

House Bill 978 (AM)

By: Representatives Hill of the 21st and Smyre of the 132nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 4 of Chapter 13 of Title 45 of the Official Code of Georgia Annotated,
2 relating to the Georgia Capitol Museum, so as to create the Capitol Art Standards
3 Commission; to provide for its membership and appointment; to provide for the terms of
4 members of the commission and the filling of vacancies; to provide for duties and
5 responsibilities; to provide for certain recommendations; to provide a definition; to provide
6 for the acceptance of certain funds; to provide limitations on the consideration and passage
7 of bills and resolutions authorizing or requiring the display of certain artwork; to provide for
8 related matters; to repeal Code Section 50-16-5.2 of the Official Code of Georgia Annotated,
9 relating to the creation of the Georgia Art Policy Committee; to repeal conflicting laws; and
10 for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Article 4 of Chapter 13 of Title 45 of the Official Code of Georgia Annotated, relating to the
14 Georgia Capitol Museum, is amended by designating the existing matters within such article
15 as Part 1 and adding a new Part 2 to read as follows:

16 style="text-align:center">"Part 2

17 45-13-70.

18 (a) There is created the Capitol Art Standards Commission, which is assigned to the Office
19 of the Secretary of State for administrative purposes only, as prescribed in Code Section
20 50-4-3.

21 (b) The Capitol Art Standards Commission shall be comprised of 15 members. Three
22 members shall be appointed by the Governor, of whom one shall be designated as
23 chairperson. Three members shall be appointed by the Senate Committee on Assignments
24 and three members shall be appointed by the Speaker of the House of Representatives.

1 One member each shall be appointed by the Georgia Historical Society, the Georgia
2 Council for the Humanities, and the Georgia Council for the Arts. One member each shall
3 be appointed by the Board of Regents of the University System of Georgia and the Georgia
4 Foundation for Independent Colleges, each of whom shall be proficient in the history of
5 the State of Georgia. Each of the appointed members shall serve two-year terms of office
6 and shall be eligible to succeed themselves. In addition, the director of the Georgia Capitol
7 Museum or his or her designee shall be a member of the commission. Vacancies in the
8 positions of appointed members of the commission shall be filled for the remainder of the
9 unexpired term of office by the original appointing authority.

10 (c) Members of the commission shall serve without compensation but members of the
11 commission who are not state officials or employees shall receive the same expense
12 allowance per day as that received by a member of the General Assembly for each day such
13 member of the commission is in attendance at a meeting of such commission, plus either
14 reimbursement for actual transportation costs while traveling by public carrier or the same
15 mileage allowance for use of a personal car in connection with such attendance as members
16 of the General Assembly receive. Members of the commission who are state officials or
17 employees shall receive reimbursement for actual transportation costs in accordance with
18 the policies of their respective agencies.

19 (d) Membership on the commission does not constitute a public office, and no member
20 shall be disqualified from holding public office by reason of his or her membership.

21 (e) The commission, with the approval of the Governor, may employ such professional,
22 technical, or clerical personnel as deemed necessary to carry out the purposes of this part.

23 45-13-71.

24 The Capitol Art Standards Commission shall have the following duties and responsibilities:

25 (1) To meet at such times and places as it shall determine necessary or convenient to
26 perform its duties. The commission shall also meet on the call of the chairperson or the
27 Governor;

28 (2) To maintain minutes of its meetings;

29 (3) To adopt rules and regulations for the transaction of its business;

30 (4) To organize itself as it deems appropriate to carry out its functions;

31 (5) To be responsible for developing policies and procedures for and to oversee the
32 acquisition, installation, preservation, maintenance, display, and storage of all capitol
33 artwork. As used in this part, the term 'capitol artwork' means visual art of museum
34 quality owned by the State of Georgia that is displayed in or on the grounds of the capitol
35 or is held for the purpose of future display to include, but not be limited to, portraits,
36 paintings, sculptures, and plaques. The Georgia Capitol Museum shall remain

1 responsible for the documentation, appraisal, control, handling, placement, and
2 conservation of the present and future artwork in the capitol art collection;

3 (6) To establish a collection policy for all capitol artwork;

4 (7) To develop standards and procedures for determining whether to acquire new artwork
5 which shall include criteria for judging the relevance of the subject, the historical
6 significance to the State of Georgia, and the quality of the artwork produced and an
7 approval process for such acquisitions. No artwork shall be acquired or installed without
8 final approval of the commission;

9 (8) To develop a process for the selection, placement, installation, and rotation of
10 artwork in the capitol, in the capitol museum, and on the capitol grounds;

11 (9) To develop policies and procedures for outgoing loans from the capitol art collection
12 and for temporary displays of artwork in the capitol, in the capitol museum, and on the
13 capitol grounds;

14 (10) To develop deaccession policies and procedures for artwork in the capitol art
15 collection that should be removed based upon poor quality or lack of relevance or similar
16 factors; and

17 (11) To perform such other duties and responsibilities as required by law.

18 45-13-72.

19 The Capitol Art Standards Commission may recommend to the Governor and the General
20 Assembly changes in state statutes, policies, budgets, and standards relating to the capitol
21 art collection, with the objective of keeping the collection at the highest museum standards.

22 45-13-73.

23 The Capitol Art Standards Commission may accept federal funds granted by Congress or
24 executive order for the purposes of this part as well as gifts and donations from individuals,
25 private organizations, or foundations. The acceptance and use of federal funds shall not
26 commit state funds and shall not place an obligation upon the General Assembly to
27 continue the purposes for which the federal funds are made available.

28 45-13-74.

29 (a) A bill or resolution authorizing or requiring the display of capitol artwork may be
30 introduced in the General Assembly only during the regular session which is held during
31 the first year of the term of office of members of the General Assembly. Any such bill or
32 resolution may be passed by the General Assembly only during the regular session which
33 is held during the second year of the term of office of members of the General Assembly.

