HOUSE DOCKET, NO. 1472 FILED ON: 1/15/2015

HOUSE . . . . . No. 2932

The Commonwealth of Massachusetts

PRESENTED BY:

Chris Walsh

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 establishing a disaster and emergency aid fund for Massachusetts artists.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Chris Walsh	*6th Middlesex*

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HOUSE . . . . . No. 2932

By Mr. Walsh of Framingham, a petition (accompanied by bill, House, No. 2932) of Chris Walsh for legislation to establish a disaster and emergency aid fund to ensure the safety and vitality of artists residing in the Commonwealth. Tourism, Arts and Cultural Development.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act 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:

SECTION 1. As used in this section, the following words shall, unless the context otherwise requires, have the following meanings:–

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

Original and Creative Work: a work that falls into any or all of the following categories: 1) a book or other writing; 2) a play or the performance of said play; 3) a musical composition or the performance of said composition; 4) "traditional and fine crafts"; 5) the creation of a film or the acting within said film; 6) the creation of a dance or the performance of 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 or
14 executed for industry-oriented or related production.

15 Traditional and fine crafts: a work that is a handcrafted or handmade functional or
16 nonfunctional object that is unique or is of a limited production and is not mass-produced in
17 large quantities by a factory. Traditional and fine crafts are further defined as an original work
18 made substantially by hand, wherein the skill and technique of manipulation the material is
19 primary to the artistic process and falls into any one or more of the following categories: jewelry,
20 furniture, glass-based work, carving work, ceramic and clay work, wood based objects, metal
21 based objects, Indigenous and Aboriginal art, folk art, decorative art, functional and non-
22 functional leather based work, handcrafted lamps, handmade paper based work, handmade
23 baskets, textile-based and fiber-based work such as but not limited to handmade or handcrafted
24 weavings, clothing, accessories, rugs, quilts, embroidery based work, knit based objects, or any
25 or any combination of the aforementioned materials.

26 Fine art: a painting, photograph, sculpture, functional sculpture, hologram, wearable art,
27 drawing, fiber-based work, ceramic-based work, metal work, conceptual-based art, glass-based
28 work, an installation, a work that is created or displayed using computer, digital devices and/or
29 new technology such as but not limited to digital prints, ts, digital photographs, CD Roms,
30 DVDs, cyberart, a web/internet based art work, a performance-based art work and the results of
31 the performance such as but not limited to film, video, DVDs, CD Roms, a sound work, an
32 electronic-based work, a work of graphic art, including an etching, lithograph, off set print, silk
33 screen/screen print, or work of graphic art of like nature, a work of calligraphy, an artist's book,
34 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 – a
37 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, an animal
40 attack; or any other type of major accident causing the loss of wages or a job; a health care
41 emergency; an unexpected loss of employment, an unexpected loss of housing; an unexpected
42 loss of studio or practice space; unexpected loss of childcare or eldercare; an act of violence
43 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 purposes
54 established herein. The fund shall be administered by the State Treasurer, who will serve as
55 treasurer and custodian of the fund and shall have the custody of its moneys and securities.

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

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

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

66 (c) All moneys obtained by the State Treasurer on behalf of the fund for the purposes

67 established herein will be received either through donation or other means, and any
68 amounts obtained and subject to dispersal from said fund will not be the result of Legislative
69 appropriation.

70 SECTION 4. All applicants to receive moneys 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.