

By Mr. Nuciforo, a petition (accompanied by bill, Senate, No. 1849) of Andrea F. Nuciforo, Jr., Robert A. Antonioni and Emile J. Goguen for legislation to establish pilot artist enterprise zones. Tourism, Arts and Cultural Development.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT ESTABLISHING PILOT 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. Definitions

2 "Art dealer", a person engaged in the business of selling works
3 of art, other than a person exclusively engaged in the business of
4 selling goods at public auction.

5 "Artist Enterprise Zone", an economic development zone in a
6 city or town, to be designated by the Mayor and the city council in
7 the case of a city, or by the board of selectmen in the case of a
8 town, for the economic stimulus of works of arts.

9 "Artist", the person who creates a work of art.

10 "Work of art", an original and creative work, whether written,
11 composed or executed for 'one-of-a-kind limited' production and
12 which falls into 1 of the following categories: a painting; sculp-
13 ture; drawing; work of graphic art, including an etching, litho-
14 graph, offset print, silk screen, or work of graphic art of like
15 nature; a work of calligraphy; or a work in mixed media including
16 a collage, assemblage, or any combination of the foregoing art
17 media; a book or other writing; a play or the performance of said
18 play; a musical composition or the performance of said composi-
19 tion; traditional and fine crafts; the creation of a film or the acting
20 within said film; the creation of a dance or the performance of
21 said dance; any product generated as a result of any of the above
22 categories; provided that a "work of art" shall not apply to any
23 piece or performance created or executed for industry oriented or
24 related production.

25 “Department”, the department of revenue.

26 “On-location sale”, a sale transacted in-person, not by tele-
27 phonic or other electronic means, within an Artist Enterprise
28 Zone.

1 SECTION 2. There are hereby established a Pilot Artist Enter-
2 prise Zone in the city of Pittsfield and a Pilot Artist Enterprise
3 Zone in the city of Fitchburg. No later than July 1, 2005, the
4 mayor and city council for the city of Pittsfield are authorized to
5 designate a specific area located in the “downtown” of Pittsfield
6 as the Artist Enterprise Zone. No later than July 1, 2005, the
7 mayor and city council for the city of Fitchburg are authorized to
8 designate a specific area located in the “downtown” of Fitchburg
9 as the Artist Enterprise Zone.

1 SECTION 3. Notwithstanding section 2 of chapter 64H or any
2 other provision of General or special law to the contrary, in tax
3 years 2005 and 2006 no excise shall be imposed upon on-location
4 sales of works of art. The department shall establish guidelines
5 regarding the implementation of this section and shall require the
6 submission of evidence relating to the publication, production or
7 creation of the works as may be deemed necessary by the depart-
8 ment for the purposes of the exemption. The department may also
9 require an annual submission of an accounting of the numbers of
10 works sold, the type of work sold and the date of the sale. Failure
11 to file this report may terminate an individual’s eligibility for the
12 exemption.

1 SECTION 4. Notwithstanding sections 3 and 4 of chapter 62 or
2 any other provision of General or special law to the contrary, in
3 tax years 2005 and 2006 an artist to whom this section applies and
4 who duly makes a claim to the department in that behalf shall,
5 subject to paragraph (2) below, be entitled to have the profits or
6 gains arising to him or her from the publication, production or
7 sale of a work of art or works of art be taken as a modification
8 reducing Massachusetts taxable income.

9 (2) The modification authorized by this section shall apply to
10 the year in which the profit or gain from the publication, produc-
11 tion or sale of a work of art is realized. The total modifications

12 allowed in any taxable year shall not exceed \$100,000 for any
13 artist.

14 (3) This section shall only apply to an artist who is a resident of
15 an Artist Enterprise Zone.

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

