

SENATE No. 2022

The Commonwealth of Massachusetts

PRESENTED BY:

Adam G. Hinds

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 Public Arts Program.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Adam G. Hinds	Berkshire, Hampshire, Franklin and Hampden	
Eric P. Lesser	First Hampden and Hampshire	
Joanne M. Comerford	Hampshire, Franklin and Worcester	1/28/2019
José F. Tosado	9th Hampden	1/30/2019
Patrick M. O'Connor	Plymouth and Norfolk	1/31/2019
Brendan P. Crighton	Third Essex	2/1/2019
Joan B. Lovely	Second Essex	2/1/2019
Sal N. DiDomenico	Middlesex and Suffolk	2/1/2019
Mindy Domb	3rd Hampshire	2/1/2019
Mary S. Keefe	15th Worcester	2/1/2019
Mathew J. Muratore	1st Plymouth	2/1/2019
Lindsay N. Sabadosa	1st Hampshire	2/11/2019

SENATE No. 2022

By Mr. Hinds, a petition (accompanied by bill, Senate, No. 2022) of Adam G. Hinds, Eric P. Lesser, Joanne M. Comerford, José F. Tosado and other members of the General Court for legislation to establish a Massachusetts Public Arts Program. Tourism, Arts and Cultural Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1896 OF 2017-2018.]

The Commonwealth of Massachusetts

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**In the One Hundred and Ninety-First General Court
(2019-2020)**
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An Act to establish a Massachusetts Public 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 public arts 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.