

HOUSE No. 6752

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, December 2, 1982.

The committee on Ways and Means to whom was referred the petition (accompanied by bill, House, No. 1075) of Angelo Marotta relative to the duties of the Superintendent of State Office Buildings, reports recommending that the accompanying bill (House, No. 6752) ought to pass.

For the committee,

MICHAEL C. CREEDON.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Two.

AN ACT ESTABLISHING THE OFFICE OF SUPERINTENDENT 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:

1 SECTION 1. Chapter 3 of the General Laws is hereby amended
2 by inserting after section 65, the following fifteen sections:—

3 *Section 66.* There shall be an officer to be known as the superin-
4 tendent of the state house, who shall serve as head of the state
5 house building bureau. The superintendent shall be appointed by
6 majority vote of the committees on Rules of the two branches of
7 the general court, acting concurrently, and may be removed in like
8 manner. He shall be a person of ability and experience, and shall
9 devote his entire time to the duties of his office. He shall receive
10 such salary as may be established by said committees on Rules of
11 the two branches of the general court, acting concurrently.

12 *Section 67.* The superintendent of the state house shall, under
13 the supervision of the speaker of the house and president of the
14 senate, have charge of the care and operation of the John W.
15 McCormack State Office Building parking garage, the state house
16 and the grounds of the state house and shall see that the chambers
17 and lobbies of the general court and of its committees are kept
18 clean and in good order; shall superintend all ordinary repairs
19 thereof and shall have charge of the current expenses for the care
20 and preservation of the state house and for the ordinary repairs of
21 the furniture and fixtures therein. He shall take proper precautions
22 against damage thereto, or to the furniture, fixtures or other public
23 property therein. There shall be maintained an adequate passage-
24 way for foot passengers from north to south through the east wing
25 or extension of the state house, to be kept open during such hours
26 as the superintendent shall fix.

27 If the state house is damaged by fire or other casualty, during the

28 recess of the general court, the superintendent may make all repairs
29 necessary for the protection and preservation of the building with-
30 out an appropriation therefor.

31 The superintendent shall take proper care to prevent any tres-
32 pass on, or injury to, the state house or its grounds and if any such
33 trespass or injury is committed he shall cause the offender to be
34 prosecuted therefor.

35 *Section 68.* The superintendent of the state house may with the
36 approval of the speaker of the house and president of the senate
37 appoint such clerks, tradesman, mechanics, elevator operators,
38 janitors, cleaners, capitol police officers and any other persons as
39 may be necessary to enable him to perform his duties. He shall be
40 responsible for the fitness and good conduct of all such employees.

41 *Section 69.* The superintendent of the state house shall require
42 capitol police officers when on duty to wear and display a metallic
43 badge bearing the seal of the commonwealth and the words "capitol
44 police". In the event of any public emergency or of any unusual
45 demand for the services of the capitol police or whenever the
46 superintendent deems it otherwise in the public interest, may re-
47 quire said officers to work additional hours of duty and prevent
48 such officers from taking time off when entitled thereto or at the
49 time assigned therefor provided however that such officers shall be
50 compensated for any additional work in accordance with the pro-
51 visions of section thirty of chapter one hundred and forty-nine of
52 the General Laws.

53 The superintendent and his capitol police shall for any criminal
54 offense committed in any part of the state house, the grounds
55 appurtenant thereto, the John W. McCormack State Office Build-
56 ing, the Leverett Saltonstall State Office Building, the Charles F.
57 Hurley Building, the Erich Lindemann Building and the Depart-
58 ment of Public Works Building, Nashua Street have the same
59 power to make arrests as the state police officers. A capitol police
60 officer may upon view of any misdemeanor committed in his
61 presence while on duty arrest the person committing such misde-
62 meanor and shall have all the powers of police officers in the
63 enforcement of traffic rules, regulations, and ordinances on the
64 following streets in the city of Boston: Bowdoin Street between
65 Beacon Street and Cambridge Street; Mount Vernon Street be-

