

GENERAL ASSEMBLY OF NORTH CAROLINA  
1987 SESSION

CHAPTER 1072  
HOUSE BILL 274

AN ACT PROVIDING 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.** Article 47A of Chapter 143 of the General Statutes is rewritten to read:

"ARTICLE 47A.

"Art Works For State Buildings.

"§ 143-408.1. **Short title.**—This Article shall be cited as 'The Art Works For 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 that the State of North Carolina seeks to improve the quality of life of its citizens through art and to promote the development of artists and craftsmen. It is, therefore, the purpose of the General Assembly to provide that a portion of future expenditures for construction of State buildings, except as hereinafter set out, shall be used for the inclusion of works of art in those buildings and that participation in the programs created by this act by all artists and craftsmen in every region of this State be encouraged.

"§ 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 public; or other space for carrying on the functions of a State agency which is to be constructed, reconstructed, remodeled, or renovated using an

appropriation of State funds when the amount appropriated for that purpose exceeds five hundred thousand dollars (\$500,000).

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

**"§ 143-408.4. Appropriations and procedure for inclusion of art works.**—(a) One-half of one percent (0.5%) of the amount spent for the construction of each State building, not including the amount of funds used for land acquisition, shall be used for the acquisition of works of art for that building.

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

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

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

(e) Of the one-half of one percent (0.5%) of the amount appropriated for the construction cost of a State building which is dedicated to the acquisition of works of art pursuant to subsection (a) of this section, no more than eight percent (8%) of those funds may be used for the administrative costs of acquiring the art works.

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

**"§ 143-408.5. Selection of artists and works of art.**—(a) Whenever a new State building is to be constructed, the contracting officer, together with the designer who has been engaged to prepare the plans for the project, shall consult with the principal user and the Public Arts Administrator of the North Carolina Arts Council regarding the works of art to be included in the design of the building and the artist or craftsman to be commissioned for the project.

(b) The selection of artists and works of art shall be the joint determination of the designer, the principal user, the Chairman of the North Carolina Arts Council, and two citizens appointed by the Chairman of the North Carolina Arts Council.

**"§ 143-408.6. Article not exclusive.**—This Article shall not be construed or interpreted as precluding the placement or purchase of other works of art using public funds nor

shall it be construed or interpreted as precluding the use of ornamental detailing, or other architectural functional or structural garnishing in constructing public buildings or facilities. The works of art acquired pursuant to this Article are to be in addition to the architectural embellishments."

**Sec. 2.** Nothing in this act shall obligate the State of North Carolina for any additional appropriation without approval by the Joint Appropriation Committee.

**Sec. 3.** This act is effective upon ratification and shall apply to State buildings authorized after September 1, 1988.

In the General Assembly read three times and ratified this the 7th day of July, 1988.