

2010 -- H 7070

=====
LC00261
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

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

Introduced By: Representatives Naughton, M Rice, E Coderre, Kilmartin, and McNamara

Date Introduced: January 12, 2010

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. Upon request by a state agency, department, or
8 entity involved with each proposed project, the committee membership shall be expanded to
9 contain at least one representative of the architect for the proposed project, one representative of
10 the user, one representative of the community, and one professional artist. These four (4)
11 additional members shall be selected by the user agency.

12 ~~(6)~~(7) "Construction" means original construction, remodeling, renovation, or
13 reconstruction.

14 ~~(7)~~(8) "Council" means the Rhode Island state council on the arts.

15 ~~(8)~~(9) "Representative of the community" means a person, or representative of a group or
16 groups, which would be reasonably expected to utilize the building or facility.

17 ~~(9)~~(10) "State agency or department" means the agency of state government to which
18 funds have been appropriated or allocated for the construction, remodeling, reconstruction or
19 renovation of any public building or other public facility.

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

30 ~~(11)~~(12) "User" means the designated person, agency, department, or entity having
31 principal administrative responsibility for the actual utilization of a proposed state facility.

32 **42-75.2-4. Allocation for art. --** (a) A state building or state facility constructed,
33 remodeled, or renovated after January 1, 1988 shall include works of art for public display.

34 (b) The council, with the advice of the committee, shall annually review the list of

1 capital projects approved by the general assembly and designate those projects where ~~All~~ state
2 agencies or departments shall expend, as a nondeductible item, out of any monies appropriated
3 for construction, remodeling, or renovation of any state facility an art allocation amount of at
4 least three quarters of one percent (0.75%) not to exceed one percent (1%) for the purpose of
5 including works of art in the state facility and supporting community public art. For each project
6 designated, three-quarters of one percent (0.75%) of the art allocation amount shall be expended
7 for public art in the state facility, and one-quarter of one percent (0.25%) of the art allocation
8 amount shall be used to support community public art.

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

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

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

20 (b) A separate account is established within the state treasury to be known and
21 maintained as the art for public facilities fund. The fund shall be used for acquisition for art as
22 provided in this chapter and for expenses incurred in the administration of this program. The fund
23 may derive income from:

24 (1) Appropriations made as provided in this chapter.

25 (2) Grants, from governmental or other sources.

26 (3) Gifts, if the terms of the gift are consistent with the purposes of this chapter and other
27 lawful requirements.

28 (4) Other appropriations made by the general assembly.

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

1 chapter.

2 (b) The Rhode Island state council on the arts shall keep an inventory of the works of art
3 acquired under this chapter. It shall also periodically review and examine the artwork, reporting
4 to the general assembly when restoring, repairing, or replacing any work of art is necessary and
5 how that should be accomplished. Any costs in this connection shall be charged against the art for
6 public facilities fund. The costs of administering the program, other than immediately
7 aforementioned, shall be provided by the general assembly as it deems fit in its annual
8 appropriation to the Rhode Island state council on the arts.

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

11 **42-75.2-7. Selection of works of art and artists.** -- (a) Artists and their works of art to
12 be acquired under this chapter shall be selected by the Rhode Island state council on the arts ~~with~~
13 upon the advice of ~~a panel~~ the committee ~~specifically chosen for each project~~, pursuant to
14 procedures established by the ~~Rhode Island state council on the arts~~. ~~Each panel~~ This committee
15 will advise the council on issues of program planning, designating sites, overseeing the artist
16 selection process, commissioning artwork, and other matters pursuant to procedures established
17 by the council. ~~shall contain at least one representative of the architect, one representative of the~~
18 ~~user, one representative of the community, and one professional artist.~~

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

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

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

=====
LC00261
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO STATE AFFAIRS AND GOVERNMENT -- ALLOCATION FOR ART FOR
PUBLIC FACILITIES ACT

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.

=====
LC00261

=====