

**SENATE . . . . . No. 1896**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Eric P. Lesser*

*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 to establish a Massachusetts Percent for Arts Program.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>	
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>1/25/2017</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/31/2017</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>2/1/2017</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>2/2/2017</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>	<i>2/3/2017</i>
<i>Mathew Muratore</i>	<i>1st Plymouth</i>	<i>3/29/2017</i>

**SENATE . . . . . No. 1896**

By Mr. Lesser, a petition (accompanied by bill, Senate, No. 1896) of Eric P. Lesser, Angelo J. Puppolo, Jr., James B. Eldridge, Marjorie C. Decker and other members of the General Court for legislation to establish a Massachusetts Percent for Arts Program. Tourism, Arts and Cultural Development.

**The Commonwealth of Massachusetts**

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

An Act to establish a Massachusetts Percent for Arts Program.

*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. Chapter 7C of the General Laws is hereby amended by adding the  
2 following section:-

3 Section 73. (a) There shall be a Massachusetts per cent for art program, or MPAP, to be  
4 administered by the public art commission established in subsection (b). The MPAP shall  
5 provide for the creation, acquisition, conservation and maintenance of public art. Under this  
6 program and in connection with construction or substantial renovation of any commonwealth-  
7 owned, managed and occupied building shall be transferred one per cent of all state fund  
8 appropriations for capital improvements designated for new capital construction for the creation,  
9 conservation and maintenance of public art in or on the site including, but not limited to,  
10 expenses related to selection processes and design and development.

11 (b) There shall be a public art commission which shall administer the MPAP by: (i)  
12 establishing a process for capital projects to apply for MPAP funding; (ii) creating a set of  
13 criteria for the commission to utilize in determining the level of funding, if any, for each project  
14 applicant; (iii) working with the division of capital asset management and maintenance, project  
15 managers and contractors to identify opportunities and locations for art; (iv) reviewing each  
16 project to ensure relevance of and support for the public art, including engaging the relevant  
17 local site users and community stakeholders for their input; (v) making curatorial decisions on a  
18 project-by-project basis; (vi) establishing partnerships and relationships as relevant to the  
19 program and projects with members of the commonwealth's artist community, including artists,  
20 cultural institutions, arts organizations and educational institutions; (vii) consulting with local art  
21 and cultural commissions; (viii) promoting and encouraging public art; (ix) promoting public  
22 access to and education with respect to art installations in public facilities; (x) ensuring an  
23 inventory of and maintenance plan for the public art collection; and (xi) coordinating with the  
24 executive department to ensure compliance with and participation in the MPAP. The commission  
25 may coordinate with educational, arts and cultural organizations, municipalities and other  
26 organizations to provide alternative sources of funding for public art and programming for arts  
27 and cultural education and research alternative funding mechanisms including, but not limited to,  
28 public-private partnerships that may increase the total pool of funds for public art and suggest the  
29 development of programming for education and promotion regarding public art. All state  
30 agencies within the executive department shall cooperate with and provide assistance to the  
31 commission as necessary.

32 (c) The commission shall consist of: the commissioner of capital asset management and  
33 maintenance or a designee who shall serve as chair; the executive director of the Massachusetts

34 cultural council or a designee; 2 persons to be appointed by the president of the Massachusetts  
35 College of Art and Design, each of whom shall have a background in public art or architecture;  
36 and 5 persons to be appointed by the governor, 1 of whom shall have municipal government  
37 experience who shall be selected from a list of 3 individuals nominated by the Massachusetts  
38 Municipal Association, Inc.; 1 of whom shall be a project designer with experience in the  
39 creation and installation of public art; 1 of whom shall be an artist or representative from a  
40 nonprofit or community organization associated with the arts who shall be selected from a list of  
41 3 individuals nominated by the executive director of the Massachusetts cultural council; and 1 of  
42 whom shall be a faculty or staff member specializing in art or architecture at 1 of the  
43 commonwealth's public institutions of higher education. At least 1 member of the commission  
44 shall be an artist and at least 1 member shall be an architect. The governor shall seek to appoint  
45 persons who are from geographically diverse regions of the commonwealth. The MPAP  
46 coordinator appointed pursuant to subsection (d) shall be a nonvoting member of the commission  
47 and shall serve as its secretary. Commission members shall serve without compensation or  
48 reimbursement for expenses. Commission members shall serve for terms of 5 years.  
49 Commissioner members may be reappointed but shall not serve for more than 2 consecutive  
50 terms. Initial nominations to the commission shall be made no later than six months after the  
51 signing of this law. The commission shall meet at least quarterly and otherwise at the discretion  
52 of the chair.

53 (d) The commissioner of capital asset management and maintenance, in coordination with  
54 the commission, shall appoint an MPAP coordinator, an employee of the department of capital  
55 asset management and maintenance who shall report to the commissioner and shall have the  
56 requisite qualifications related to public art programs and project management to administer the

57 MPAP. The coordinator's appointment shall be subject to approval by the commission. In  
58 coordination with the commission and any other agencies as the commissioner may deem  
59 appropriate, the coordinator shall, without limitation: (i) recommend the guidelines and  
60 parameters for the MPAP; (ii) coordinate the MPAP, including soliciting artists, setting up  
61 proposal review, overseeing artists' work and developing and managing community engagement  
62 and educational activities; (iii) research other successful funding mechanisms that increase the  
63 total pool of funds for public art; (iv) oversee the creation of a central entity to host a variety of  
64 shared resources relating to the implementation, installation, maintenance and preservation of  
65 public art and (v) distributing MPAP funds as allocated by the Commission. All guidelines,  
66 policies and regulations for the MPAP shall be approved by the commission.

67 (e) In selecting art installations for construction or renovation projects, the commission  
68 shall give preference to artists residing in the commonwealth.

69 (f) The commonwealth shall have sole ownership of all artwork acquired through the  
70 MPAP, subject to exceptions approved by the commission. The artist shall retain copyright of the  
71 artwork unless otherwise noted in the contract for the work.

72 (g) Annually, not later than September 1, the commission shall provide a report to the  
73 secretary of administration and finance, the house and senate committees on ways and means, the  
74 joint committee on tourism, arts and cultural development and the clerks of the senate and house  
75 of representatives describing the actions of the MPAP and the commission and any other  
76 information the commission considers pertinent.