

By Mr. Fitzgerald of Boston, petition of Kevin W. Fitzgerald for legislation to establish a building commission for the Massachusetts College of Art for the purpose of constructing a new campus facility for such college. Education.

The Commonwealth of Massachusetts

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

AN ACT ESTABLISHING THE MASSACHUSETTS COLLEGE OF ART BUILDING COMMISSION TO CONSTRUCT A NEW CAMPUS FACILITY FOR MASSACHUSETTS COLLEGE OR ART.

1 *Whereas*, The deferred operation of this act would tend to defeat
2 its purpose, which is as soon as may be to provide urgently needed
3 facilities for the Massachusetts College of Art, therefore it is hereby
4 declared to be an *emergency* law, necessary for the immediate
5 preservation of the public convenience.

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. There shall be a commission in the Board of
2 Regents which shall not, however, be subject to the supervision or
3 regulating of said department, to be known as the Massachusetts
4 College of Art building commission, consisting of three persons to
5 be appointed by the governor, not more than two of whom shall be
6 members of the same political party, to serve for terms of five years
7 each. One member who shall be a present member of the Massa-
8 chusetts College of Art Board of Trustees. The governor shall
9 designate one of *said* persons as chairman, who shall serve as such
10 during his term of office. Any vacancy in said commission shall be
11 filled by appointment by the governor for the unexpired term.

1 SECTION 2. The chairman of the commission shall receive an
2 annual salary of seventy-five hundred dollars and the other
3 members an annual salary of five thousand dollars each. Each
4 member shall be reimbursed for his actual expenses necessarily
5 incurred in the performance of his duties.

1 SECTION 3. The commission may call upon any department,
2 commission, board or office of the commonwealth for such inform-
3 ation as it may desire in the course of its duties. The commission
4 shall be provided with quarters in the state house or elsewhere, may
5 hold hearing, may travel within or without the commonwealth,
6 and may expend for legal, engineering, architectural, clerical and
7 other assistance, and for expenses, such sums as may be appro-
8 priated therefor. The commission shall appoint an executive secre-
9 tary who shall receive an annual salary of not less than twenty-five
10 thousand dollars nor more than forty thousand dollars as the
11 commission may determine. Officers and employees of the com-
12 mission shall not be subject to chapter thirty-one of the General
13 Laws.

1 SECTION 4. The commission shall take by eminent domain
2 under the provisions of chapter seventy-nine of the General Laws
3 or acquire by purchase or otherwise, appropriate land and/or
4 buildings for the purpose of clearing, developing and erecting
5 thereon a campus for Massachusetts College of Art. The commis-
6 sion shall cause surveys, plans and specifications to be prepared
7 and enter into contracts for clearing, developing and landscaping
8 the site and area and for the construction of a building containing
9 not more than eight hundred thousand square feet of space for the
10 use of the Massachusetts College of Art including, but not limited
11 to educational facilities, classrooms, offices, recreational areas,
12 and housing. The commission shall also dispose of all property
13 presently housing MCA, and owed by the Regents. Any monies
14 realized from the sale or lease of the present facilities, could be
15 utilized in offsetting the costs for a new campus for MCA. The
16 commission may install in said building such elevators, moving
17 stairways, escalators, plumbing, heating, air conditioning, electri-
18 cal fixtures, machinery and equipment as the commission may
19 deem necessary or desirable, and shall be required to furnish or
20 install furniture, furnishings partitions.

1 SECTION 5. To meet the expenditures necessary in carrying
2 out the provisions of section four of this act, the state treasurer
3 shall, upon request of the governor and council, issue and sell at
4 public or private sale bonds of the commonwealth, registered or
5 with interest coupons attached as he may deem best, to an amount
6 to be specified by the governor and council from time to time but
7 not exceeding in the aggregate the sum of thirty-six million dollars.
8 All capitol expenditures previously appropriated under the follow-
9 ing sections for the Massachusetts College of Art campus shall
10 revert to and be used by the Massachusetts College of Art Building
11 Commission: Section 2, chapter 791 of the Acts of 1965, Section 2,
12 chapter 476 of the Acts of 1968, Section 2, chapter 633 of the Acts
13 of 1970, Section 2, chapter 976 of the Acts of 1971, Section 2,
14 chapter 481 of the Acts of 1976, Section 2, chapter 920 of the Acts
15 of 1977, and Section 2, chapter 513 of the Acts of 1978. All bonds
16 issued by the commonwealth, as aforesaid, shall be designated on
17 the face, Massachusetts College of Art Building Loan Act of 1981,
18 and shall be on the serial payment plan for such maximum term of
19 years not exceeding twenty years, as the governor may recommend
20 to the general court, pursuant to section 3 of Article LXII of the
21 amendments to the constitution of the commonwealth, the maturi-
22 ties thereof to be so arranged that the amounts payable in the
23 several years of the period of amortization, other than the final
24 year, shall be as nearly equal as in the opinion of the state treasurer
25 it is practicable to make them. The bonds shall bear interest
26 semi-annually at such rate as the state treasurer, with the approval
27 of the governor, shall fix. The initial maturities of such bonds shall
28 be payable not later than one year from the date of issue thereof,
29 and the entire issue not later than June thirtieth, _____.

1 SECTION 6. The provisions of sections twenty-six to twenty-
2 seven D, inclusive, and sections forty-four A to forty-four L,
3 inclusive, of chapter one hundred and forty-nine of the General
4 Laws shall apply to the commission but the provisions of sections
5 five A and five B and section thirty A through thirty J of chapter
6 seven of the General Laws shall not apply to the commission. The
7 provisions of chapter four-hundred and fifty-seven of the acts of
8 eighteen hundred and ninety-nine, of chapter five hundred and
9 twenty-five of the acts of nineteen hundred and one, of chapter five
10 hundred and forty-three of the acts of nineteen hundred and two,

11 of chapter four hundred and eighty-eight of the acts of nineteen
12 hundred and twenty-four, as amended, and of all other general and
13 special laws, or parts thereof, prohibiting, restricting, limiting or
14 regulating the height, bulk, location and use of buildings, and the
15 provisions of the Building Code and of ordinances of any city or
16 town shall not be applicable to any building, structure, or facility
17 constructed or rehabilitated under the provisions of this act.

1 SECTION 7. On or before the thirtieth day of November of
2 each year, the commission shall make an annual report to the
3 governor and to the general court of its activities during the preced-
4 ing fiscal year, which report shall include a detailed financial
5 statement for each year and a progress report on the construction
6 of the buildings and appurtenant facilities.

1 SECTION 8. To provide for the salaries and expenses of the
2 commission in carrying out the provisions of this act the sum of
3 two hundred thousand dollars is hereby appropriated from the
4 General Fund. This appropriation shall expire June thirtieth, nine-
5 teen hundred and eighty-seven.

1 SECTION 9. Upon acceptance as completed of any building
2 provided for by this act, the commission shall deliver to the state
3 division of building construction all plans, specifications, surveys
4 and all papers relating to site acquisition, engineering, planning
5 and construction of such building and the state superintendent of
6 buildings shall assume full responsibility for the operation and
7 maintenance of the property subject to appropriation. Any funds
8 in excess of the actual cost of acquisition of the sites and construc-
9 tion of the building provided for in this act shall be applied to the
10 repayment of any loan or loans.

1 SECTION 10. Upon the expiration of the term for which the
2 members of the commission were appointed or upon the comple-
3 tion of its duties whichever shall first occur, this act shall become
4 inoperative and the commission shall be dissolved.