

GENERAL ASSEMBLY OF NORTH CAROLINA

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SENATE BILL 605\*

State Personnel and State Government Committee Substitute Adopted 6/21/93

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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 AND TO EXEMPT FROM SALES TAX SALES TO STATE AGENCIES OF WORKS OF ART FOR 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.

1 (5) 'State building' means any permanent structure together with all  
2 grounds and appurtenant structures which are intended as offices;  
3 laboratories; workshops; courtrooms; hearing or meeting rooms;  
4 medical, dental, library, or museum space for use by the general  
5 public; or other space for carrying on the functions of a State agency  
6 which is to be constructed, reconstructed, remodeled, or renovated  
7 using an appropriation of State funds when the amount appropriated  
8 for that purpose exceeds ~~five hundred thousand dollars (\$500,000)~~. one  
9 million dollars (\$1,000,000).

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

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

16 "**§ 143-408.4. Appropriations and procedure for inclusion of art works.**

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

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

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

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

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

43 (e1) Of the one-half of one percent (0.5%) of the amount estimated for the  
44 construction cost of a State building that is dedicated to the acquisition of works of art

1 pursuant to subsection (a) of this section, up to ten percent (10%) of the funds reserved  
2 for the artist's fee may be used as advanced planning funds to enable the artist, upon  
3 selection, to develop working drawings and to incorporate plans for the art work in the  
4 construction documents for the State building. Funds for advanced planning shall be  
5 dispersed at the time the artist's contract is approved.

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

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

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

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

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

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

26 Sec. 5. Section 4 of this act is effective September 1, 1993, and applies to  
27 sales made on or after that date. The remaining sections of this act are effective upon  
28 ratification and apply to State buildings authorized after September 1, 1992.