

**HOUSE . . . . . No. 3246**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Mary S. Keefe and Steven Ultrino***

*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 program for local art and community engagement.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>1/18/2023</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>8/23/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/20/2023</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>	<i>1/24/2023</i>
<i>Sally P. Kerans</i>	<i>13th Essex</i>	<i>1/25/2023</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>1/25/2023</i>
<i>Rodney M. Elliott</i>	<i>16th Middlesex</i>	<i>1/30/2023</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>1/31/2023</i>
<i>Patricia A. Duffy</i>	<i>5th Hampden</i>	<i>2/2/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/2/2023</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>2/3/2023</i>
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>2/15/2023</i>
<i>Jacob R. Oliveira</i>	<i>Hampden, Hampshire and Worcester</i>	<i>2/15/2023</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>2/15/2023</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>2/16/2023</i>
<i>Kate Lipper-Garabedian</i>	<i>32nd Middlesex</i>	<i>2/22/2023</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>4/25/2023</i>
<i>Christopher Richard Flanagan</i>	<i>1st Barnstable</i>	<i>5/10/2023</i>

*Rebecca L. Rausch*  
*John Barrett, III*

*Norfolk, Worcester and Middlesex*  
*1st Berkshire*

*7/5/2023*  
*8/28/2023*

**HOUSE . . . . . No. 3246**

By Representatives Keefe of Worcester and Ultrino of Malden, a petition (accompanied by bill, House, No. 3246) of Mary S. Keefe, Steven Ultrino and others relative to establishing a program for local art and community engagement commission in support of local art and community engagement. Tourism, Arts and Cultural Development.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Third General Court  
(2023-2024)**

An Act establishing a program for local art and community engagement.

*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. Section 1 of chapter 7C of the General Laws, as appearing in the 2020  
2 Official Edition, is hereby amended by inserting after the definition of "Counties" the following  
3 definition:-

4 Creative placekeeping - the active care and maintenance of a place and its social fabric by  
5 the artists and people who live and work there, including maintaining the cultural memories  
6 associated with a locale and supporting the ability of local people to maintain their way of life as  
7 they choose.

8 SECTION 2. Said chapter 7C, as so appearing, is hereby amended by adding the  
9 following new section:-

10 Section 73. There shall be established a new fund to be known as the program for local  
11 art and community engagement fund (hereinafter "the PLACE Fund") for the exclusive purpose

12 of providing for the selection, design, creation, acquisition, installation, maintenance, and/or  
13 conservation of public art in or on commonwealth-owned, managed, or occupied buildings. The  
14 PLACE Fund shall receive its funds from the following sources: (i) no less than half of one per  
15 cent of the funds designated for the construction or substantial renovation of any commonwealth-  
16 owned, managed, or occupied building shall be allocated to the PLACE Fund for selection,  
17 design, creation, acquisition, installation, maintenance, and/or conservation of public art in or on  
18 the construction or renovation site; (ii) no less than a quarter of one per cent of state funds  
19 allocated for new building or construction projects over \$200,000 and excluding funding sources  
20 already allocated specifically for arts and cultural use shall be allocated to the PLACE Fund for  
21 the selection, design, creation, acquisition, installation, maintenance, and/or conservation of  
22 public art in or on the building or construction site; and (iii) monetary donations from  
23 individuals, museums, organizations, associations, nonprofits, businesses, estates, foundations, or  
24 other entities. The PLACE Fund shall be held in trust by the department of housing and  
25 community development, which will serve as treasurer and custodian of its monies and  
26 securities.

27 (a) There shall be established a new commission to be known as the program for local art  
28 and community engagement commission (hereinafter “the PLACE Commission”) that shall  
29 administer, in consultation with the department of housing and community development and the  
30 mass cultural council, the PLACE Fund. By doing so, the PLACE Commission shall provide for  
31 the selection, design, creation, acquisition, installation, maintenance, and/or conservation of  
32 public art that connects communities, elevates cultures, supports community development, and  
33 advances creative placemaking strategies in cities and towns throughout the commonwealth. The  
34 PLACE Commission shall consist of the following 13 members: 1 member to be appointed by

35 the governor and who shall be an artist or representative from a nonprofit or community  
36 organization associated with creative placekeeping or has experience with the creation and  
37 installation of public art; 1 member to be appointed by the speaker of the house of  
38 representatives and who shall be an artist or representative from a nonprofit or community  
39 organization associated with creative placekeeping or has experience with the creation and  
40 installation of public art; 1 member to be appointed by the senate president and who shall be an  
41 artist or representative from a nonprofit or community organization associated with creative  
42 placekeeping or has experience with the creation and installation of public art; the undersecretary  
43 of the department of housing and community development, or a designee, who shall serve as  
44 chair; the commissioner of capital asset management and maintenance, or a designee; the  
45 executive director of the massachusetts cultural council, or a designee; 1 member to be appointed  
46 by the president of the massachusetts college of art and design; 1 member who shall be an  
47 architect appointed by the central massachusetts chapter of the american institute of architecture;  
48 the executive director of the massachusetts municipal association, or a designee; the executive  
49 director of MassDevelopment, or a designee; the executive director of the massachusetts  
50 association of community development corporation, or a designee; the executive director of the  
51 metropolitan area planning council, or a designee; and the executive director of MASSCreative,  
52 or a designee. Members of the commission shall be citizens of the commonwealth representing  
53 geographically diverse regions and who have demonstrated a commitment to public art and/or  
54 creative placekeeping. Members shall be considered special state employees for the purposes of  
55 chapter 268A

