

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 1384
HOUSE BILL 453

AN ACT RELATING TO THE INCLUSION OF ART WORKS IN STATE BUILDINGS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 143 of the General Statutes is amended to add a new Article to read as follows:

"ARTICLE 47A.

"Art Works In State Buildings.

"§ 143-408.1. **Short title.** — This Article shall be cited as 'The Art Works in State Buildings Act.'

"§ 143-408.2. **Declaration of policy and statement of purpose.** — It is declared as a matter of public policy by the General Assembly of North Carolina that the State of North Carolina has a responsibility to its citizens to improve the quality of life and the public environment through art, and to promote the development of artists and craftsmen. It is, therefore, the purpose of the General Assembly to encourage the inclusion of art works in those State buildings which are either newly constructed, restored, or renovated and which are open to the public, except as hereinafter set out.

"§ 143-408.3. **Definitions.** — As used in this Article:

- (1) 'Architect' means an architect licensed under the provisions of Chapter 83A of the General Statutes.
- (2) 'Artist' means a practitioner in the visual or plastic arts whose objective is to create original works of art, and who is generally recognized as accomplished by others in the field of art. The term 'artist' includes artisans and craftspersons.
- (3) 'Principal user' means the head of the State agency which will be the principal occupant of the proposed State building. In cases where more than one agency will occupy such building, however, the term 'principal user' means the Secretary of the Department of Administration.
- (4) 'Art works' or 'works of art' mean any form of visual art work that may be integrated into the design of the building or serve as an addition to it, including, but not limited to, paintings, sculptures, fountain sculptures, frescoes, mobiles, murals, collages, mosaics, bas-reliefs, tapestries, photographs, drawings, silk screens, etchings, and lithographs. 'Art works' or 'works of art' shall not include landscape architecture or gardening nor any reproductions of original art by mechanical means.

"§ 143-408.4. **Procedures for inclusion of art works in State buildings.** — (a) A committee of six persons shall be established to receive applications from the principal users of State buildings and to determine their eligibility for the inclusion of a major work of art. The committee shall consist of the Secretary of the Department of Administration, the Secretary of the Department of Cultural Resources, and two members from the North Carolina Arts Council appointed by the council. The General Assembly shall appoint two members, one upon the recommendation of the Speaker of the House of Representatives, and one upon the recommendation of the President of the Senate. Appointments by the General Assembly shall

be made in accordance with G.S. 120-121, and vacancies in those appointments shall be filled in accordance with G.S. 120-122. This committee shall be designated as the Committee on Art in State Buildings. Appointments to the committee shall be for two-year terms beginning on July 1 of odd-numbered years.

(b) The Committee on Art in State Buildings will consider applications with priority being given first to newly constructed buildings, followed by restored buildings and then renovated buildings.

(c) The selection and commissioning of artists and the acquisition and execution of works of art for State buildings pursuant to this Article shall be exempt from the provisions of all competitive bidding requirements for State purchases. Expenditures for works of art as provided in this Article shall be contracted for separately from all other items in the construction, restoration, or renovation project.

(d) The provisions of this Article shall not apply to any construction project undertaken by The University of North Carolina.

"§ 143-408.5. Selection of artists and works of art. — (a) The selection of the artist and work of art for each eligible State building shall be the joint determination of a five-member panel of artists and architects appointed by the Committee on Art in State Buildings to make a recommendation appropriate for that particular State building.

(b) The recommendation of this panel will be presented together with an itemized cost and analysis for the project to the Committee on Art in State Buildings which will then either accept or reject the proposal."

Sec. 2. There is appropriated from the General Fund to the Department of Cultural Resources for fiscal year 1982-83 the sum of five thousand dollars (\$5,000) to provide art works for State buildings. When these funds are expended, no other funds shall be appropriated or transferred for this purpose. These funds shall not become a part of the continuation budget, and this act does not obligate the General Assembly to make any further appropriations. Any unexpended funds at the end of the 1982-83 fiscal year shall not revert to the General Fund.

Sec. 3. This act shall become effective July 1, 1982, but appointments to the committee may be made at any time after ratification of this act.

In the General Assembly read three times and ratified, this the 23rd day of June, 1982.