66 tween Bowdoin Street and the easterly curbs of Joy Street; Han-
67 cock Street between the Mt. Vernon Street and the northerly curbs
68 of Derne Street; Ashburton Place between Bowdoin Street and
69 Somerset Street; Derne Street between Bowdoin Street and the
70 westerly curbs of Hancock Street; Beacon Street between the
71 northwesterly curb of Bowdoin Street and the northeasterly curb
72 of Joy Street, between the northwesterly curb of Park Street and
73 the northeasterly curb of Charles Street; Cambridge Street be-
74 tween the southeasterly curb of Bowdoin Street and the southwes-
75 terly curb of Somerset Street, between the northwesterly curb of
76 New Chardon Street and the northeasterly curb of Staniford
77 Street; Staniford Street between the northeasterly curb of Cam-
78 bridge Street and the southeasterly curb of Merrimack Street;
79 Merrimack Street between the southeasterly curb of Staniford
80 Street and the southwesterly curb of New Chardon Street; New
81 Chardon Street between the southwesterly curb of Merrimack
82 Street and the northeasterly curb of Cambridge Street in any
83 garage in any building under the jurisdiction of the capitol police
84 and any streets adjacent to any building under the jurisdiction of
85 the capitol police as assigned by law and a capitol police officer
86 shall have all the powers of state police officers while going to or
87 from any such building or any assigned duty. The superintendent
88 may arm his capitol police and in case of any emergency may arm
89 and detail as capitol police for extra duty such employees in his
90 department as, in his judgment, the emergency requires for the
91 proper protection of state property under his jurisdiction. The
92 capitol police shall have such additional duties as may be from time
93 to time assigned by the superintendent and shall have when so
94 assigned all the powers of state police officers.

95 The capitol police may, through an independent contractor,
96 remove from any area or way subject to capitol police jurisdiction
97 or control and store in any convenient place any vehicle parked or
98 standing thereon in violation of any law, ordinance, by-law, rule,
99 regulation or order; provided, however, that such removal and
100 storage shall be at no expense to and without liability on the part of
101 the commonwealth. The owner or person in charge of such vehicle
102 in addition to any penalty for such violation, shall be liable for the
103 charges for such removal and storage.

104 The superintendent of the state house may authorize the pay-
105 ment, out of the general fund, of the reasonable hospital, medical
106 and surgical expenses of any member of the capitol police who is
107 temporarily or permanently disabled, mentally or physically by
108 reason of injuries sustained through no fault of his own in the
109 actual performance of his duty.

110 The superintendent, shall subject to appropriation indemnify a
111 capitol police officer to an amount not more than the amount
112 recommended by said superintendent, for expenses or damages
113 sustained by him while acting as a police officer, or incurred by him
114 in the defense or settlement of an action brought against him for
115 acts done by him while so acting; provided that the defense or
116 settlement of such claim shall have been made by the attorney
117 general; and such damages shall include loss of pay by reason of
118 absence from duty on the part of such officer because of temporary
119 incapacity caused by injury suffered through no fault of his own
120 while in the actual performance of duty; and, if such officer be
121 dead, such expenses or damages shall be payable to his widow or if
122 he leaves no widow then to his next of kin who at the time of his
123 death were dependent upon his salary for support. This section
124 shall be construed to require the superintendent to pay compensa-
125 tion, in the manner herein provided, for damages for personal
126 injuries, whether or not death results; provided the amount of such
127 compensation shall have been approved by the attorney general.

128 *Section 70.* The superintendent of the state house shall direct
129 the making of all repairs and improvements in the John W.
130 McCormack State Office Building parking garage, the state house
131 and on the grounds of the state house; and all relevant executive,
132 legislative and administrative departments and officers shall make
133 requisition upon him for any such repairs or improvements.

134 *Section 71.* No fee or reward shall be taken by the superintend-
135 ent of the state house, the sergeant-at-arms or by any person under
136 the authority of either of them for opening the public rooms in the
137 state house for the view and inspection of visitors.

138 *Section 72.* The superintendent of the state house may expend
139 not more than fifteen hundred dollars annually for the mainte-
140 nance for the museum established in the state house for the preser-
141 vation and exhibition of the regimental flags and other military

142 relics in possession of the commonwealth and of other objects
143 connected with the military history of the United States and espe-
144 cially of the New England states.

