

**HOUSE . . . . . No. 3827**

The Commonwealth of Massachusetts

PRESENTED BY:

*Randy Hunt and Cory Atkins*

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 passage of the accompanying:

An Act encouraging cultural council funding.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Randy Hunt</i>	<i>5th Barnstable</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>
<i>Matthew A. Beaton</i>	<i>11th Worcester</i>
<i>Nicholas A. Boldyga</i>	<i>3rd Hampden</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>
<i>Katherine M. Clark</i>	<i>Fifth Middlesex</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>Viriato Manuel deMacedo</i>	<i>1st Plymouth</i>
<i>Geoff Diehl</i>	<i>7th Plymouth</i>
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>
<i>Eileen M. Donoghue</i>	<i>First Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>
<i>John V. Fernandes</i>	<i>10th Worcester</i>

<i>Colleen M. Garry</i>	<i>36th Middlesex</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>Carlos Henriquez</i>	<i>5th Suffolk</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Robert M. Koczera</i>	<i>11th Bristol</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>
<i>Timothy R. Madden</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Richard T. Moore</i>	<i>Worcester and Norfolk</i>
<i>Shaunna O'Connell</i>	<i>3rd Bristol</i>
<i>Keiko M. Orrall</i>	<i>12th Bristol</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>William Smitty Pignatelli</i>	<i>4th Berkshire</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>
<i>Donald H. Wong</i>	<i>9th Essex</i>

**HOUSE . . . . . No. 3827**

By Representatives Hunt of Sandwich and Atkins of Concord, a petition (subject to Joint Rule 12) of Randy Hunt, Cory Atkins and others for legislation to authorize income tax filers to make voluntary contributions to the Massachusetts Cultural Development Fund on their annual income tax returns. Revenue.

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Thirteen**

An Act encouraging cultural council funding.

*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 10 of the General Laws is hereby amended by inserting after  
2 section 57 the following two sections:-

3 Section 57<sup>1</sup>/<sub>2</sub>. The council shall stimulate and encourage the arts, humanities and  
4 interpretive sciences within cities and towns by administering the distribution of the  
5 Massachusetts Cultural Development Fund established pursuant to section 57<sup>3</sup>/<sub>4</sub> to cities and  
6 towns on a county basis as hereinafter provided.

7 The council shall receive applications for said funds from cities and towns and shall  
8 annually distribute funds received in the proceeding taxable year from any source so that those  
9 funds are distributed to cities and towns within a county in proportion to the amount contributed  
10 to the Massachusetts Cultural Development Fund in the preceding taxable year by taxpayers  
11 within each county, pursuant to section 6O of chapter 62.

12 The council shall publish and make available on its website, at least annually, (i) the total  
13 amount contributed pursuant to said section 6O, (ii) the subtotal amounts contributed by each  
14 county, (iii) the subtotal amount contributed by taxpayers with addresses outside of the  
15 commonwealth, (iv) the subtotal amount credited or transferred to the fund from any other fund  
16 or source; and (v) the per county percentage to be applied for the distribution of funds under this  
17 section.

18 Section 57<sup>3</sup>/<sub>4</sub>. There shall be established and set up on the books of the commonwealth a  
19 separate fund, to be known as the Massachusetts Cultural Development Fund. The fund shall

20 consist of all revenues received by the commonwealth pursuant to section 6O of chapter 62 and  
21 all other monies credited or transferred thereto from any other fund or source pursuant to law.

22 All revenues credited under this section shall remain in the Massachusetts Cultural  
23 Development Fund, not subject to appropriation, to assist the council in its promotion and  
24 encouragement of the arts. The state treasurer shall not deposit said revenues in or transfer said  
25 revenues to the General Fund or any other fund other than the Massachusetts Cultural  
26 Development Fund.

27 The state treasurer shall deposit the revenues in the fund in accordance with the  
28 provisions of section 34 of chapter 29 in such manner as will secure the highest interest rate  
29 available consistent with the safety of the fund and with the requirement that all amounts on  
30 deposit be available for immediate withdrawal at any time. The fund shall be expended only for  
31 the purposes stated above at the direction of the council and any unexpended balances shall be  
32 redeposited, as herein provided, for future use consistent with this section.

33 SECTION 2. Chapter 62 of the General Laws is hereby amended by inserting after  
34 section 6N the following section:-

35 Section 6O. Every individual who files a separate return and every husband and wife  
36 filing a return jointly may voluntarily contribute all or part of any refund to which they are  
37 entitled or may voluntarily add an amount onto any amount due to be credited to the  
38 Massachusetts Cultural Development Fund, established pursuant to section 57¾ of chapter 10.

39 A contribution made under this section may be made with respect to any taxable year at  
40 the time of filing a return of the tax imposed by this chapter for such taxable year. The  
41 commissioner shall prescribe the manner in which such contribution shall be made on the face of  
42 the return required by section 5 of chapter 62C; provided, however, that the commissioner shall  
43 assure that taxpayers filing any such forms are made clearly aware of their ability to make the  
44 contributions provided for by this section.

45 The commissioner shall annually certify to the state treasurer and the Massachusetts  
46 Cultural Council, established pursuant to section 52 of chapter 10, the total amount contributed  
47 under this section and the treasurer shall credit such total amount to the Massachusetts Cultural  
48 Development Fund. The commissioner shall report to the Massachusetts Cultural Council the  
49 percentage of contribution amounts by county as determined by the address of the taxpayer.  
50 Contributions made by taxpayers with addresses outside of the commonwealth shall be  
51 aggregated and reported as a separate category.