

Key Legislation for 2017-2018 that Supports Artists of All Disciplines

Emergency Aid Fund for Artists of All Disciplines

H.1787 *An Act establishing a disaster and emergency aid fund for Massachusetts artists*, filed by Rep. Chris Walsh & its counter part in the Senate **S.1893** filed by Senator Linda Dorcea Forry

An Act Establishing a Disaster and Emergency Aid Fund for Massachusetts Artists. This legislation, if passed, would allow for the State Treasurer's Office to establish a specific state fund for Disaster/Emergency Aid for Massachusetts Artists working in all disciplines. This fund will be used to help artists who have had a health care emergency (i.e. could not pay their medical bills or medical insurance) as well as to help those artists who suffered other types of emergencies (fires, floods, theft). The funds would be generated by the private sector. No funds would be taken out of existing state funds or the state budget.

Supporting Artists, Public Art, and Artist in Residence Programs

H.1788 *An Act relative to procurement services for artists*, filed by Rep. Chris Walsh & its counter part in the Senate, **S.1900** *An Act furthering growth in the creative economy*, filed by Senator James T. Welch

The Commonwealth of Massachusetts' Public Procurement Act, Chapter 30B, has precise language on the process for the procurement of supplies, services or real property by a governmental body. Currently, under 30B, it is not possible to pay artists to develop with a concept. The competitive bidding process does not take into account subjective value, which is intrinsic to art. These two pieces of legislation correct this and if passed will allow more public art, artists in residency programs and artists of all disciplines to be hired by our municipalities. It is revenue neutral. States that have this exemption: *AK, Delaware, FL, GA, ID, IL, KY, NJ, NM, NC, PA, RI, SC, and SD*

H.2717 *An Act to establish a Massachusetts percent for the arts program*, filed by Rep. Chris Walsh & its counter part in the Senate, **S.1896**, filed by Senator Eric P. Lesser

The Commonwealth needs a percent for art program. The structure of the program is well thought out and has both a public art commission and a paid coordinator of the program. This legislation supports Massachusetts artists by giving them preference and also protects artists' intellectual property rights.

Artists Rights/Labor Issues & Intellectual Property

H.1043 *An Act Relative to the Creative Economy Bill* -filed by Rep. Chris Walsh & its counter part in the Senate, **S.1030**, filed by Senator Michael O. Moore

The Independent Contractor 2004 law change has been an issue that has been negatively impacting those in the Creative Economy. These two identical bills fix this issue for our sector with an intellectual property carve out. The 2004 Independent Contractor law change made it next to impossible for people to be classified as independent contractors in this State. Once you are classified as an employee you do not own or control your intellectual property*. It is the property of the employer. The Senate Bill has been filed by Senator Michael Moore and the House Bill was filed by Representative Chris Walsh. *Intellectual property encompasses copyright, patents, trademarks, royalties, licensing rights, publishing rights, etc.

H.1642- *An Act Relative to Artistic Contributions*, filed by Rep. Chris Walsh

House Bill 1642 is modeled after a federal piece of legislation (Artist-Museum Partnership Act (HR 1830)) which would allow artists to deduct (on their federal taxes) the fair market value of work they donate to a nonprofit collecting institution: This bill would help to better support Massachusetts of all disciplines who donate or are asked to donate their work to non profit collecting institutions such as museums, libraries, and archives. Presently, artists can only deduct the cost of materials on their state and federal taxes for work they donate to a collecting institution, while those who donate a work of art they own (ie did not create it) may deduct the full fair market value of the art work on their state and federal taxes. Passing this law will also help our collecting institutions, most of which have very limited collecting funds/budgets, to acquire and preserve more arts works for future generations.

Artists Rights/Labor Issues & Intellectual Property (continued)

H.1786 *An Act relative to resale royalties for artists*, filed by Rep. Chris Walsh

The need for this legislation to become law is urgent. Visual artists should be able to earn royalties when their work is resold. Artists in other disciplines (musicians, songwriters, writers etc.) have such needed revenue streams. The Massachusetts Cultural Council would be part of this needed solution to ensure visual artists are paid for their work when it is resold in the market place.

Needed Economic Initiative for Massachusetts Artists

S.1895 *An Act to foster artist businesses in Cultural Districts*, by Senator Eric P. Lesser

This legislation not only builds upon the Massachusetts Cultural Council's important and successful state wide Cultural Districts program, but it supports Massachusetts artists by exempting one of a kind works of art from the state's sale tax when sold in a MCC approved cultural district.

Laureate Programs

H.1784 *An Act to create the position of poet laureate for the commonwealth of Massachusetts*, filed by Rep. Denise Provost

This is a good bill but it needs to offer a modest stipend to at least cover the poet laureate's travel costs. There must also be administrative support from a designated state agency to help them fulfill their role (help with outreach and PR, etc.). A good model is the private/public partnership the National Poet Laureate position uses as a model to follow. The link that model: http://www.loc.gov/poetry/about_laureate.html *Artists should be compensated for their work.*

H.1785 *An Act relative to the architect laureate*, filed by Rep. Chris Walsh

Again this is a good bill but it needs to offer a modest stipend to at least cover the poet laureate's travel costs. There must also be administrative support from a designated state agency to help them fulfill their role (help with outreach and PR, etc.). A good model is the private/public partnership the National Poet Laureate position uses as a model to follow. The link that model: http://www.loc.gov/poetry/about_laureate.html *Artists should be compensated for their work.*

Other Important Pieces of Legislation

H.1782 *An Act to expand membership opportunities in local cultural councils*, filed by Rep. Kenneth Gordon

It is important to encourage more residents of the Commonwealth to become involved with the arts. The Local Cultural Councils, a program of the Mass Cultural Council, does this. This legislation will enable more people to engage with the arts and our local governments.

H.3017 *An Act to preserve affordable housing through a local option tenant's right to purchase*, filed by Rep. Denise Provost

This legislation authorizes municipalities to grant tenants of residential buildings with three or more units the right of first refusal to purchase such buildings at fair market value.