



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

2 SECTION 1. NEW LAW A new section of law to be codified  
3 in the Oklahoma Statutes as Section 9030.8 of Title 74, unless there  
4 is created a duplication in numbering, reads as follows:

5 A. On the effective date of this act, all powers, duties,  
6 responsibilities, records and equipment of the Oklahoma Historical  
7 Society relating exclusively to the implementation and  
8 administration of the Oklahoma Art in Public Places Act are hereby  
9 transferred and shall be placed under the authority of the Oklahoma  
10 Arts Council. To the extent practicable, the transfer shall include  
11 all computer hardware and software used in regulating the functions  
12 listed in this subsection.

13 B. The Oklahoma Historical Society and the Oklahoma Arts  
14 Council may contract for additional legal and administrative  
15 services as necessary to effectuate the transfers as provided for in  
16 this section.

17 C. 1. All unexpended funds, property, furnishings, equipment,  
18 supplies, records, and outstanding financial obligations and  
19 encumbrances of the Oklahoma Historical Society relating to the  
20 implementation and administration of the Oklahoma Art in Public  
21 Places Act shall be transferred to the Oklahoma Arts Council for the  
22 continuing performance of duties relating to the implementation and  
23 administration of the Oklahoma Art in Public Places Act. No funds,  
24 property, furnishings, equipment, supplies or records may be

1 expended or used for any purpose other than the performance of  
2 duties and responsibilities as directed and required in this act.

3 2. Any funds, properties, furnishings, equipment, supplies, or  
4 records related in any manner to the implementation and  
5 administration of the Oklahoma Art in Public Places Act which may  
6 not be in the current possession of the Oklahoma Historical Society  
7 on the effective date of this act, but which come into the  
8 possession of the Oklahoma Historical Society after the transfer of  
9 authority to the Oklahoma Arts Council as provided in this act,  
10 shall immediately be transferred to the Oklahoma Arts Council.

11 D. The Oklahoma Historical Society shall not enter into any  
12 contract or agreement relating to the implementation and  
13 administration of the Oklahoma Art in Public Places Act extending  
14 beyond the effective date of the transfer without approval by the  
15 Oklahoma Arts Council.

16 E. The Director of the Office of Management and Enterprise  
17 Services shall coordinate the transfer of funds, purchase orders and  
18 outstanding financial obligations and encumbrances relating to the  
19 implementation and administration of the Oklahoma Art in Public  
20 Places Act as transferred pursuant to the provisions of this act.

21 F. Upon the effective date of this act, all administrative  
22 rules promulgated by the Oklahoma Historical Society relating to the  
23 implementation and administration of the Oklahoma Art in Public  
24 Places Act shall be enforceable by the Oklahoma Arts Council. The

1 rules shall continue in force and effect after the effective date of  
2 this act, and the Oklahoma Arts Council shall have authority to  
3 amend, repeal, recodify or make additions to the rules pursuant to  
4 the Administrative Procedures Act.

5 SECTION 2. AMENDATORY 74 O.S. 2011, Section 9030.1, is  
6 amended to read as follows:

7 Section 9030.1 A. The Legislature recognizes the  
8 responsibility of Oklahoma to foster culture and the arts and  
9 declares that a portion of expenditures for capital projects  
10 including, but not limited to, bond issues for state construction be  
11 set aside for the acquisition of works of art to be placed in public  
12 construction or on public lands.

13 B. The purpose of the Oklahoma Art in Public Places Act is to  
14 enhance public construction and encourage state cultural  
15 development.

16 C. The administering agency shall be the Oklahoma ~~Historical~~  
17 ~~Society~~ Arts Council which is authorized to promulgate rules to  
18 administer the Oklahoma Art in Public Places Act.

