

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 2493

By: Gilbert

COMMITTEE SUBSTITUTE

( Public buildings and public works - Oklahoma Art in  
Public Places Act - codification - effective date -  
emergency )

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 7.1 of Title 61, unless there is  
created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Art in  
Public Places Act".

SECTION 2. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 7.2 of Title 61, unless there is  
created a duplication in numbering, reads as follows:

The Legislature recognizes the responsibility of Oklahoma to  
foster culture and the arts and declares it to be a priority that a  
portion of appropriations for capital expenditures or bond issues be  
set aside for the acquisition of works of art to be placed in public  
buildings or on public lands. The purpose of the Oklahoma Art in  
Public Places Act is to enhance public buildings, encourage state  
cultural development and foster the creativity of artists.

SECTION 3. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 7.3 of Title 61, unless there is  
created a duplication in numbering, reads as follows:

As used in the Oklahoma Art in Public Places Act:

1. "Art, artwork, or works of art" means all forms of original creations of visual art including but not limited to:

- a. sculpture, in any material or combination of materials, whether in the round, bas-relief, high relief, mobile, fountain, kinetic, or electronic,
- b. painting, including murals and frescoes,
- c. mosaic,
- d. photography,
- e. fine crafts made from clay, fiber and textiles, wood, glass, metal, plastics or any other material, or any combination thereof,
- f. drawing,
- g. calligraphy,
- h. mixed media composed of any combination of forms or media,
- i. unique architectural stylings or embellishments, including architectural crafts,
- j. ornamental gateways, and
- k. restoration or renovation of existing works of art of historical significance;

2. "Artist" means a practitioner in the visual arts committed to producing high quality work, as recognized by the peers and critics of the artist, on a regular basis. Artist does not include the architect of a public building under construction or any member of the architectural firm of the architect;

3. "Department" means the Department of Central Services;

4. "Division" means the Oklahoma Art in Public Places Division;

5. "Maintenance" means the ongoing upkeep required for artworks to retain their structural and aesthetic integrity;

6. "Project" means the state building or facility initiated by the capital expenditure appropriation or bond issue. Project shall not include renovation of public facilities, only new construction;

7. "Project agency" means the department, board, commission, institution, or agency of the state subject to the Oklahoma Art in Public Places Act;

8. "Project architect" means the person or firm designing the public construction project;

9. "Public building" means any building, facility, structure or park constructed using state money, including any publicly owned lands or space surrounding or integral to the building, facility, structure or park. Public building is also defined as, but not limited to, office buildings, court buildings, the State Capitol, auditoriums, meeting rooms, classrooms or other educational facilities, hospitals, state parks, and other facilities constructed using state money;

10. "Public land" means a site owned by the State of Oklahoma with major public access and visibility that serves a business, social or environmental need; and

11. "Repair" means those extraordinary activities required to repair or restore a malfunctioning or damaged work of art.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7.4 of Title 61, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Art in Public Places Act is designed to establish a program which administers that portion of appropriations for capital expenditures or bond issues which is set aside for the acquisition of works of art used for public buildings or on public lands. The administering agency shall be the Department of Central Services which is authorized to adopt rules to administer this program. The Department of Central Services shall determine the amount to be made available for the purchase of art, and payments therefor shall be made in accordance with law.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7.5 of Title 61, unless there is created a duplication in numbering, reads as follows:

A. Within the Department of Central Services, there is hereby created an Oklahoma Art in Public Places Division to manage and develop policies.

B. Under this Division shall be an Oversight Committee comprised of:

1. The Director of the Department of Central Services, or designee;
2. The Director of the Oklahoma Arts Council, or designee;
3. The Director of the Oklahoma Historical Society, or designee;
4. The Director of the Oklahoma Department of Transportation, or designee;
5. One artist appointed by the Oversight Committee;
6. One architect appointed by the Oversight Committee;
7. One engineer appointed by the Oversight Committee; and
8. One museum director/curator appointed by the Oversight Committee.

All appointed members shall serve a term of three (3) years and may be reappointed for one additional three-year term. The Director of the Department of Central Services shall be the initial chairperson of the Committee. The officers of the Committee shall be a chairperson, a vice-chairperson, and a secretary elected at the last meeting of each fiscal year. Appointments to fill vacancies will be made by the chairperson between elections. Meetings shall be held at the call of the chairperson and five members shall constitute a quorum.

The Oversight Committee is empowered with overseeing each phase of the development and management of the Oklahoma Art in Public Places Act including developing job specifications and hiring a

program manager, adoption of policies of the program, methods of selection of artists, criteria for selection, final approval of site project, maintenance and repair of works of art, and periodic evaluation of the program.

Members shall be reimbursed in accordance with the State Travel Reimbursement Act.

C. A site committee shall be appointed by the project agency for each project. The site committee is charged with selection of the location for the artwork, media for the artwork, artist selection, development of a project-specific educational program for tourism and public school curriculum, and coordinating the dedication ceremony. The site committee shall report back to the Oversight Committee which has final approval authority. Members will include the Oklahoma Art in Public Places Division Staff Director, the project agency director or designee, and the project architect (or alternate architect). The site committee will also be comprised of a local arts professional, a local artist, two community representatives, and an art educator who will be appointed by the project agency director. Service by the committee is limited to the duration of the project.

D. Upon completion of installation and final acceptance, any work of art acquired shall become property of the State of Oklahoma and shall be placed in public view at a publicly accessible location.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7.6 of Title 61, unless there is created a duplication in numbering, reads as follows:

A. All state agencies including all state departments, boards, councils, and commissions shall allocate, as a nondeductible item out of any monies appropriated for capital project appropriations or bond issues for capital projects, an amount of at least one and one-half percent (1 1/2%) of the appropriation to the Department of

Central Services for the purpose of acquiring works of art. The works of art may be placed on public lands, integral to or attached to a public building or structure, detached within or outside a public building or structure.

B. Of the one and one-half percent (1 1/2%), twenty-five percent (25%) of one percent (1%) shall be reserved for a maintenance/repair fund for works of art acquired under the Oklahoma Art in Public Places Act and another twenty-five percent (25%) of one percent (1%) shall be reserved for administrative costs, with the remaining one percent (1%) reserved for acquisition of any actual work of art for permanent display. The funds shall be retained by the Department of Central Services which shall manage the budget for all Oklahoma Art in Public Places Act artwork and expenses.

C. Although the one-percent (1%) expenditure (of the one-and-one-half-percent (1 1/2%) appropriation) is a required minimum for works of art, the agency designated for the capital project may designate more than this amount for a project. Other private and public-funding sources may also provide supplemental grants, matching funds, contributions, or additional appropriations.

D. When capital appropriations and bond issues are budgeted at under Two Hundred Fifty Thousand Dollars (\$250,000.00), or when it would not be appropriate, practical or desirable to place works of art at or in a given structure, or when the total appropriation is not used for the acquisition of works of art for said buildings, the balance of the funds appropriated under the Oklahoma Art in Public Places Act for art at public facilities will be retained by the Department of Central Services and pooled in a nonlapsing account. The Department of Central Services may expend funds from such nonlapsing account for purchases of artwork in, on, or near other state-owned buildings, for education of the community about art, for maintenance expenses of any works of art acquired under the Oklahoma

Art in Public Places Act, or for insurance or other administrative expenses.

SECTION 7. This act shall become effective July 1, 2000.

SECTION 8. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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