

HOUSE BILL NO. 625

INTRODUCED BY MCBRIDE, REGAN,  
TURNAGE, BERGENE

IN THE HOUSE

February 3, 1983	Introduced and referred to Committee on Education and Cultural Resources.
February 16, 1983	Committee recommend bill do pass as amended. Report adopted.
February 17, 1983	Bill printed and placed on members' desks.
February 19, 1983	Second reading, do not pass.  On motion, previous action reconsidered.
February 21, 1983	On motion, bill placed on second reading on the 44th Legislative Day.
February 23, 1983	Second reading, do pass as amended.  Correctly engrossed.  Third reading, passed. Transmitted to Senate.

IN THE SENATE

March 1, 1983	Introduced and referred to Committee on State Administration.
March 24, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 26, 1983	Second reading, concurred in.
March 28, 1983	Third reading, concurred in. Ayes, 37; Noes, 10.

IN THE HOUSE

March 28, 1983

Returned to House with  
amendments.

April 1, 1983

Second reading, amendments  
concurred in.

April 4, 1983

Third reading, amendments  
concurred in.

Sent to enrolling.

Reported correctly enrolled.

1 House BILL NO. 625  
2 INTRODUCED BY McBride Tennage  
3 Bergne  
4 A BILL FOR AN ACT ENTITLED: "THE PERCENT-FOR-ART ACT;  
5 PROVIDING THAT 1 PERCENT OF STATE APPROPRIATIONS FOR  
6 BUILDING OR RENOVATING APPROPRIATE STATE BUILDINGS WILL BE  
7 USED FOR THE ACQUISITION OF VISUAL WORKS OF ART FOR SUCH  
8 BUILDINGS; AND PROVIDING AN EFFECTIVE DATE."

9  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Short title. [This act] may be cited as the  
12 "Percent-for-Art Act".

13 Section 2. Purpose. The state of Montana, in  
14 recognition of its responsibility to create a more humane  
15 environment of distinction, enjoyment, and pride for all its  
16 citizens and in recognition that public art is a resource  
17 that stimulates the vitality and economy of the state's  
18 communities and provides opportunity for artists and other  
19 skilled workers to practice their crafts, declares that a  
20 portion of the funds for the construction or renovation of  
21 appropriate state buildings be allocated for the acquisition  
22 of works of art for such buildings.

23 Section 3. Definitions. As used in [this act], the  
24 following definitions apply:

25 (1) "Artist" means a practitioner in the visual arts

1 generally recognized by his peers or critics as a  
2 professional who produces works of art. The term does not  
3 include the project architect, or any member of his firm, of  
4 a new state building that is to have works of art under the  
5 provisions of [this act].

6 (2) "New state building" means any structure to be  
7 built, remodeled, or renovated with money appropriated by  
8 the legislature that is, in the opinion of the project  
9 architect, appropriate for the inclusion of works of art.

10 (3) "Work of art" means any work of visual art,  
11 including but not limited to a drawing, painting, mural,  
12 fresco, sculpture, mosaic, photograph, work of calligraphy,  
13 work of graphic art (including an etching, lithograph,  
14 offset print, or silk screen), craft (including crafts in  
15 clay, textile, fiber, wood, metal, plastic, or glass), or  
16 mixed media (including a collage, assemblage, or any  
17 combination of art media). The term does not include  
18 environmental landscaping.

19 Section 4. Art for new state buildings -- finance.

20 (1) All capital project appropriations by the legislature  
21 include, as a part of the appropriation, 1% of the amount  
22 appropriated for the use of the Montana arts council for the  
23 acquisition of works of art for state buildings, maintenance  
24 of works of art, and administration of [this act] as  
25 provided in subsection (3). If an appropriation is not for a

1 new state building as defined in [section 3], the 1% must be  
2 used otherwise in the construction, remodeling, or  
3 renovation of the building.

4 (2) Each new state building must include works of art  
5 representing 1% of its appropriated cost. Additional funds,  
6 including separate appropriations, donations, grants, and  
7 other available governmental funds, may be used for the  
8 acquisition of works of art for new state buildings.

9 (3) (a) One percent of the funds received from the 1%  
10 appropriation setoff established in subsection (1) must be  
11 used for the maintenance of art in state buildings.

12 (b) The administration of [this act] may be funded out  
13 of the 1% appropriation setoff established in subsection  
14 (1).

15 Section 5. Display of works of art. The works of art  
16 acquired under the provisions of [this act] may be an  
17 integral part of or attached to the new state building or  
18 may be displayed on the parcel of land on which the new  
19 state building is located. The works of art must be so  
20 located that they are in public view.

21 Section 6. Administration -- selection of works of  
22 art. (1) The Montana arts council is primarily responsible  
23 for the administration of [this act]. The council must:

24 (a) appoint a screening committee for each new state  
25 building to recommend artists to be commissioned or

1 completed works of art to be purchased. The committee must  
2 include the project architect or his designee, a  
3 professional artist, and a representative from the community  
4 in which the new state building is to be constructed.

5 (b) select; commission the artist for; review the  
6 design, execution, and placement of; and finally accept all  
7 works of art. The Montana arts council must consult with the  
8 screening committee in fulfilling the requirements of this  
9 subsection (1)(b).

10 (c) assist in contract negotiations with artists who  
11 are selected;

12 (d) ensure that works of art acquired for display  
13 under the provisions of [this act] are displayed in such a  
14 manner that they are in public view;

15 (e) ensure that each work of art is properly  
16 maintained and may use the funds provided for in [section 4]  
17 or any other funds available for such maintenance; and

18 (f) maintain a close working relationship with the  
19 artist throughout each project.

