

HOUSE No. 04124

The committee on Tourism, Arts and Cultural Development, reports, on House, No. 3692, a Bill relative to the State House art commission and State House architect (House, No. 4124). May 29, 2012. Sarah K. Peake, for the committee.

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

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

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 Official
- 2 Edition, is hereby repealed.

- 3 SECTION 2. Said chapter 6 of the General Laws is hereby further amended by striking out
- 4 section 20 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 members, all
- 6 of whom shall be qualified by training or experience in public art, museum collections or historic
- 7 preservation. Four of the commission members shall be appointed by the governor, 1 shall be
- 8 appointed by the senate president, 1 shall be appointed by the speaker of the house and 1 shall be
- 9 appointed by the secretary of the commonwealth. Each member shall serve a term of 5 years or
- 10 until a successor is appointed and may be reappointed. Each member shall be a resident of the
- 11 commonwealth. The members shall not be compensated for their services but shall be

12 reimbursed for travel and other expenses necessary for the performance of their duties. The
13 commission shall have the power to adopt its own rules and elect such officers as may be
14 deemed proper.

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

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

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

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

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

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

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

50 (h) As used in this section, “work of art” shall include (1) portraits or other memorials procured
51 under the provisions of section 19 or 19A of chapter 8 and (2) any painting, portrait, mural
52 decoration, stained glass, statue, bas-relief, decorative art, fountain, or any other article or
53 structure of a permanent character intended for decoration or commemoration. As used in this
54 section, “historical artifact” shall mean an object commemorating, representing or with specific
55 ties to a significant historical event or era in the history of the commonwealth; provided,

56 however, that it shall not include flags under the care of the state superintendent of state office
57 buildings pursuant to section 17A of said chapter 8.

58 SECTION 3. Said chapter 6 of the General Laws is hereby further amended by inserting after
59 section 153, the following section:-

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

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

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

78 representative material that shows why the nominee is deserving of appointment as the architect
79 of the state house.

80 (b) The architect of the state house shall be an honorary position and the person appointed shall
81 receive no remuneration and shall not be considered a state official or employee for such
82 person's service. The architect of the state house shall be an advocate for the physical, historic,
83 and aesthetic nature of the state house and seek to raise the consciousness of all people to a
84 greater appreciation of the architecture and architectural history of the state house and other
85 architecturally significant public buildings in the commonwealth.

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

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

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

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

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

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