19 SECTION 3. AMENDATORY 74 O.S. 2011, Section 9030.2, is  
20 amended to read as follows:

21 Section 9030.2 As used in the Oklahoma Art in Public Places  
22 Act:

23 1. "Art", "artwork", or "work of art" means all forms of  
24 original creations of visual art, except for blasphemous material as

1 defined by Section 901 of Title 21 of the Oklahoma Statutes or  
2 indecent or obscene material as defined by Section 1024.1 of Title  
3 21 of the Oklahoma Statutes, including, but not limited to:

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

22 2. "Artist" means a practitioner in the visual arts committed  
23 to producing high quality work, as recognized by the peers and  
24 critics of the artist, on a regular basis. The term "artist" shall

1 not include the architect of a public building under construction or  
2 any member of the architectural firm of the architect;

3 3. ~~"Society"~~ "Council" means the Oklahoma ~~Historical Society~~  
4 Arts Council;

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

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

8 6. "Appointing authority" shall be the Director or designee of  
9 the Project Agency;

10 7. "Project" means any capital expenditure, including, but not  
11 limited to, bond issues, with the purpose of renovating or  
12 constructing public buildings costing Two Hundred Fifty Thousand  
13 Dollars (\$250,000.00) or more;

14 8. "Project agency" means institutions within The Oklahoma  
15 State System of Higher Education or the department, board,  
16 commission, institution, or agency of the state subject to the  
17 Oklahoma Art in Public Places Act. The legislative and judicial  
18 branches of the State of Oklahoma shall be subject to the procedures  
19 of the Oklahoma Art in Public Places Act or shall implement another  
20 process to include art in locations subject to the control of those  
21 branches. Provided, that the expenditure for commissioning art by  
22 the legislative and judicial branches shall be no less than that  
23 established by Section ~~6~~ 9030.5 of this ~~act~~ title;

1 9. "Project architect" means the person or firm designing the  
2 public construction project;

3 10. "Public construction" or "public building" means any state  
4 building, facility, structure or park constructed, including any  
5 state-owned lands or space surrounding or integral to the building,  
6 facility, structure or park. The term "public construction" or  
7 "public building" shall not include:

8 a. water, sewer, public utility projects, prisons,  
9 projects with the primary purpose of complying with  
10 the standards of the Americans with Disabilities Act,  
11 and data processing purchases which are not part of a  
12 public construction project and any capital projects  
13 undertaken by political subdivisions of the state as  
14 defined by paragraph & 11 of Section 152 of Title 51  
15 of the Oklahoma Statutes on buildings or land that  
16 they control, and

17 b. capital projects subject to federal public art laws.

18 Participation in the Oklahoma Art in Public Places Act shall be  
19 permissive for road, highway, turnpike, and bridge construction  
20 projects of the Department of Transportation and the Oklahoma  
21 ~~Transportation~~ Turnpike Authority;

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

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

3 SECTION 4. AMENDATORY 74 O.S. 2011, Section 9030.3, as  
4 amended by Section 1055, Chapter 304, O.S.L. 2012 (74 O.S. Supp.  
5 2014, Section 9030.3), is amended to read as follows:

6 Section 9030.3 A. The Oklahoma ~~Historical Society~~ Arts Council  
7 may create an Art in Public Places Division to administer the  
8 Oklahoma Art in Public Places Act.

9 B. There is hereby created an Art in Public Places Oversight  
10 Committee comprised of:

11 1. The Director of the Office of Management and Enterprise  
12 Services, or designee;

13 2. The Director of the Oklahoma Arts Council, or designee;

14 3. The Director of the Oklahoma Historical Society, or  
15 designee;

16 4. The Director of the Department of Transportation, or  
17 designee;

18 5. The Chancellor of the Oklahoma State Regents for Higher  
19 Education or designee;

20 6. One artist appointed by the Director of the Oklahoma Arts  
21 Council;

22 7. One architect appointed by the Director of the Office of  
23 Management and Enterprise Services;



1 8. One engineer appointed by the Director of the Office of  
2 Management and Enterprise Services; and

3 9. One museum director/curator appointed by the Director of the  
4 Oklahoma ~~Historical Society~~ Arts Council.

5 C. 1. All appointed members shall serve a term of three (3)  
6 years and may be reappointed for one additional three-year term.

