

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 605\*

Short Title: Art in State Buildings.

(Public)

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Sponsors: Senator Seymour.

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Referred to: State Personnel and State Government.

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March 29, 1993

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A FUNDING FORMULA AND A SELECTION  
PROCESS FOR THE INCLUSION OF WORKS OF ART IN STATE  
BUILDINGS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-408.3 reads as rewritten:

**"§ 143-408.3. Definitions.**

In this Article, unless the context otherwise requires, the following definitions shall apply:

- (1) 'Construction' means construction, reconstruction, remodeling, or renovation.
- (2) 'Contracting officer' means the public officer or body responsible for securing the preparation of plans and specifications for the purpose of negotiating or advertising for bids for the construction of a State building.
- (3) 'Designer' means an architect or engineer licensed in North Carolina.
- (4) 'Principal user' means the State agency which will be the principal occupant of the proposed State building. However, in cases where more than one agency will occupy a building, 'principal user' means the Secretary of the Department of Administration.
- (5) 'State building' means any permanent structure together with all grounds and appurtenant structures which are intended as offices; laboratories; workshops; courtrooms; hearing or meeting rooms; medical, dental, library, or museum space for use by the general

1 public; or other space for carrying on the functions of a State agency  
2 which is to be constructed, reconstructed, remodeled, or renovated  
3 using an appropriation of State funds when the amount appropriated  
4 for that purpose exceeds ~~five hundred thousand dollars (\$500,000)~~. one  
5 million dollars (\$1,000,000).

- 6 (6) 'Works of art' or 'art works' includes, but is not limited to, paintings,  
7 sculptures, fountain sculptures, frescoes, mobiles, murals, collages,  
8 mosaics, bas-reliefs, tapestries, photographs, drawings, silk screens,  
9 etchings, and lithographs. The term 'works of art' or 'art works' shall  
10 not include any reproductions of original art by mechanical means."

11 Sec. 2. G.S. 143-408.4 reads as rewritten:

12 **"§ 143-408.4. Appropriations and procedure for inclusion of art works.**

13 (a) One-half of one percent (0.5%) of the amount ~~spent~~ appropriated for the  
14 construction of each State building, not including the amount of funds used for land  
15 acquisition, shall be used for the acquisition of works of art for that building.

16 (b) The amount to be expended for the acquisition of art works for the building  
17 shall be included in the stated limit of the design contract and the amount shall also be  
18 incorporated by the designer in his total cost estimate for construction.

19 (c) If the contracting officer, the principal user and the Secretary of  
20 Administration jointly determine and certify in writing that, due to the use of the  
21 building or other reasons, a particular construction project is not appropriate for the  
22 placement of art works the provisions of this Article shall not apply, or, if not  
23 appropriate for the expenditure of a full one-half percent (0.5%) of the amount spent for  
24 construction as defined in G.S. 143-408.3, then in some percentage up to one-half  
25 percent.

26 (d) The selection and commissioning of artists and the acquisition and  
27 execution of works of art for State buildings undertaken pursuant to this Article shall be  
28 exempt from the provisions of all State bidding requirements. Expenditures for works  
29 of art as provided in this Article shall be contracted for separately from all other items in  
30 the construction project.

31 (e) Of the one-half of one percent (0.5%) of the amount ~~appropriated~~  
32 appropriated, or, in cases when an appropriation has been made for planning or design  
33 only, the amount approved by the Office of State Construction for the construction cost  
34 of a State building which is dedicated to the acquisition of works of art pursuant to  
35 subsection (a) of this section, no more than eight percent (8%) of those funds may be  
36 used for the administrative costs of acquiring the art works. Funds for the  
37 administrative costs for acquisition of the art works shall be dispersed to the Department  
38 of Cultural Resources at the time the design contract is signed.

39 (e1) Of the one-half of one percent (0.5%) of the amount estimated for the  
40 construction cost of a State building which is dedicated to the acquisition of works of art  
41 pursuant to subsection (a) of this section, up to ten percent (10%) of the funds reserved  
42 for the artist's fee may be used as advanced planning funds to enable the artist, upon  
43 selection, to develop working drawings and to incorporate plans for the art work in the

1 construction documents for the State building. Funds for advanced planning shall be  
2 dispersed at the time the artist's contract is approved.

3 (e2) Of the one-half of one percent (0.5%) of the amount appropriated for the  
4 construction cost of a State building which is dedicated to the acquisition of works of art  
5 pursuant to subsection (a) of this section, two percent (2%) will be placed in a  
6 nonreverting fund for the repair and conservation of the works of art in the Art Works  
7 for State Buildings Collection in the Department of Cultural Resources.

8 (f) The Department of Cultural Resources may issue any rules necessary for the  
9 implementation of this act and shall administer the program created by this act through  
10 the North Carolina Arts Council."

11 Sec. 3. G.S. 143-408.5(a) reads as rewritten:

12 "(a) Whenever a new State building is to be constructed, the contracting officer,  
13 together with the designer who has been engaged to prepare the plans for the project,  
14 shall consult with the principal user and the Public Arts Administrator of the North  
15 Carolina Arts ~~Council~~-Council, prior to the schematic phase of the building, regarding  
16 the works of art to be included in the design of the building and the artist or craftsman to  
17 be commissioned for the project."

18 Sec. 4. This act is effective upon ratification and applies to State buildings  
19 authorized after September 1, 1992.