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HOUSE . . . . . No. 3994

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

AN ACT ESTABLISHING THE POSITION OF ARCHITECT OF THE STATE HOUSE .

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

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 Section 19 of chapter 6 of the General Laws as appearing in the 2010 Official Edition, is hereby repealed.

SECTION 2. Said chapter 6 of the General Laws is hereby further amended by striking out section 20 and inserting in place thereof the following section:-

Section 20. (a) There shall be an art commission for the state house consisting of 7 members, 6 of whom shall be qualified by training or experience in public art, museum collections or historic preservation. Five of the commission members shall be appointed by the governor, 1 of whom shall be a Massachusetts registered architect whose title shall be architect of the state house chosen as set forth in subsection (b), 1 shall be appointed by the senate president and 1 shall be appointed by the speaker of the house. Each member shall serve a term of 5 years or until a successor is appointed and may be reappointed. Each member shall be a resident of the commonwealth. The members shall not be compensated for their services but shall be reimbursed for travel and other expenses necessary for the performance of their duties.

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

16 (b) The governor shall select an architect of the state house from a list of 3 nominees
17 submitted by the nominating committee pursuant to this section. The governor shall appoint the
18 architect within 30 days after receiving the list of nominees. The architect shall be appointed to
19 serve for a term of 5 years or until a successor is appointed.

20 The nominating committee shall consist of 7 members, 2 of whom shall be members of
21 the senate appointed by the senate president, 1 of whom shall be a member of the senate
22 appointed by the senate minority leader, 2 of whom shall be members of the house of
23 representatives appointed by the speaker of the house, 1 of whom shall be a member of the house
24 of representatives appointed by the minority leader of the house of representatives, and 1 of
25 whom shall be appointed by the governor. The members of the nominating committee shall serve
26 without compensation.

27 Before the expiration of the term of the architect or upon a vacancy in the position, the
28 nominating committee shall request and receive 5 nominations for the selection of the architect
29 from the Massachusetts chapter of the American Institute of Architects. The nominating
30 committee shall review all nominations and select 3 nominees who are residents of the
31 commonwealth and have achieved fellow status within the American Institute of Architects.
32 With the names of the 3 nominees, the nominating committee shall submit to the governor
33 biographical and professional information about each nominee along with supporting
34 representative material that shows why the nominee is deserving of appointment as the architect
35 of the state house.

36 (c) The architect of the state house shall be an honorary position and the person appointed
37 shall receive no remuneration and shall not be considered a state official or employee for such
38 person's service. The architect of the state house shall be an advocate for the physical, historic,
39 and aesthetic nature of the state house and seek to raise awareness of the architecture and
40 architectural history of the state house.

41 (d) The governor shall appoint a state house curator from among candidates
42 recommended by the commission. The curator shall be qualified by training and experience in
43 historic preservation and art collections management, care and conservation. The curator shall
44 report to the commission and be responsible for the administrative and professional duties
45 associated with both the day to day oversight of the state house art and artifact collection and all
46 aspects of the historic preservation of the state house and its grounds. The curator shall be
47 classified in accordance with section 45 of chapter 30 and the salary shall be determined in
48 accordance with section 46C of chapter 30.

49 (e) The commission shall maintain care and custody of all works of art and historical
50 artifacts in the state house art collection, including those inside the state house, on its grounds, on
51 display and in storage. The commission shall oversee their care according to the codes of ethics
52 and standards for practice established by the American Association of Museums and the
53 American Institute for Conservation of Historic and Artistic Works, as the codes and standards
54 may be amended from time to time.

55 The commission shall oversee the handling and display of works of art and historical
56 artifacts in public areas and private offices, provided, however, that said commission shall not
57 place in or remove from any space in the state house assigned to the general court any such

58 works of art or historical artifact without the approval of the committees on rules of the 2
59 branches, acting concurrently.

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

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

67 (h) The commission shall review and approve any plan or design relative to the creation,
68 acquisition, construction, erection, or remodeling of any work of art at the state house. The
69 commission shall consult with sponsors or donors to revise and refine such plans and designs as
70 may be necessary. The commission shall give its final approval only upon the arrival of the work
71 of art at the state house. If the commission gives such final approval, it shall file its
72 recommendation of acceptance with the governor within 30 days, along with such suggestions
73 and recommendations as it may deem proper.

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

76 (j) As used in this section, “work of art” shall include (1) portraits or other memorials
77 procured under the provisions of section 19 or 19A of chapter 8 and (2) any painting, portrait,
78 mural decoration, stained glass, statue, bas-relief, decorative art, fountain, or any other article or
79 structure of a permanent character intended for decoration or commemoration. As used in this

80 section, “historical artifact” shall mean an object commemorating, representing or with specific
81 ties to a significant historical event or era in the history of the commonwealth; provided,
82 however, that it shall not include flags under the care of the state superintendent of state office
83 buildings pursuant to section 17A of said chapter 8.

84 SECTION 4. Chapter 10 of the General Laws, as appearing in the 2010 Official Edition,
85 is hereby amended by inserting after section 35X, the following section:-

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

91 (b) There shall be credited to the fund, revenue from appropriations or other monies
92 including but not limited to any retained revenue from section 35P, gifts, grants, private
93 contributions, repayment of loans, investment income earned on the fund's assets, and all other
94 sources. Money remaining in the fund at the end of a fiscal year shall not revert to the general
95 fund.

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

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

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