7 2. ~~The Director of the Oklahoma Historical Society shall be the~~  
8 ~~initial chair of the Committee.~~ The officers of the Committee shall  
9 be a chair, a vice-chair, and a secretary elected at the last  
10 meeting of each fiscal year. Appointments to fill officer vacancies  
11 shall be made by the chair between elections.

12 3. Meetings shall be held at the call of the chair, and for the  
13 initial appointments, a majority of the members present shall  
14 constitute a quorum.

15 D. Except as provided for in subsections F and G of this  
16 section, the Oversight Committee is empowered with overseeing each  
17 of the following phases of the development and management of the  
18 Oklahoma Art in Public Places Act:

19 1. Develop job specifications for a Division Director of the  
20 Art in Public Places Division, who shall not be subject to the Merit  
21 System of Personnel Administration;

22 2. Make recommendations for the implementation of the Art in  
23 Public Places Program to the Executive Director of the Oklahoma  
24 ~~Historical Society~~ Arts Council; and

1 3. Develop methods of selection of artists, criteria for  
2 selection, final approval of site projects, maintenance and repair  
3 of works of art, and periodic evaluation of the Program.

4 E. Artwork or art restoration projects in the administrative  
5 control of the Oversight Committee pursuant to the Oklahoma Art in  
6 Public Places Act shall not be subject to The Oklahoma Central  
7 Purchasing Act, but the projects shall be subject to a call for  
8 entries process established by the Oversight Committee.

9 F. Members shall be reimbursed for necessary travel expenses in  
10 accordance with the State Travel Reimbursement Act.

11 G. The State Capitol Preservation Commission shall retain its  
12 administrative control over art projects for the Capitol and the  
13 Governor's Mansion as provided for in Section 4104 of Title 74 of  
14 the Oklahoma Statutes.

15 H. The governing boards for institutions of higher education or  
16 local boards of trustees shall perform the duties of the Oversight  
17 Committee for art projects on the campuses that they oversee.

18 SECTION 5. AMENDATORY 74 O.S. 2011, Section 9030.5, is  
19 amended to read as follows:

20 Section 9030.5 A. 1. Except as otherwise provided by  
21 subsection C of this section, all state agencies, including  
22 institutions within The Oklahoma State System of Higher Education,  
23 all state departments, boards, councils, and commissions shall  
24 allocate, as a nondeductible item out of any expenditures for

1 capital projects including, but not limited to, bond issues for  
2 state construction excluding costs for bond issuance and related  
3 reserves, an amount of one and one-half percent (1 1/2%) of the  
4 expenditure to the Oklahoma ~~Historical Society~~ Arts Council for the  
5 purpose of funding the Oklahoma Art in Public Places Act, except as  
6 otherwise provided by subsection B of this section.

7 2. The maximum assessment for any project shall not exceed Five  
8 Hundred Thousand Dollars (\$500,000.00). This assessment shall not  
9 apply to any private donations for a capital project. This  
10 allocation shall be applicable to all state agency capital projects  
11 approved by the appointing authority after September 1, 2004. The  
12 works of art commissioned pursuant to the Oklahoma Art in Public  
13 Places Act may be placed on public lands, integral to or attached to  
14 a public building or structure, or detached within or outside a  
15 public building or structure.

16 B. 1. Of the assessment provided for in subsection A of this  
17 section, four-fifths (4/5) shall be placed in the Commissioning of  
18 Art in Public Places Revolving Fund, created in Section 9030.6 of  
19 this title, for the commission of any work of art for the Oklahoma  
20 Art in Public Places Act. Institutions within The Oklahoma State  
21 System of Higher Education shall remain in complete administrative  
22 control of their four-fifths (4/5) assessment pursuant to this  
23 subsection for the acquisition of art. The remaining one-fifth  
24 (1/5) of the assessment shall be reserved for the Art in Public

1 Places Administrative and Maintenance Revolving Fund created by  
2 Section 9030.7 of this title.

3 2. Monies deposited in the Art in Public Places Administrative  
4 and Maintenance Revolving Fund for the purpose of this moratorium,  
5 shall be used for continued administration, educational costs, and  
6 maintenance.

