

2007 -- H 5942

LC00203

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2007

A N A C T

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

Introduced By: Representative Peter L. Lewiss

Date Introduced: March 01, 2007

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. The title of Chapter 42-75.2 of the General Laws entitled "Allocation for
2 Art for Public Facilities Act" is hereby amended to read as follows:

3 ~~CHAPTER 42-75.2~~

4 ~~Allocation for Art for Public Facilities Act~~

5 CHAPTER 42-75.2

6 ALLOCATION FOR ART FOR PUBLIC PLACES ACT

7 SECTION 2. Sections 42-75.2-1, 42-75.2-3, 42-75.2-4, 42-75.2-5, 42-75.2-6 and 42-
8 75.2-9 of the General Laws in Chapter 42-75.2 entitled "Allocation for Art for Public Facilities
9 Act" are hereby amended to read as follows:

10 **42-75.2-1. Short title.** -- This chapter shall be known and cited as "Allocation for Art for
11 Public ~~Facilities~~ Places Act".

12 **42-75.2-3. Definitions.** -- For the purposes of this chapter:

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

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

17 (3) "Art, artwork, or works of art" means frescoes, mosaics, sculpture, drawings,
18 paintings, photography, calligraphy, graphic art, stained glass, wall hangings, tapestries,

1 fountains, ornamental gateways, monuments, displays, architectural embellishments, crafts,
2 architectural landscaping, landscape gardening, or any work of mixed media by a professional
3 artist, artisan, or craftsperson.

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

7 (5) "Capital construction and construction costs" means costs expended for the actual
8 construction of a given ~~state~~ building or place supported by state funding, facility, including the
9 costs for remodeling, renovation, or reconstruction.

10 (6) "Construction" means original construction, remodeling, renovation, or
11 reconstruction.

12 (7) "Council" means the Rhode Island state council on the arts.

13 (8) "Representative of the community" means a person, or representative of a group or
14 groups, which would be reasonably expected to utilize the building or facility place.

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

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

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

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

34 (b) All state agencies or departments shall expend, as a nondeductible item, out of any

1 monies appropriated for construction, remodeling, or renovation of any state ~~facility~~ place an
2 amount of at least one percent (1%) for the purpose of including works of art in the ~~facility~~ place.

3 (c) Where construction, remodeling or renovation of a state ~~facility~~ place is budgeted at
4 under two hundred fifty thousand dollars (\$250,000), funds appropriated under this chapter for art
5 for that public ~~facility may~~ place shall be transferred to the art for public ~~facilities~~ places fund for
6 expenditure by the Rhode Island state council on the arts for art in other state ~~facilities~~ places.

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

9 **42-75.2-5. Establishment of fund.** -- A separate account is established within the state
10 treasury to be known and maintained as the art for public ~~facilities~~ places fund. The fund shall be
11 used for acquisition for art as provided in this chapter and for expenses incurred in the
12 administration of this program. The fund may derive income from:

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

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

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

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

18 **42-75.2-6. Administration.** -- (a) The Rhode Island state council on the arts is
19 responsible for the administration of this chapter. It has the power and authority to contract with
20 artists in any manner that is in conformity with this chapter, and it has the authority to make
21 expenditures from the art for public ~~facilities~~ places fund, from the funds available in that fund. It
22 shall select and appoint each panel provided by this chapter and has the authority to make
23 expenditures for the expenses of the panel as provided in this chapter.

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

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

33 **42-75.2-9. Other works of art.** -- Nothing in this chapter shall be construed as precluding
34 the placement or purchase of other works of art. Nor shall anything in this chapter be construed as

1 precluding the use of ornamental detailing or other architectural, functional or structural
2 garnishing in constructing public buildings or ~~facilities~~ [places](#). Works of art acquired pursuant to
3 this chapter are to be in addition to those embellishments.

4 SECTION 3. This act shall take effect upon passage.

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

1 This act would replace "public facilities" with "public places" and amend other language
2 throughout the chapter. This act would also expand the allocation for art in any state building or
3 place constructed or renovated after January 1, 1988 to also include service facilities at state
4 parks, highway rest areas, separate buildings not part of a larger project, and adjudicative juvenile
5 facilities. This act would also require that funds appropriated under this chapter for construction
6 or renovation of state places budgeted at less than \$250,000 be transferred to the art for public
7 places fund for expenditure for art in other state places.

8 This act would take effect upon passage.

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