145 *Section 73.* The land now taken by the commonwealth about
146 the state house shall remain an open space, and no railroad or
147 railway shall be constructed or operated in, upon or over the same.
148 A grant made to a railroad or railway corporation shall not be
149 construed to include any portion of said land.

150 *Section 74.* Room numbered twenty-seven in the state house,
151 formerly used by the Grand Army of the Republic, Department of
152 Massachusetts, shall be presented and maintained as a memorial
153 and shrine to the Grand Army of the Republic, Department of
154 Massachusetts, in further recognition of the services of those men
155 who fought to preserve the Union of the States. Said room shall
156 serve as a repository for such mementos, records, relics and histori-
157 cal data relating to the war of the rebellion as may be deposited
158 with the superintendent of the state house for that purpose, and
159 shall be used for arranging and preserving a history of persons who
160 served in the army, navy or marine corps during such war in
161 organizations of the commonwealth, or of citizens of the common-
162 wealth who served in the regular army, navy or marine corps of the
163 United States. Said room may be used as a meeting place for the
164 organizations known as the Daughters of Union Veterans of the
165 Civil War, the Sons of Union Veterans of the Civil War, and any
166 other organizations affiliated with the Grand Army of the Repub-
167 lic, Department of Massachusetts, subject to the approval of the
168 superintendent of the state house.

169 *Section 75.* Whenever in the opinion of the superintendent of
170 the state house there is space available, there shall be set apart and
171 suitably furnished a room or rooms in the state house for the use of
172 the Massachusetts Department of the American Legion, of the
173 United Spanish War Veterans, of the Disabled American Veterans
174 of World War, of the Veterans of Foreign Wars of the United
175 States, of the American Veterans of World War II, AMVETS, of
176 the Veterans of Indian Wars, of the Reserve Officers Association of
177 the United States, of the Army-Navy Union, of Italian American
178 War Veterans of the United States, Incorporated, Department of
179 Massachusetts, of the Jewish War Veterans of the United States,

180 Department of Massachusetts, Inc., of the Organization of Afro-
181 American Veterans, Inc., of the Polish-American Veterans of Mas-
182 sachusetts, Inc., of the Marine Corps League, Department of
183 Massachusetts, Inc., of the Polish Legion of American Veterans,
184 Department of Massachusetts, Inc., of the Veterans of World War
185 I of the U.S.A., Department of Massachusetts, of the Massachu-
186 setts Regional Group of the Blinded Veterans Association, Inc., of
187 the Amputee Veterans Association of America, Inc., of the Viet-
188 nam Veterans of Massachusetts, Inc., and of the Legion of Nation-
189 al Guard Veterans of Massachusetts, Inc., respectively, such room
190 or rooms to be under the charge of the state commanders of the
191 respective departments, subject to the approval of said superin-
192 tendent. The headquarters thus established for each of the afore-
193 said departments shall be used for storing and preserving the
194 records and other property of the department and relics and me-
195 mentos of the World Wars and the Spanish War.

196 *Section 76.* The superintendent of the state house is hereby
197 designated as the custodian of the flags carried in time of war by
198 organizations of Massachusetts men or women in the militia or
199 naval service of the United States, which flags are now in the
200 possession of the commonwealth or which in the future may come
201 into such possession.

202 He shall have exercise proper care, custody and preservation of
203 such flags, and shall keep on file at all times a record open to public
204 inspection, containing such details concerning such flags and in-
205 cluding such pictorial representations as he may deem proper, and
206 shall give an account thereof each year in his annual report.

207 He shall have supervision over the Hall of Flags, and all cases
208 and cabinets therein, and over all cases and cabinets in Doric Hall
209 or elsewhere in the state house wherein any such flags as are
210 referred to herein are now or may in the future be on public display.

211 He may provide proper streamers and marks of insignia for
212 identification of any of the flags referred to herein. The standard
213 given to the regiment of Massachusetts Volunteers in Mexico by
214 General Winfield Scott, and now in the quarters of the senate, shall
215 be retained therein, and he shall cause a proper case or cabinet to be
216 provided therefor. In the event that other flags of the Mexican
217 War, the Civil War, the Spanish-American War or World War I

218 shall come into the possession of the commonwealth, he shall cause
219 suitable provision to be made for their preservation with the other
220 flags of the respective units involved. In the event that flags of
221 World War II shall come into the possession of the common-
222 wealth, he shall cause proper cases or cabinets to be provided
223 therefor, either in the Hall of Flags or in Doric Hall.