7 C. The provisions of subsection A of this section shall not be  
8 applicable for the fiscal years ending:

- 9 1. June 30, 2012;
- 10 2. June 30, 2013; and
- 11 3. June 30, 2014.

12 SECTION 6. AMENDATORY 74 O.S. 2011, Section 9030.6, as  
13 amended by Section 1056, Chapter 304, O.S.L. 2012 (74 O.S. Supp.  
14 2014, Section 9030.6), is amended to read as follows:

15 Section 9030.6 A. 1. There is hereby created in the State  
16 Treasury a revolving fund for the Oklahoma ~~Historical Society~~ Arts  
17 Council to be designated the "Commissioning of Art in Public Places  
18 Revolving Fund". The fund shall be a continuing fund, not subject  
19 to fiscal year limitations, and shall consist of all monies received  
20 by the ~~Society~~ Council from the sources provided for in Section  
21 9030.5 of this title.

22 2. The ~~Society~~ Council shall establish a separate subaccount  
23 for each project. Monies in these subaccounts may be used to match  
24

1 monies from other private and public sources for commissioning art  
2 in accordance with the Oklahoma Art in Public Places Act.

3 3. All monies accruing to the credit of the fund are hereby  
4 appropriated and may be budgeted and expended by the Oklahoma  
5 ~~Historical Society~~ Arts Council for the commissioning of art and  
6 insurance for the art in accordance with the Oklahoma Art in Public  
7 Places Act.

8 4. Expenditures from the fund shall be made upon warrants  
9 issued by the State Treasurer against claims filed as prescribed by  
10 law with the Director of the Office of Management and Enterprise  
11 Services for approval and payment.

12 B. If there are monies from a project for the commissioning of  
13 art not spent, those monies may be pooled in the fund for the  
14 commissioning of art in, on, or near other state buildings.

15 SECTION 7. AMENDATORY 74 O.S. 2011, Section 9030.7, as  
16 amended by Section 1057, Chapter 304, O.S.L. 2012 (74 O.S. Supp.  
17 2014, Section 9030.7), is amended to read as follows:

18 Section 9030.7 A. 1. There is hereby created in the State  
19 Treasury a revolving fund for the Oklahoma ~~Historical Society~~ Arts  
20 Council to be designated the "Art in Public Places Administrative  
21 and Maintenance Revolving Fund". All monies accruing to the credit  
22 of said fund are hereby appropriated and may be budgeted and  
23 expended by the ~~Society~~ Council. The fund shall be a continuing  
24 fund, not subject to fiscal year limitations, and shall consist of

1 all monies received by the Society Council from the sources provided  
2 for in Section 9030.5 of this title.

3 2. This fund shall consist of two subaccounts, one account for  
4 maintenance and repair purposes and one account for administrative  
5 and education purposes. Monies accruing to the credit of the  
6 subaccount for maintenance and repair shall be used for the purpose  
7 of restoring art in all state public buildings including, but not  
8 limited to, public buildings at institutions within The Oklahoma  
9 State System of Higher Education.

10 3. Expenditures from the fund shall be made upon warrants  
11 issued by the State Treasurer against claims filed as prescribed by  
12 law with the Director of the Office of Management and Enterprise  
13 Services for approval and payment.

14 B. Whenever the unencumbered balance in this fund exceeds One  
15 Million Dollars (\$1,000,000.00), the assessment shall be placed in  
16 the Commissioning of Art in Public Places Revolving Fund to the  
17 credit of the subaccount established for the project upon which the  
18 assessment was made.

19 SECTION 8. This act shall become effective July 1, 2015.

20 SECTION 9. It being immediately necessary for the preservation  
21 of the public peace, health and safety, an emergency is hereby  
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24

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

3  
4 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated  
5 02/12/2015 - DO PASS, As Coauthored.  
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