

2009 -- H 6288

LC02740

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2009

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- ALLOCATION FOR ART FOR  
PUBLIC FACILITIES ACT

Introduced By: Representative Eileen S. Naughton

Date Introduced: June 16, 2009

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 42-75.2-3, 42-75.2-4, 42-75.2-5, 42-75.2-6 and 42-75.2-7 of the  
2 General Laws in Chapter 42-75.2 entitled "Allocation for Art for Public Facilities Act" are hereby  
3 amended to read as follows:

4 **42-75.2-3. Definitions.** -- For the purposes of this chapter:

5 (1) "Acquisition" means acquisition by purchase, lease, or commission.

6 (2) "Architect" means any person or firm retained to design, or prepare plans or  
7 specifications for any part of the public construction project, including, but not limited to,  
8 landscape, interior, electrical, plumbing, heating, utility, engineering, or fixture design.

9 (3) "Art, artwork, or works of art" means frescoes, mosaics, sculpture, drawings,  
10 paintings, photography, calligraphy, graphic art, stained glass, wall hangings, tapestries,  
11 fountains, ornamental gateways, monuments, displays, architectural embellishments, crafts,  
12 architectural landscaping, landscape gardening, or any work of mixed media by a professional  
13 artist, artisan, or craftsperson.

14 (4) "Artist" means any practitioner generally recognized by his or her peers or by critics  
15 as a professional who produces works of art. This definition does not include the architect of the  
16 subject public building under construction or any member of that architect's firm.

17 (5) "Capital construction and construction costs" means costs expended for the actual  
18 construction of a given state building or facility, including the costs for remodeling, renovation,

1 or reconstruction.

2 (6) "Committee" means a standing committee for public art whereby members shall be  
3 selected and appointed by the council and shall contain at least one member of the Rhode Island  
4 state council on the arts; one landscape architect, architect, urban planner or related design  
5 professional; one private citizen knowledgeable in the field of public art, education or community  
6 affairs; and one active professional artist. Each committee member will serve for a term or terms  
7 pursuant to procedures established by the council.

8 ~~(6)~~(7) "Construction" means original construction, remodeling, renovation, or  
9 reconstruction.

10 ~~(7)~~(8) "Council" means the Rhode Island state council on the arts.

11 ~~(8)~~(9) "Representative of the community" means a person, or representative of a group or  
12 groups, which would be reasonably expected to utilize the building or facility.

13 ~~(9)~~(10) "State agency or department" means the agency of state government to which  
14 funds have been appropriated or allocated for the construction, remodeling, reconstruction or  
15 renovation of any public building or other public facility.

16 ~~(10)~~(11) "State building, public building, state facility or public facility" means any  
17 permanent structure together with all grounds and appurtenant structures which are intended to  
18 act as offices, laboratories, workshops, courtrooms, hearing or meeting rooms, storage, or other  
19 space for carrying on the functions of a state agency, auditoriums, meeting rooms, classrooms, or  
20 other educational facilities, eating, sleeping, medical, dental, library, museum space for use by the  
21 general public or a facility used to house conventions, trade shows, exhibitions, displays,  
22 meetings, banquets, and other events as well as facilities related thereto. This definition does not  
23 include: public highways, bridges, sewers, fishponds, fish hatcheries, prisons, service facilities at  
24 state parks and highway rest areas, or separate buildings not part of a larger construction project,  
25 which are intended solely as storage, warehouse, or maintenance and repair facilities.

26 ~~(11)~~(12) "User" means the designated person, agency, department, or entity having  
27 principal administrative responsibility for the actual utilization of a proposed state facility.

28 **42-75.2-4. Allocation for art.** -- (a) A state building or state facility constructed,  
29 remodeled, or renovated after January 1, 1988 shall include works of art for public display.

30 (b) The council, with the advice of the committee, shall annually review the list of  
31 capital projects approved by the general assembly and designate those projects where ~~All~~ state  
32 agencies or departments shall expend, as a nondeductible item, out of any monies appropriated  
33 for construction, remodeling, or renovation of any state facility an art allocation amount ~~of at~~  
34 ~~least~~ not to exceed one percent (1%) for the purpose of including works of art in the state facility

1 and supporting community public art or arts education projects. For each project designated,  
2 three-quarters of one percent (0.75%) of the art allocation amount shall be expended for public art  
3 in the state facility, and one-quarter of one percent (0.25%) of the art allocation amount shall be  
4 used to support community public art or arts education projects.

