

**HOUSE . . . . . No. 1787**

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**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:	DATE ADDED:
<i>Chris Walsh</i>	<i>6th Middlesex</i>	<i>1/18/2017</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	
<i>Smitty Pignatelli</i>	<i>4th Berkshire</i>	
<i>Michael O. Moore</i>	<i>Second Worcester</i>	

**HOUSE . . . . . No. 1787**

By Mr. Walsh of Framingham, a petition (accompanied by bill, House, No. 1787) of Chris Walsh and others relative to establishing a disaster and emergency aid fund for Massachusetts artists. Tourism, Arts and Cultural Development.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninetieth General Court  
(2017-2018)**

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:*

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

8 Original and Creative Work: a work that falls into any or all of the following categories:  
9 1) a book or other writing; 2) a play or the performance of said play; 3) a musical composition or  
10 the performance of said composition; 4) “traditional and fine crafts”; 5) the creation of a film or  
11 the acting within said film; 6) the creation of a dance or the performance of said dance; 7) a work  
12 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. The State  
58 Treasurer may create a 501(c)(3) corporation to fulfill the purposes of the fund.

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

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

67 (c) All moneys obtained by the State Treasurer on behalf of the fund for the purposes  
68 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 result of Legislative  
70 appropriation.

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

- 78 five-member commission to provide approval for fund dispersal and to oversee the
- 79 administrative functions of said fund.