56 (b) The PLACE Commission shall administer the PLACE Fund, in consultation with the  
57 department of housing and community development and the mass cultural council, as follows: (i)

58 establishing a process for capital projects to apply for funding; (ii) creating a set of criteria to  
59 determine the level of funding, if any, for each project applicant; (iii) working with the  
60 department of housing and community development, the division of capital asset management  
61 and maintenance, project managers and contractors to identify opportunities and locations for  
62 public art; (iv) ensuring relevance of and support for public art by convening a local advisory  
63 group for each new public art project that includes relevant local site users and community  
64 stakeholders; (v) ensuring an inventory of and maintenance plan for the public art collection; (vi)  
65 coordinating with the department of housing and community development to ensure compliance  
66 with and participation in the PLACE Fund; (vii) making curatorial decisions on a project-by-  
67 project basis; (viii) forming partnerships and relationships as relevant to the administration of the  
68 PLACE Fund, including with members of the commonwealth's artist community, artists, cultural  
69 institutions, arts organizations and educational institutions; (ix) consulting with local art and  
70 cultural commissions; (x) promoting and encouraging public art; (xi) promoting and developing  
71 public access to and education of art installations in public facilities; (xii) coordinating with  
72 educational, arts and cultural organizations, municipalities and other organizations to provide  
73 alternative sources of funding for public art and programming for arts and cultural education; and  
74 (xiii) researching alternative funding mechanisms including public-private partnerships that may  
75 increase the total pool of funds for public art and education.

76 (c) The PLACE Commission shall appoint: (1) a PLACE coordinator, who shall be an  
77 employee of the department of housing and community development; and (2) a PLACE grants  
78 officer, who shall be an employee of the mass cultural council. Both positions shall have the  
79 requisite qualifications related to public arts programs and project management to administer the  
80 PLACE Fund. Persons appointed to both positions shall be considered state employees for the

81 purpose of chapter 268A. The salaries for both positions shall be drawn from the PLACE Fund  
82 and, along with their contract, be subject to the approval of the PLACE Commission. In  
83 coordination with the PLACE Commission, the PLACE coordinator and PLACE grants officer  
84 shall (i) recommend the guidelines and parameters for the PLACE Fund; (ii) coordinate the  
85 PLACE Fund, including soliciting artists, setting up proposal reviews, overseeing artists' work  
86 and developing and managing community engagement and educational activities; (iii) research  
87 other successful funding mechanisms that increase the total pool of funds for public art; (iv)  
88 oversee the creation of a central entity to host a variety of shared resources relating to the  
89 implementation, installation, maintenance and preservation of public art; and (v) distribute the  
90 PLACE Fund as allocated by the PLACE Commission.

91 (d) Pursuant to section 21 of chapter 30B of the General Laws, public entities may as a  
92 public procurement, enter into a grant agreement with an individual to "carry out a public  
93 purpose"; and, whereas the creation of public art is a public purpose to enhance the cultural  
94 nature, historical background, and beautification of public space, the PLACE Commission shall  
95 implement a grant agreement process for public art projects using the following procedure: (1)  
96 publicize an open call for artists or call for art; (2) hold a public information session and publish  
97 written responses to all questions available to all applicants; (3) convene in order to review  
98 submitted applications; (4) select a group of finalists based on application requirements and  
99 selection criteria described in the open call; (5) solicit additional information from artists,  
100 including full project concept; (6) select a final artist or artists and enter into a grant agreement  
101 that details all terms of the project. Where artists are required to submit concepts for final  
102 selection, less than \$10,000 may be allocated for concept development, to be split among artist  
103 finalists through grant agreement. Installation of artwork shall be subject to section 39M of

104 chapter of 30 of the General Laws. At its discretion, the PLACE Commission may include a  
105 public feedback process to solicit public input on the final artist selection. The PLACE  
106 Commission shall give preference to artists residing in the commonwealth.

107 (e) The PLACE Commission shall be established no later than December 1, 2025.  
108 Members shall serve without compensation and shall serve for terms of 5 years. Members may  
109 be reappointed but shall not serve for more than 2 consecutive terms. The PLACE coordinator  
110 shall be a non-voting member of the PLACE Commission and shall serve as its secretary. The  
111 PLACE Commission shall meet at least quarterly and otherwise at the discretion of the chair.

112 (f) The commonwealth shall have sole ownership of all artworks acquired through the  
113 PLACE Fund. The artist shall retain copyright of the artwork unless otherwise noted in the  
114 contract for the work.

115 (g) Annually, on September 1 of each year, the PLACE Commission shall provide a  
116 report describing the implementation of the PLACE Fund and awarded funds to: the secretary of  
117 administration and finance; the house committee on ways and means; the senate committee on  
118 ways and means; the joint committee on tourism, arts and cultural development; the clerk's office  
119 for the house of representatives; and the clerk's office for the senate.