

HOUSE No. 3418

By Mr. Turkington of Falmouth, petition of Eric Turkington and others establishing artist enterprise zones by encouraging the creation of affordable live/work spaces for artists to benefit local communities. Tourism, Arts and Cultural Development.

The Commonwealth of Massachusetts

PETITION OF:

Eric Turkington	Christine E. Canavan
Denis E. Guyer	Kay Khan
Cleon H. Turner	Denise Provost
Peter V. Kocot	Mary E. Grant
Sarah K. Peake	Susan C. Fargo
Todd M. Smola	Jennifer M. Callahan
Michael R. Knapik	John A. Hart, Jr.
John W. Scibak	

In the Year Two Thousand and Seven.

AN ACT ESTABLISHING ARTIST ENTERPRISE ZONES.

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. Purpose. Because artists contribute to both the local
2 and state economy; because artists need unique working space and
3 can combine that working space with living space; because the pres-
4 ence of artist studios and artist live/work space has contributed to the
5 revitalization of previously abandoned or neglected neighborhoods
6 in such cities as Lowell, Boston, Pittsfield, New Bedford and others;
7 because artists function as small businesses by providing jobs and
8 service to their communities; because artist work and the studios of
9 resident artists generate a vibrant street life that enhances the quality
10 of a neighborhood for residents and visitors and acts as a deterrent to
11 crime; and because talented artists are currently leaving the state
12 because of the high cost of housing; the Commonwealth of Massa-
13 chusetts shall encourage the creation of affordable live/work space
14 for artists to benefit local communities through Artist Enterprise
15 Zones and by establishing guidelines and recommended standards

16 for artist housing, also known live/work space, for individual artists
17 and their families.

1 SECTION 2. Definitions. “Artist Enterprise Zone”, an economic
2 development zone in a city or town, to be designated by the Mayor
3 and the city council in the case of a city, or by the board of
4 selectmen in the case of a town, for the economic stimulus of works
5 of arts and the creation of artist housing, also known as artist
6 live/work space, that allows the artist to create works of art.

7 “Artist”, the person who creates a work of art.

8 “Work of art”, an original and creative work, whether written,
9 composed or executed for ‘one-of-a-kind limited’ production and
10 which falls into 1 of the following categories:— a painting; sculp-
11 ture; drawing; work of graphic art, including an etching, lithograph,
12 offset print, silk screen, or work of graphic art of like nature; a work
13 of calligraphy; or a work in mixed media including a collage, assem-
14 blage, or any combination of the foregoing art media; a book or
15 other writing; a play or the performance of said play; a musical com-
16 position or the performance of said composition; traditional and fine
17 crafts; the creation of a film or the acting within said film; the cre-
18 ation of a dance or the performance of said dance; any product gen-
19 erated as a result of any of the above categories; provided that a
20 “work of art” shall not apply to any piece or performance created or
21 executed for industry oriented or related production.

22 “Department”, the department of revenue.

1 SECTION 2. The cities and towns of the Commonwealth are
2 hereby allowed to designate the city or town or a portion thereof as
3 an Artist Enterprise Zone to encourage artists to live and work in the
4 Artist Enterprise Zone and to contribute to neighborhood revitaliza-
5 tion, tourism and small business employment through the produc-
6 tion, display and sale of works of art.

1 SECTION 3. To assist cities and towns, the Massachusetts Cul-
2 tural Council shall establish a statewide registry of artists to provide
3 certification that artist is eligible to live and work within an Artist
4 Enterprise Zone; furthermore, the Massachusetts Cultural Council in
5 conjunction with ArtistLink shall establish guidelines and recom-
6 mended standards for artist live/work space to assist cities and towns

7 in developing artist live/work space; and furthermore, not less than
8 \$100,000 shall be appropriated, over and above other appropriations,
9 to the Massachusetts Cultural Council to accomplish this.

1 SECTION 4. To further foster the growth and retention of artists
2 as small businesses, the Commonwealth of Massachusetts shall pro-
3 vide pilot grants to cities and towns to assist in the development of
4 appropriate artist live/work space within Artist Enterprise Zones;
5 and further that the Massachusetts Cultural Council administer the
6 grant program; and further that no less than \$200,000 be expended,
7 over and above the general appropriations to the Massachusetts Cul-
8 tural Council, to fund these grants.

1 SECTION 5. Notwithstanding Section 2 of Chapter 64H or any
2 other provision of General or special law to the contrary, in tax years
3 2007 and 2008 no excise shall be imposed upon on-location sales of
4 works of art. The department shall establish guidelines regarding
5 the implementation of this section and shall require the submission
6 of evidence relating to the publication, production or creation of the
7 works as may be deemed necessary by the department for the pur-
8 poses of the exemption. The department may also require an annual
9 submission of an accounting of the numbers of works sold, the type
10 of work sold and the date of the sale. Failure to file this report may
11 terminate an individual's eligibility for the exemption.

1 SECTION 6. Notwithstanding Sections 3 and 4 of Chapter 62 or
2 any other provision of General or special law to the contrary, in tax
3 years 2007 and 2008 an artist to whom this section applies and who
4 duly makes a claim to the department in that behalf shall, subject to
5 paragraph (2) below, be entitled to have the profits or gains arising
6 to him or her from the publication, production or sale of a work of
7 art or works of art be taken as a modification reducing Massachu-
8 setts taxable income.

9 (2) The modification authorized by this section shall apply to the
10 year in which the profit or gain from the publication, production or
11 sale of a work of art is realized. The total modifications allowed in
12 any taxable year shall not exceed \$100,000 for any artist.

13 (3) This section shall only apply to an artist who is a resident of
14 an Artist Enterprise Zone and has been certified through the artist
15 registry created by the Massachusetts Cultural Council.

16 (4) The department shall establish guidelines regarding the imple-
17 mentation of this section and shall require the submission of evi-
18 dence relating to the publication, production or creation of the works
19 as may be deemed necessary by the department for the purposes of
20 the exemption. The department may also require an annual submis-
21 sion of an accounting of the numbers of works sold, the type of work
22 sold and the date of the sale. Failure to file this report may termi-
23 nate an artist's eligibility for the exemption.