

SENATE No. 1625

The Commonwealth of Massachusetts

PRESENTED BY:

John Hart, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to establishing a disaster and emergency aid fund for Massachusetts artists.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>John Hart, Jr.</i>	<i>First Suffolk</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Christopher G. Fallon</i>	<i>33rd Middlesex</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Stanley C. Rosenberg</i>	<i>Hampshire, Franklin and Worcester</i>
<i>Martin J. Walsh</i>	<i>13th Suffolk</i>

SENATE No. 1625

By Mr. Hart, a petition (accompanied by bill, Senate, No. 1625) of John Hart, Jr., Paul
McMurtry, Chris Walsh, Christopher G. Fallon and other members of the General Court for
legislation to establish a disaster and emergency aid fund for Massachusetts artists. Tourism,
Arts and Cultural Development.

The Commonwealth of Massachusetts

—————
In the Year Two Thousand Thirteen
—————

An Act relative to establishing a disaster and emergency aid fund for Massachusetts artists.

*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. As used in this section, the following words shall, unless the context
2 otherwise requires, have the following meanings:—

3 “Massachusetts Artist:” a person who makes “original and creative work” and
4 resides in the Commonwealth of Massachusetts. A Massachusetts Artist shall be deemed to be
5 residing in the Commonwealth of Massachusetts if (a) domiciled in the state, or (b) maintaining a
6 permanent place of abode in state and in the state for an aggregate of more than one-hundred-
7 eighty-three days of the taxable year.

8 “Original and Creative Work:” a work that falls into any or all of the following
9 categories: 1) a book or other writing; 2) a play or the performance of said play; 3) a musical
10 composition or the performance of said composition; 4) “traditional and fine crafts”; 5) the
11 creation of a film or the acting within said film; 6) the creation of a dance or the performance of
12 said dance; 7) a work of “Fine Art” as defined by Chapter 104A, Section 1 of the General Laws.

13 “Original and creative work” shall not include any piece or performance created
14 or executed for industry-oriented or related production.

15 “Traditional and fine crafts:” a work that is a handcrafted or handmade
16 functional or non-functional object that is unique or is of a limited production and is not mass-
17 produced in large quantities by a factory. Traditional and fine crafts are further defined as an
18 original work made substantially by hand, wherein the skill and technique of manipulation the
19 material is primary to the artistic process and falls into any one or more of the following

20 categories: jewelry, furniture, glass-based work, carving work, ceramic and clay work, wood
21 based objects, metal based objects, Indigenous and Aboriginal art, folk art, decorative art,
22 functional and non functional leather based work, handcrafted lamps, handmade paper based
23 work, handmade baskets, textile-based and fiber-based work such as but not limited to handmade
24 or handcrafted weavings, clothing, accessories, rugs, quilts, embroidery based work, knit based
25 objects, or any or any combination of the aforementioned materials.

26 “Fine art:” a painting, photograph, sculpture, functional sculpture, hologram,
27 wearable art, drawing, fiber-based work, ceramic-based work, metal work, conceptual-based art,
28 glass-based work, an installation, a work that is created or displayed using computer, digital
29 devices and/or new technology such as but not limited to digital prints,ts, digital photographs,
30 CD Roms, DVDs, cyberart, a web/internet-based art work, a performance-based art work and the
31 results of the performance such as but not limited to film, video, DVDs, CD Roms, a sound
32 work, an electronic-based work, a work of graphic art, including an etching, lithograph, off set
33 print, silk screen/screen print, or work of graphic art of like nature, a work of calligraphy, an
34 artist’s book, or a work in mixed media including collage, assemblage or any combination of the
35 aforementioned art media.

36 “Disaster:” a naturally occurring catastrophic event such as – but not limited to –
37 a hurricane, flood, fire, earthquake, or a man-made or caused event such as but not limited to a
38 fire, explosion, terrorist attack or war-related catastrophe.

39 “Emergency:” a major accident such as but not limit to a car crash, bike, a fall,
40 an animal attack; or any other type of major accident causing the loss of wages or a job; a health
41 care emergency; an unexpected loss of employment, an unexpected loss of housing; an
42 unexpected loss of studio or practice space; unexpected loss of childcare or eldercare; an act of
43 violence perpetrated against a Massachusetts Artist causing them to forgo earning their income; a
44 temporary sickness of a physical or psychological nature; a temporary disability; the theft of a
45 Massachusetts Artist’s work, equipment, instrument(s), or materials; the inability of a
46 Massachusetts Artist to afford health insurance; or any other situation that will cause
47 unanticipated financial hardship and threaten their livelihood and artistic practice.

48 SECTION 2. (a) There shall be established and set up on the books of the
49 Commonwealth a separate fund to be known as the Massachusetts Artists Disaster and
50 Emergency Aid Fund, hereinafter “the fund,” for the purposes of ensuring the safety and vitality
51 of artists residing in the Commonwealth. Any such amounts expended will be dispersed to
52 Massachusetts Artists who have endured an emergency or disaster as defined in Section 1.

53 (b) The fund shall be held in trust by the State Treasurer exclusively for the
54 purposes established herein. The fund shall be administered by the State Treasurer, who will
55 serve as treasurer and custodian of the fund and shall have the custody of its monies and
56 securities.

57 (c) The State Treasurer may invest any monies held for the credit of the fund
58 instruments permitted under Sections 38, 38A, 38C and 49 of Chapter 29 of the General Laws.

59 SECTION 3. (a) As custodian of the fund, the State Treasurer may accept
60 monetary donations to the fund from individuals, museums, organizations, associations,
61 nonprofits, businesses, estates, foundations or other entities.

62 (b) Section 6 (c) of Chapter 353 of the Acts of 2006 is hereby amended by
63 inserting after the phrase “The consignee shall keep on file a record of attempts to contact the
64 consignor,” the following sentence: “The consignee may sell or auction any forfeited artwork in
65 a manner the consignee considers appropriate for the purpose of donating the proceeds of said
66 transaction to the Disaster and Emergency Aid Fund for Massachusetts Artists.”

67 (c) All monies obtained by the State Treasurer on behalf of the fund for the
68 purposes established herein will be received either through donation or other means, and any
69 amounts obtained and subject to dispersal from said fund will not be the

70 SECTION 4. All applicants to receive monies from said fund would be required to meet
71 the definition of “Massachusetts Artist” as defined in Section 1. Any additional criteria regarding
72 qualification for funds and amounts dispersed are to be established by the State Treasurer or his
73 designee. The State Treasurer or his designee may work with nonprofit arts organizations, state
74 offices or agencies, or with State Legislative Committees including – but not limited to – the
75 Joint Committee on Tourism, Arts, and Cultural Development to establish a process and criteria
76 for distributing funds to Massachusetts Artists. The State Treasurer may at his discretion form a
77 three-member commission to provide approval for fund dispersal and to oversee the
78 administrative functions of said fund.