5 (c) Where construction, remodeling or renovation of a state facility is budgeted at under  
6 two hundred fifty thousand dollars (\$250,000), the council, on the advice of the committee, may  
7 require that the art allocation amount ~~funds appropriated under this chapter for art for that public~~  
8 ~~facility may~~ be transferred to the art for public facilities fund for expenditure by the ~~Rhode Island~~  
9 ~~state council on the arts~~ council to support community public art or arts education projects ~~for art~~  
10 ~~in other state facilities.~~

11 (d) Nothing in this chapter shall prohibit additional expenditures for art beyond the  
12 amounts provided by specific appropriation.

13 **42-75.2-5. Establishment of fund. --** (a) Each state agency or department shall make  
14 payments for purposes under this chapter at the direction of the council through the committee for  
15 acquisition of art as provided in this chapter and for expenses incurred in the administration of  
16 this program.

17 (b) A separate account is established within the state treasury to be known and  
18 maintained as the art for public facilities fund. The fund shall be used for ~~acquisition for art as~~  
19 ~~provided in this chapter and for expenses incurred in the administration of this program~~ public art  
20 conservation, education and other related purposes. The fund may derive income from:

- 21 (1) Appropriations made as provided in this chapter.
- 22 (2) Grants, from governmental or other sources.
- 23 (3) Gifts, if the terms of the gift are consistent with the purposes of this chapter and other  
24 lawful requirements.
- 25 (4) Other appropriations made by the general assembly.

26 **42-75.2-6. Administration. --** (a) The Rhode Island state council on the arts is  
27 responsible for the administration of this chapter. It has the power and authority to contract with  
28 artists in any manner that is in conformity with this chapter, and it has the authority to make  
29 expenditures from the art for public facilities fund, from the funds available in that fund. It shall  
30 select and appoint ~~each panel~~ the public art committee provided by this chapter and has the  
31 authority to make expenditures for the expenses of the ~~panel~~ committee as provided in this  
32 chapter.

33 (b) The Rhode Island state council on the arts shall keep an inventory of the works of art  
34 acquired under this chapter. It shall also periodically review and examine the artwork, reporting

1 to the general assembly when restoring, repairing, or replacing any work of art is necessary and  
2 how that should be accomplished. Any costs in this connection shall be charged against the art for  
3 public facilities fund. The costs of administering the program, other than immediately  
4 aforementioned, shall be provided by the general assembly as it deems fit in its annual  
5 appropriation to the Rhode Island state council on the arts.

6 (c) The Rhode Island state council on the arts shall submit an annual report to the general  
7 assembly listing all action taken pursuant to this chapter.

8 **42-75.2-7. Selection of works of art and artists.** -- (a) Artists and their works of art to  
9 be acquired under this chapter shall be selected by the Rhode Island state council on the arts with  
10 the advice of ~~a panel~~ the committee ~~specifically chosen for each project,~~ pursuant to procedures  
11 established by the ~~Rhode Island state~~ council ~~on the arts.~~ ~~Each panel~~ This committee will advise  
12 the council on issues of program planning, designating sites, overseeing the artist selection  
13 process, commissioning artwork, and other matters as pursuant to procedures established by the  
14 council. The committee shall ensure the participation of state agencies, on an ad hoc basis, in the  
15 selection of work for their facility ~~shall contain at least one representative of the architect, one~~  
16 ~~representative of the user, one representative of the community, and one professional artist.~~ Each  
17 committee member will serve for a term or terms as established by procedure.

18 (b) The acquisition of art under this chapter shall be exempt from any and all state  
19 bidding requirements. ~~Panel~~ Committee members shall not be paid except for reimbursement for  
20 necessary costs and in-state travel expenses. ~~Panel~~ Committee members and members of their  
21 families shall not be considered in the selection of an artist. All formal or informal meetings and  
22 deliberations by the ~~panel~~ committee shall be open and public as established by law. Cooperation  
23 with other local and national art agencies is required.

24 (c) Whenever possible the selection of art, artwork, or works of art of Rhode Island  
25 artists shall be encouraged by the ~~panel~~ committee. The committee shall establish a procedure  
26 whereby at least one Rhode Island artist shall be included in the list of finalists for every public  
27 project.

28 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- ALLOCATION FOR ART FOR  
PUBLIC FACILITIES ACT

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1           This act would change the allocation for art formula that state agencies or departments  
2    expend for construction, remodeling, or renovation of any state facility to an amount not to  
3    exceed one percent (1%) for the purpose of including works of art in the facility or to support  
4    community public art.

5           This act would take effect upon passage.

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