

**HOUSE . . . . . No. 3667**

Section 28 contained in the engrossed Bill making appropriations for the fiscal year 2016 (see House, No. 3650), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment D of House, No. 3675). July 17, 2015.

**The Commonwealth of Massachusetts**

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

An Act establishing a public art commission.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a public art commission, therefore it is hereby declared to be an emergency law, necessary for the immediate 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 Chapter 7C of the General Laws is hereby amended by adding the following section:-

2 Section 73. (a) There shall be a Massachusetts percent for art program, or MPAP, to be  
3 administered by the public art commission established in subsection (c). The MPAP shall  
4 provide for the creation and preservation of existing public art in the city of Boston and  
5 municipalities designated as gateway municipalities under section 3A of chapter 23A. Under  
6 this program, if construction or substantial renovation of state-owned buildings and properties is  
7 undertaken, a minimum of 0.5 per cent of the cost of that construction or substantial renovation,  
8 not to exceed \$250,000, shall be dedicated to the preservation of existing public art and the  
9 creation of new public art.

10 (b) The secretary of administration and finance may temporarily suspend the MPAP  
11 spending requirement set forth in subsection (a) in any year in which the consensus tax revenue  
12 forecast, determined under section 5B of chapter 29, is less than the prior year.

13 (c) There shall be a public art commission which shall administer the MPAP by: (i)  
14 making curatorial decisions on a project-by-project basis in coordination with members of the  
15 commonwealth's artist community who demonstrate distinguished service to the arts; (ii)  
16 consulting with pertinent local art and cultural commissions; (iii) promoting and encouraging  
17 public art; and (iv) coordinating with the executive department to ensure compliance with and  
18 participation in the MPAP. The commission may also research other funding mechanisms that  
19 may increase the total pool of funds for public art and suggest the development of programming  
20 for education and promotion regarding public art. All state agencies within the executive  
21 department shall cooperate with and provide assistance to the commission as necessary.

22 (d) The commission shall consist of the following 14 members: the secretary of  
23 administration and finance or a designee; the secretary of housing and economic development or  
24 a designee; the commissioner of capital asset management and maintenance or a designee; the  
25 secretary of energy and environmental affairs or a designee; the chair of the Massachusetts  
26 cultural council or a designee; a representative recommended by the mayor of the city of Boston;  
27 and 8 persons to be appointed by the governor, 2 of whom shall be representatives from  
28 municipalities designated as gateway municipalities under section 3A of chapter 23A who shall  
29 be selected from individuals recommended by the chief executive officer of any such  
30 municipality, 2 of whom shall be project designers with experience in the creation and  
31 installation of public art, 2 of whom shall be artists or representatives from nonprofit or  
32 community organizations associated with the arts and 2 of whom the governor otherwise deems

33 appropriate but who do not possess the foregoing qualifications. The commission shall annually  
34 elect 1 of its members to serve as chair. Commission members shall serve without compensation  
35 or reimbursement for expenses.

36 (e) The commission shall meet at such times and places as directed by the chair.

37 (f) The commissioner of capital asset management and maintenance shall appoint an  
38 MPAP coordinator who shall report to the commissioner. In coordination with the commission  
39 and any other agencies as the commissioner may deem appropriate, the coordinator shall,  
40 without limitation: (i) recommend the guidelines and parameters for the MPAP; (ii) research  
41 other successful funding mechanisms that increase the total pool of funds for public art; and (iii)  
42 oversee the creation of a central entity to host a variety of shared resources relating to the  
43 implementation, installation, maintenance and preservation of public art.

44 (g) Annually, not later than September 1, the commission shall provide a report to the  
45 governor, the secretary of administration and finance and the clerks of the senate and house of  
46 representatives describing the actions of the MPAP and the commission and any other  
47 information the commission deems pertinent.