

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 605*

State Personnel and State Government Committee Substitute Adopted 6/21/93
Third Edition Engrossed 7/6/93

Short Title: Art in State Buildings.

(Public)

Sponsors:

Referred to: Finance.

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;

1 laboratories; workshops; courtrooms; hearing or meeting rooms;
2 medical, dental, library, or museum space for use by the general
3 public; or other space for carrying on the functions of a State agency
4 which is to be constructed, reconstructed, remodeled, or renovated
5 using an appropriation of State funds when the amount appropriated
6 for that purpose exceeds ~~five hundred thousand dollars (\$500,000)~~ one
7 million dollars (\$1,000,000).

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

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

14 **"§ 143-408.4. Appropriations and procedure for inclusion of art works.**

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

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

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

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

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

41 (e1) Of the one-half of one percent (0.5%) of the amount estimated for the
42 construction cost of a State building that is dedicated to the acquisition of works of art
43 pursuant to subsection (a) of this section, up to ten percent (10%) of the funds reserved
44 for the artist's fee may be used as advanced planning funds to enable the artist, upon

1 selection, to develop working drawings and to incorporate plans for the art work in the
2 construction documents for the State building. Funds for advanced planning shall be
3 dispersed at the time the artist's contract is approved.

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

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

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

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

19 Sec. 4. G.S. 105-164.13 is amended by adding a new subdivision to read:

20 "(29a) Sales to State agencies of works of art for State buildings pursuant to
21 Article 47A of Chapter 143 of the General Statutes. As used in this
22 subdivision, the terms 'works of art' and 'State building' have the
23 meanings provided in G.S. 143-408.3."

24 Sec. 5. This act is effective upon ratification and applies to State buildings
25 authorized after 1 September 1992.