224 The flags referred to herein shall not be removed from the state
225 house without the express permission of the general court.

226 *Section 77.* The superintendent of the state house shall set apart
227 and maintain a suitable area located in Doric Hall in the state
228 house for the use of the Massachusetts Historical Commission,
229 such area to be under the charge of said Commission, subject to
230 this section. The area thus set apart shall be used for exhibiting,
231 under the direction of the editor-in-chief of the Adams Papers,
232 selected writings of John Adams.

233 *Section 78.* The histories, relics and mementos of the Grand
234 Army of the Republic of the department of Massachusetts and the
235 records of the Massachusetts department of the United Spanish
236 War Veterans, of The American Legion, of the Disabled American
237 Veterans of the World War, of the Veterans of Foreign Wars of the
238 United States, of the American Veterans of World War II,
239 AMVETS, and of the Veterans of the Indian Wars shall be accessi-
240 ble at all times, under suitable rules and regulations, to members of
241 the respective departments and to others engaged in collecting
242 historical information. Whenever any such department ceases to
243 exist, its records, papers, relics and other effects shall become the
244 property of the commonwealth.

245 *Section 79.* The superintendent of the state house shall with the
246 approval of the speaker of the house and president of the senate
247 assign space in the state house, in the parking lot adjacent to the
248 state house, in the garage in the John W. McCormack State Office
249 Building parking garage, and along the streets adjacent to the state
250 house and under the jurisdiction of the capitol police as specified in
251 section sixty-nine of chapter three.

252 *Section 80.* No tablet, statue or other memorial of a permanent
253 character shall be placed in the state house without the approval of
254 the general court.

255 *Section 81.* The superintendent of the state house shall submit
256 an annual report to the general court and such other reports as the
257 general court may require.

1 SECTION 2. Chapter 6 of the General Laws is hereby amended
2 by inserting after section 20 the following two sections: —

3 *Section 20A.* The governor, with the advice and consent of the
4 council, may expend, for the purpose of procuring portraits of the
5 governors of the commonwealth who shall have held office subse-
6 quent to May fourth, nineteen hundred, such amounts as are
7 appropriated for the purpose, and such portraits shall be hung in
8 the state house under the direction of the art commission and the
9 general court through the superintendent of the state house.

10 *Section 20B.* The governor, with the advice and consent of the
11 council, may, on behalf of the commonwealth, accept or otherwise
12 procure suitable portraits or other memorials of the governors of
13 the commonwealth and also of the governors of the province and
14 colony of Massachusetts Bay and the colony of New Plymouth.
15 Portraits or other memorials procured under this section shall be
16 submitted to the art commission for approval prior to their instal-
17 lation in the state house which shall be under the direction of said
18 commission and the general court through the superintendent of
19 the state house.

1 SECTION 3. Section 40F of chapter 7 of the General Laws is
2 hereby amended by striking out the fifth paragraph, as added by
3 section 12 of chapter 579 of the acts of 1980, and inserting in place
4 thereof the following paragraph: —

5 The deputy commissioner shall assist in the preparation and
6 shall approve of plans for the organization of all space within and
7 around buildings and appurtenant structures used by state agen-
8 cies, and shall assign the use of space within and around the John
9 W. McCormack State Office Building excluding the parking gar-
10 age; the Leverett Saltonstall State Office Building; the Springfield
11 Office Building; the Pittsfield Office Building; the Erich Linde-
12 mann Building; the Charles F. Hurley Building; any real property
13 acquired for the use of state agencies, the greater part of which is
14 not needed by any one state agency; and any other real property
15 assigned by law to the division of capital planning and operations.

1 SECTION 4. Said chapter 7 is hereby amended by inserting
2 after section 43G, the following five sections: —

3 *Section 43H.* The director of facilities management shall, under
4 the supervision of the deputy commissioner of capital planning and
5 operations, have charge of the care and operation of the John W.
6 McCormack State Office Building excluding the parking garage,
7 the Leverett Saltonstall State Office Building, the Springfield Of-
8 fice Building, the Pittsfield Office Building, the Erich Lindemann
9 Building, the Charles F. Hurley Building, and any other state
10 properties as are designated by law to be the responsibility of the
11 director of facilities management.

