

HOUSE No. 4163

The Commonwealth of Massachusetts

PRESENTED BY:

Solomon Goldstein-Rose and Stanley C. Rosenberg

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 public art fund in the town of Amherst.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Solomon Goldstein-Rose</i>	<i>3rd Hampshire</i>
<i>Stanley C. Rosenberg</i>	<i>Hampshire, Franklin and Worcester</i>

HOUSE No. 4163

By Representative Goldstein-Rose of Amherst and Senator Rosenberg, a joint petition (accompanied by bill, House, No. 4163) of Solomon Goldstein-Rose and Stanley C. Rosenberg (by vote of the town) that the town of Amherst be authorized to establish a public art fund in said town. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

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

An Act to establish a public art fund in the town of Amherst.

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. (a) As used in this section, the following words shall, unless the context
2 clearly requires otherwise, have the following meanings:

3 “Capital improvement”, the construction of public buildings, or additions to existing
4 buildings, including land acquisition costs and equipment needed to furnish the new building or
5 addition for the first time; or major alterations, renovations, or improvements to existing
6 buildings that extend the useful life of the existing buildings by at least 10 years.

7 “Estimated eligible funds”, the estimated funds for construction projects from the General
8 Fund of the town of Amherst, including any funds to be borrowed that will be repaid from the
9 General Fund unless excluded as an appropriate purpose for expenditure, as determined by the
10 town manager or a designee.

11 (b) Notwithstanding section 53 of chapter 44 of the General Laws, or any other general or
12 special law to the contrary, the town of Amherst may establish a special fund to be known as the
13 Public Art Fund for the purpose of allocating monies for the development and creation of art in
14 and upon public space in the town of Amherst. The fund shall be credited, without further
15 appropriation, with an amount equal to ½ per cent of the total estimated eligible funds of
16 construction or capital improvement projects with a budget of not less than \$100,000; provided,
17 however, that if the estimated eligible funds are decreased, such credit to the fund shall be
18 recalculated based on the lower estimated eligible funds; and provided, further, that the costs for
19 public art projects funded by the Public Art Fund shall be eligible for borrowing. Any interest
20 accrued shall be credited to and become part of the fund. Any balance remaining at the end of a
21 fiscal year shall carry over to the next fiscal year and thereafter if not then expended for the
22 purposes set forth in this act.

23
24 (c) Monies in the fund may be expended for: (i) design services of artists; (ii) the
25 selection, acquisition, purchase, commissioning, installation, examination or display of original
26 artworks; (iii) necessary jurying fees or payments to artists for submitting proposals; (iv)
27 necessary travel by the artist during the selection or art development process; (v) site permits or
28 fees; (vi) plaques,

29 labels or other identification materials; (vii) the maintenance of artworks; (viii) educating
30 the public about the artwork; and (ix) administrative costs to manage the program; provided,
31 further, that monies unused from capital building projects that are not otherwise returned to the

32 funding source pursuant to paragraph (d), may be used to support performing arts or other public
33 art needs as determined by the public art commission of the town of Amherst.

34

35 (d) Any monies appropriated to the Public Art Fund for a particular municipal art project
36 which have not been spent within 3 years of such appropriation, or, upon approval by the select
37 board of the town of Amherst, within 5 years, shall become available for the purposes of the
38 general public art needs of the town, as recommended by the public art commission of the town
39 of Amherst; provided, however, if such monies are derived from a note or bond authorized by the
40 select board of the town of Amherst or from other special purpose or dedicated funds, the monies
41 shall revert to the funds from which they derive at the expiration of said 3 or 5 year period.

42 SECTION 2. This act shall take effect upon its passage.