquisitions to the state house art
38 collection, from review of all plans to final approval of completed art works. The art commission
39 shall be advised of any proposal relative to the permanent addition of works of art or historical
40 artifacts to the state house art collection and shall submit its opinion regarding the
41 appropriateness of proposed art work prior to the approval required by section 21 of chapter 8.

42 (f) The commission shall review and approve any plan or design relative to the creation,
43 acquisition, construction, erection or remodeling of any work of art at the state house. The
44 commission shall consult with sponsors or donors to revise and refine such plans and designs as
45 may be necessary. The commission shall give its final approval only upon the arrival of the work
46 of art at the state house. If the commission gives such final approval, it shall file its
47 recommendation of acceptance with the governor within 30 days, along with such suggestions
48 and recommendations as it may deem proper.

49 (g) The commission may receive grants, gifts, bequests and other contributions for the
50 maintenance, restoration and acquisition of works of art and historical artifacts.

51 (h) As used in this section, “work of art” shall include (1) portraits or other memorials
52 procured under the provisions of section 19 or 19A of chapter 8 and (2) any painting, portrait,
53 mural decoration, stained glass, statue, bas-relief, decorative art, fountain or any other article or
54 structure of a permanent character intended for decoration or commemoration. As used in this
55 section, “historical artifact” shall mean an object commemorating, representing or with specific
56 ties to a significant historical event or era in the history of the commonwealth; provided,
57 however, that it shall not include flags under the care of the state superintendent of state office
58 buildings pursuant to section 17A of said chapter 8.

59 SECTION 3. Said chapter 6 is hereby further amended by inserting after section 20 the
60 following section:-

61 Section 21. (a) The governor shall select an architect of the state house from a list of 3
62 nominees submitted by the nominating committee pursuant to this paragraph. The governor shall
63 appoint the architect within 30 days after receiving the list of nominees. The architect shall be
64 appointed to serve for a term of 5 years or until a successor is appointed.

65 The nominating committee shall consist of 7 members, 2 of whom shall be members of
66 the senate appointed by the senate president, 1 of whom shall be a member of the senate
67 appointed by the senate minority leader, 2 of whom shall be members of the house of
68 representatives appointed by the speaker of the house, 1 of whom shall be a member of the house
69 of representatives appointed by the minority leader of the house of representatives, and 1 of
70 whom shall be appointed by the governor. The members of the nominating committee shall serve
71 without compensation.

72 Before the expiration of the term of the architect or upon a vacancy in the position, the
73 nominating committee shall request and receive 5 nominations for the selection of the architect
74 from the Massachusetts chapter of the American Institute of Architects. The nominating
75 committee shall review all nominations and select 3 nominees who are residents of the
76 commonwealth and have achieved fellow status within the American Institute of Architects.
77 With the names of the 3 nominees, the nominating committee shall submit to the governor
78 biographical and professional information about each nominee along with supporting
79 representative material that shows why the nominee is deserving of appointment as the architect
80 of the state house.

81 (b) The architect of the state house shall be an honorary position and the person
82 appointed shall receive no remuneration and shall not be considered a state official or employee
83 for such person’s service. The architect of the state house shall be an advocate for the physical,
84 historic and aesthetic nature of the state house and seek to raise the consciousness of all people to

85 a greater appreciation of the architecture and architectural history of the state house and other
86 architecturally significant public buildings in the commonwealth.

87 SECTION 4. Chapter 10 of the General Laws is hereby amended by inserting after
88 section 35X the following section:-

89 Section 35Y. (a) There shall be established and set upon the books of the commonwealth
90 a separate fund to be administered by the state house curator, which shall be known as the State
91 House Art Commission Fund. The fund shall assist in the custody, care and creation of all works
92 of art and historical artifacts in the state house under section 20 of chapter 6. The fund shall be an
93 expendable trust fund and shall not be subject to appropriation.

94 (b) There shall be credited to the fund, revenue from appropriations or other monies,
95 gifts, grants, private contributions, repayment of loans, investment income earned on the fund's
96 assets and all other sources. Money remaining in the fund at the end of a fiscal year shall not
97 revert to the general fund.

98 (c) The state house curator shall maintain the fund as a separate fund and it shall be
99 subject to annual audit by the state auditor.

100 SECTION 5. Section 67 of chapter 33 of the General Laws, as appearing in the 2010
101 Official Edition, is hereby amended by striking out, in lines 42 through 43, inclusive, the
102 following sentence:- "The design of the medals hereinbefore referred to shall be approved by the
103 art commission for the commonwealth."

104 SECTION 6. Notwithstanding any general or special law to the contrary, the term of the
105 sitting members of the arts commission as established in section 19 of chapter 6 of the General
106 Laws shall expire 90 days after the effective date of this act. The governor, the senate president,
107 the speaker of the house of representatives and the secretary of the commonwealth shall make
108 their appointments to the commission within such 90 days; provided, however, that of the
109 members initially appointed, 2 shall be appointed by the governor for terms of 2 years, 2 shall be
110 appointed by the governor for terms of 1 year, 1 shall be appointed by the speaker for a term of 3
111 years, 1 shall be appointed by the senate president for a term of 4 years and 1 shall be appointed
112 by the secretary of the commonwealth for a term of 2 years. Members appointed or reappointed
113 subsequent to these initial appointments shall serve for a term of 5 years under section 2 of this
114 act. Nothing in this section shall preclude the reappointment of a sitting member of the
115 committee.