

SENATE No. 113

The Commonwealth of Massachusetts

PRESENTED BY:

Paul W. Mark

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 improving accessibility in the creative economy.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Paul W. Mark</i>	<i>Berkshire, Hampden, Franklin and Hampshire</i>	
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/15/2023</i>
<i>Jacob R. Oliveira</i>	<i>Hampden, Hampshire and Worcester</i>	<i>2/16/2023</i>
<i>John Barrett, III</i>	<i>1st Berkshire</i>	<i>2/21/2023</i>

SENATE No. 113

By Mr. Mark, a petition (accompanied by bill, Senate, No. 113) of Paul W. Mark, Vanna Howard, Jacob R. Oliveira and John Barrett, III for legislation to improve accessibility in the creative economy. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

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

An Act improving accessibility in the creative economy.

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 6 Section 186 of the General Laws is hereby amended by adding
2 the following section:-

3 Section 1 (a). There shall be established and set up on the books of the commonwealth a
4 separate fund, upon passage of this legislation, to be known as the Accessibility in the Creative
5 Economy (ACE) grant program, to be administered by the office on disability for the purposes of
6 supporting capital improvements and projects to improve programmatic access and or remove
7 barriers encountered by persons with disabilities in applicant for-profit, non-profit and public
8 organizations throughout the Commonwealth that are part of the arts, humanities and interpretive
9 sciences sector.

10 (b) The fund shall be held in trust by the office on disability exclusively for the purposes
11 established in section (a). The fund shall be administered by the office on disability, which will
12 serve as treasurer and custodian of the fund and shall have the custody of its monies and

13 securities, in consultation with the board established in section (c). As custodian of the fund, the
14 office on disability may accept monetary donations to the fund from individuals, organizations,
15 associations, nonprofits, businesses, estates, foundations or other entities. Under this program, no
16 less than half of one per cent of the funds appropriated for the executive office of health and
17 human services shall be designated for the ACE grant program.

18 In addition to the funds referenced above, the fund shall also include: (i) income derived
19 from the investment of any amounts credited to the fund; and (ii) all other monies credited to or
20 transferred to the fund from any other fund or source. The comptroller may certify amounts for
21 payment in anticipation of expected receipts; provided, however, that no expenditure shall be
22 made from the fund that shall cause the fund to be deficient at the close of a fiscal year. Amounts
23 credited to the fund shall be available for expenditure, without further appropriation, by the
24 office on disability, and any money remaining in the fund shall not revert to the general fund and
25 may be used in subsequent fiscal years for investments including, but not limited to supporting
26 capital improvements and projects to improve programmatic access and or remove barriers
27 encountered by persons with disabilities in applicant for-profit, non-profit and public arts,
28 humanities and interpretive science organizations throughout the Commonwealth.

29 (c) There shall be a board consisting of a majority of individuals with disabilities and
30 individuals with experience advocating on behalf of individuals with disabilities. The board shall
31 consist of: 3 persons appointed by the governor, 2 persons appointed by the speaker of the house
32 of representatives; 2 persons appointed by the senate president; the director of the office on
33 disability or a designee, the managing director of open door arts or a designee; 1 person from the
34 disability law center, and the executive director of mass cultural council or a designee.

35 (d) The board shall make recommendations to the office on disability on the criteria for
36 making grants available to communities and organizations. Eligible uses shall include, but not be
37 limited to: (i) training or comprehensive support for for-profit, non-profit and public
38 organizations providing creative services; (ii) individualized consulting services created and led
39 by members of the disabilities community; (iii) capital improvements specifically dedicated to
40 improving programmatic access or removing barriers encountered by persons with disabilities in
41 applicant facilities, including but not limited to increasing both physical access and
42 programmatic access through the addition of features such as ramps, elevators, power lifts and
43 limited use/limited application (LULAs) signage, communication access devices, curb cuts or
44 any other features that are designed to improve architectural access or programmatic access; (iv)
45 planning for updating or creating a self-evaluation or transition plan as required under the
46 Administrative Requirements of Title III of the ADA; and (v) in selecting applicant
47 organizations for capital or projects, the board shall give preference to artists residing in the
48 commonwealth. Grants will be awarded on a competitive basis to projects that demonstrate real
49 and tangible positive impacts to persons with disabilities. The distribution of grants from the
50 fund shall consider racial diversity and equity, geographic diversity, and programmatic diversity
51 within the cultural sector.

52 (e) The board shall submit an annual report to the director of the office on disability, the
53 house and senate committees on ways and means, the joint committee on tourism, arts and
54 cultural development, and the joint committee on children, families and persons with disabilities
55 no later than December 31 detailing the expenditure of the funds, including the amount of
56 assistance provided to qualified organizations and a list of grant recipients. Said report shall also
57 include the unexpended balance of the fund. This report shall be considered a public record.