12 *Section 43I.* Subject to the provisions of sections thirty to thir-
13 ty-eight, inclusive, of chapter six A, whenever the same shall be
14 applicable, the director of facilities management shall direct the
15 making of all repairs and improvements in the John W. McCor-
16 mack State Office Building excluding the parking garage, the
17 Leverett Saltonstall State Office Building, the Springfield Office
18 Building, the Pittsfield Office Building, the Erich Lindemann
19 Building, the Charles F. Hurley Building, and any other state
20 properties as are designated to be the responsibility of said direc-
21 tor; and all relevant executive and administrative departments and
22 officers shall make requisition upon him for any such repairs and
23 improvements.

24 *Section 43J.* Cleaners employed by the commonwealth shall
25 each receive such salary as may be fixed under and in accordance
26 with sections forty-five to fifty, inclusive, of chapter thirty, payable
27 weekly. Their work shall not, without proportionate payment for
28 overtime exceed thirty-three hours weekly and they shall be en-
29 titled to the same rights and privileges in respect to sick leave,
30 holidays and vacations as other state employees.

31 *Section 43K.* There shall be allowed and paid annually by the
32 commonwealth, the sum of fifteen hundred dollars under the
33 direction of the governor and council, for the care and mainte-
34 nance of the old provincial state house in Boston.

35 *Section 43L.* The director of facilities management may, with
36 the approval of the deputy commissioner of capital planning and
37 operations, appoint such clerks, engineers, electricians, firemen,
38 oilers, mechanics, elevator operators, janitors, cleaners and other
39 persons as may be necessary to enable him to perform his duties
40 under the provisions of sections forty-three H to forty-three K,
41 inclusive.

1 SECTION 5. Chapter eight of the General Laws is hereby re-
2 pealed.

1 SECTION 6. All duly existing contracts, leases and obliga-
2 tions of the bureau of state office buildings from which powers
3 and duties are transferred to the superintendent of the state house
4 for the purposes of supervising and maintaining the John W.
5 McCormack State Office Building parking garage and the state
6 house, and which are in force immediately prior to the effective
7 date of this act, shall thereafter be performed by said superintend-
8 ent of the state house. This section shall not affect any renewal
9 provision or option to renew contained to any such lease in exist-
10 ence on said effective date, all of which may thereafter be exercised
11 by said superintendent of the state house.

12 All questions regarding the identification of such contracts,
13 leases and obligations of the superintendent of the state house to
14 which performance thereof is so transferred shall be determined by
15 the commissioner of revenue.

1 SECTION 7. All monies heretofore appropriated for or asso-
2 ciated with the bureau of state office buildings for the purpose of
3 the care and operation of the John W. McCormack State Office
4 Building parking garage, the state house and capitol police, the
5 powers and duties of which are transferred to the superintendent of
6 the state house by this act, for the purpose of the exercise of such
7 powers or the performance of such duties, and remaining unex-
8 pended on the effective date of this act are hereby transferred to,
9 and shall be available for expenditure by said superintendent of the
10 state house for the purposes of which such funds were originally
11 appropriated. All questions regarding the identification of such
12 monies shall be determined by the commissioner of administration
13 with the approval of the house and senate committees on ways and
14 means. The commissioner of administration shall take such action
15 regarding budgetary accounts, personnel records and matters re-
16 lated thereto, all other records, materials, documents and real or
17 personal property, or any other matter of a purely administrative
18 nature, as may be necessary or appropriate to ensure the orderly
19 and expeditious transfer of the powers and duties authorized by
20 this act.

1 SECTION 8. Notwithstanding any other provision of this act,
2 appointive personnel employed in the bureau of state office build-
3 ings shall continue to serve without reduction in compensation and
4 without loss of seniority, vacation or retirement rights.

5 The provisions of this act shall not be interpreted so as to prevent
6 any person employed by superintendent of the state house or the
7 director of facilities management from being removed for cause in
8 the manner provided by law or otherwise provided on the effective
9 date of this act.

1 SECTION 9. This act shall take effect upon its passage.