

By Mr. Hermann of North Andover, petition of Joseph N. Hermann and other members of the General Court relative to art in public buildings. State Administration.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO ART IN PUBLIC BUILDINGS.

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 forty-two C of chapter seven of the
2 General Laws, as appearing in the 1986 Official Edition, is hereby
3 amended by striking out the fourth paragraph of said section and
4 inserting in place thereof the following new paragraph: —
5 Following final approval of such plans and specifications, the
6 director shall advertise in the central register published by the
7 secretary of state pursuant to section twenty of chapter nine and
8 in such other publications as the deputy commissioner shall direct,
9 for applications to bid on or proposals for the performance of
10 the work on the project; except that the deputy commissioner may
11 direct that the purchase of any materials, original equipment or
12 original furnishings for the project shall be made under the
13 provisions of sections twenty-two to twenty-six, inclusive. Subject
14 to the prior approval of the deputy commissioner and the appli-
15 cable provisions of sections forty-four A to forty-four L, inclusive,
16 of chapter one hundred and forty-nine s/he shall award the
17 contract or contracts for such work to the lowest responsible and
18 eligible bidder; but no such contract on behalf of the
19 commonwealth shall be awarded by him/her for a sum in excess
20 of the amount which the comptroller shall certify to be available
21 therefor. If the director shall knowingly award a contract in
22 violation of any provisions of this section, s/he may be removed
23 from office by the governor.

1 SECTION 2. Section forty-two C of said chapter seven, is
2 further amended by inserting after the fourth paragraph of said
3 section the following new paragraph: —

4 Each contract for a “capital facility project” shall provide that
5 not less than one percent, nor more than one hundred thousand
6 dollars of the cost of said “capital facility project,” whichever is
7 the lesser amount, shall be expended for art at said “capital facility
8 projects;” provided, however, this paragraph shall not be appli-
9 cable to any “capital facility project” for the “construction” of any
10 detention center, jail, house of correction, or prison or for any
11 appurtenant buildings or structures which are required to be con-
12 structed as integral parts of any sewer, water, or highway systems.

1 SECTION 3. Any art or any works of art contracted for
2 purchase (by the provisions of section forty-two C of chapter seven
3 of the General Laws) after January 1, 1988 and prior to the effec-
4 tive date of this act, for any construction project of any detention
5 center, jail, house of correction, or prison, or for any appurtenant
6 buildings or structures which are integral parts of any sewer,
7 water, or highway systems shall be permanently assigned and
8 exhibited at any state office building or buildings that the deputy
9 commissioner of the division of capital planning and operations,
10 with the advice of the Massachusetts Art Commission, may deem
11 appropriate.