1 (b) When a bill or resolution authorizing or requiring the display of capitol artwork is
2 introduced, it shall be assigned by the presiding officer of the Senate or the House, as the
3 case may be, to the respective appropriate Senate or House standing committee. If a
4 majority of the total membership of the respective committee is opposed to the bill or
5 resolution on its merits, no investigation or review by the Capitol Art Standards
6 Commission shall be necessary, and the bill or resolution shall not be reported out by the
7 committee and shall not be adopted or considered by the House or Senate. If a majority
8 of the committee wishes to consider the bill or resolution further and votes in favor of an
9 investigation or review of the bill or resolution, an investigation or review by the Capitol
10 Art Standards Commission shall be required. No such bill or resolution may be reported
11 out of the committee to which it is assigned or may be considered or adopted by the House
12 or Senate unless the investigation or review of the bill or resolution is made by the Capitol
13 Art Standards Commission and approval of the proposed artwork is received from the
14 Capitol Art Standards Commission. If the Capitol Art Standards Commission does not
15 approve the proposed artwork, the commission shall state specifically its reasons for
16 disapproval in writing.

17 (c) A bill or resolution authorizing or requiring the display of capitol artwork which the
18 committee wishes to consider shall first be perfected, if necessary, by the committee. The
19 committee may delay further consideration of the bill or resolution until after the close of
20 the regular session during which the bill or resolution was introduced, but the committee
21 shall complete its consideration of the bill or resolution for submission to the Capitol Art
22 Standards Commission by not later than July 15 immediately following the close of the
23 legislative session. The committee shall be authorized to meet for not more than five days,
24 unless additional days are authorized by the President of the Senate for the Senate
25 committee or by the Speaker of the House for the House committee, during the period
26 beginning with the day following the close of the session and ending on July 1 immediately
27 following the close of the session for the purpose of considering and perfecting the bill or
28 resolution. If the bill or resolution originated in the Senate, the appropriate House
29 committee shall be authorized to meet with the Senate committee to consider and perfect
30 a bill or resolution during the period following the close of a regular session, and, if the bill
31 or resolution originated in the House, the appropriate Senate committee shall have the same
32 authority. The committees may adopt such procedures as they find appropriate for
33 conducting meetings at which both committees are present as authorized by this subsection.
34 For attending meetings of their respective committees as authorized by this subsection, the
35 members of the Senate and House committees shall receive the expenses and allowances
36 provided by law for members of legislative interim committees. Immediately after
37 considering and perfecting such bill or resolution, the chairperson of the committee to

1 which the bill or resolution was assigned shall transmit an exact copy of the bill or
2 resolution, as perfected by the committee, when applicable, to the Capitol Art Standards
3 Commission. The submission of the bill or resolution to the Capitol Art Standards
4 Commission shall have attached thereto a letter signed by the chairperson of the committee
5 requesting the commission to make or cause to be made an investigation or review of the
6 proposed artwork in the bill or resolution.

7 (d) When a bill or resolution authorizing or requiring the display of capitol artwork has
8 had an investigation or review by the Capitol Art Standards Commission and the Capitol
9 Art Standards Commission approves the proposed artwork, the bill or resolution may be
10 considered at the next regular session of the General Assembly. If the bill or resolution as
11 originally introduced was not changed by the committee and the original version was
12 submitted to the Capitol Art Standards Commission, then the original version of the bill or
13 resolution is the only one, except as otherwise provided by subsection (e) of this Code
14 section, which may be considered by any committee or by the House or Senate. If the
15 original bill or resolution was substituted by the committee and the substitute version was
16 the one submitted to the Capitol Art Standards Commission, then that substitute bill or
17 resolution is the only one, except as otherwise provided by subsection (e) of this Code
18 section, which may be considered by any committee or by the House or Senate.

19 (e) After completion of an investigation or review by the Capitol Art Standards
20 Commission, any amendment to a bill or resolution authorizing or requiring the display of
21 capitol artwork shall be out of order and shall not be allowed either by a committee or by
22 the House or Senate, except for an amendment to correct technical, typographical, or
23 stylistic errors. Any amendment to a bill or resolution authorizing or requiring the display
24 of capitol artwork shall be submitted to the Capitol Art Standards Commission by the
25 chairperson of the committee, if a committee amendment, or by the presiding officer of the
26 Senate or House if the amendment was made by the Senate or House. If the Capitol Art
27 Standards Commission certifies in writing that the amendment does not affect its decision
28 to approve the proposed artwork contained in the bill or resolution, then the bill or
29 resolution as amended may continue in the legislative process. If the Capitol Art Standards
30 Commission will not issue such a certification for the amendment, the bill or resolution's
31 progress in the legislative process will end, and the bill or resolution shall not be
32 considered further by either the House or Senate and, if passed by the General Assembly,
33 the bill or resolution shall not become law and shall stand repealed in its entirety on the
34 first day of July immediately following its enactment.

35 (f) An amendment to a bill or resolution which is prohibited by subsection (e) of this Code
36 section may be withdrawn by the committee which made the amendment, if a committee
37 amendment, or by the Senate, if that body made the amendment, or by the House, if that

1 body made the amendment. If the amendment is withdrawn, the bill or resolution may
2 continue in the legislative process as any other bill or resolution, unless it is subsequently
3 amended, and, in that event, this Code section shall apply to the subsequent amendment."

4 **SECTION 2.**

5 Code Section 50-16-5.2 of the Official Code of Georgia Annotated, relating to the creation
6 of the Georgia Art Policy Committee, is hereby repealed.

7 **SECTION 3.**

8 All laws and parts of laws in conflict with this Act are repealed.