20 (2) No payment may be made to any artist for works of  
21 art under [this act] without prior authorization of the  
22 Montana arts council.

23 Section 7. State ownership of work of art. The state  
24 must obtain sole ownership of each work of art acquired for  
25 display under [this act], including all tangible rights and

1 privileges, subject to the artist's right to claim  
2 authorship of the work of art.

3 Section 8. [Act] not exclusive. The provisions of  
4 [this act] are not the exclusive manner of acquiring and  
5 displaying works of art in public buildings.

6 Section 9. Severability. If a part of this act is  
7 invalid, all valid parts that are severable from the invalid  
8 part remain in effect. If a part of this act is invalid in  
9 one or more of its applications, the part remains in effect  
10 in all valid applications that are severable from the  
11 invalid applications.

12 Section 10. Effective date. This act is effective July  
13 1, 1983.

-End-

## STATE OF MONTANA

REQUEST NO. 337-83

## FISCAL NOTE

Form BD-15

In compliance with a written request received February 5, 19 83, there is hereby submitted a Fiscal Note for House Bill 625 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 625 establishes "The Percent For-Art Act; provides that one-percent of state appropriations for building or maintaining appropriate state buildings will be used for the acquisition of visual works of art for such buildings.

ASSUMPTIONS:

- 1) Capital expenditures for FY 79-82 averaged \$20,224,000; 1% of that amount is \$202,240.
- 2) Administration is not to exceed 11% of the 1% total, with an additional 1% set aside annually for establishment of a maintenance fund.
- 3) Duties and responsibilities of the .5 FTE are: publicity and advertisement for solicitation of proposals; interviewing and selection of review committees; scheduling and attendance at meetings; receipt, organization and tracking of proposals; handling of correspondence and inquiries; and supervision of receipt and disbursement of funds.

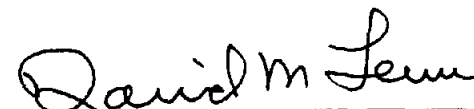
FISCAL IMPACT:

	FY 84	FY 85	TOTAL
Personal Services (.5 FTE Grade 12)	\$ 10,216	\$ 10,263	\$ 20,479
Operating Expenses:			
Supplies	269	269	538
Communications	311	311	622
Travel	10,500	10,500	21,000
Rent	411	411	822
Repair & Maintenance	117	117	234
Maintenance Fund	2,022	2,022	4,044
Other	252	252	504
Total Operating Expenses	\$ 13,882	\$ 13,882	\$ 27,764
Capital Outlay	178,142	178,095	356,237
Increased Expenditures For			
Earmarked Fund	<u>\$202,240</u>	<u>\$202,240</u>	<u>\$404,480</u>

NOTE:

Assumption 2 above does not allow inflationary increases in FY 85. These will be born by the agency's existing budget.

FISCAL NOTE 12:H/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-9-83

App. by comm. on education  
and cultural resources

HOUSE BILL NO. 625  
INTRODUCED BY MCBRIDE, REGAN,  
TURNAGE, BERGENE

A BILL FOR AN ACT ENTITLED: "THE PERCENT-FOR-ART ACT;  
PROVIDING THAT 1 PERCENT OF STATE APPROPRIATIONS FOR  
BUILDING OR RENOVATING APPROPRIATE STATE BUILDINGS WILL BE  
USED FOR THE ACQUISITION OF VISUAL WORKS OF ART FOR SUCH  
BUILDINGS; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Short title. [This act] may be cited as the  
"Percent-for-Art Act".

Section 2. Purpose. The state of Montana, in  
recognition of its responsibility to create a more humane  
environment of distinction, enjoyment, and pride for all its  
citizens and in recognition that public art is a resource  
that stimulates the vitality and economy of the state's  
communities and provides opportunity for artists and other  
skilled workers to practice their crafts, declares that a  
portion of the funds for the construction or renovation of  
appropriate state buildings be allocated for the acquisition  
of works of art for such buildings.

Section 3. Definitions. As used in [this act], the  
following definitions apply:

(1) "Artist" means a practitioner in the visual arts  
generally recognized by his peers or critics as a  
professional who produces works of art. The term does not  
include the project architect, or any member of his firm, of  
a new state building that is to have works of art under the  
provisions of [this act].

(2) "New state building" means any structure to be  
built, remodeled, or renovated with money appropriated by  
the legislature that is, in the opinion of the project  
architect ARCHITECTURE AND ENGINEERING DIVISION OF THE  
DEPARTMENT OF ADMINISTRATION, appropriate for the inclusion  
of works of art.

(3) "Work of art" means any work of visual art,  
including but not limited to a drawing, painting, mural,  
fresco, sculpture, mosaic, photograph, work of calligraphy,  
work of graphic art (including an etching, lithograph,  
offset print, or silk screen), craft (including crafts in  
clay, textile, fiber, wood, metal, plastic, or glass), or  
mixed media (including a collage, assemblage, or any  
combination of art media). The term does not include  
environmental landscaping.

Section 4. Art for new state buildings -- finance.  
(1) All capital project appropriations by the legislature  
include, as a part of the appropriation, 1% of the amount  
appropriated for the use of the Montana arts council for the

1 acquisition of works of art for state buildings, maintenance  
 2 of works of art, and administration of [this act] as  
 3 provided in subsection (3). ~~If an appropriation is not for a~~  
 4 ~~new state building as defined in [section 3], the 1% must be~~  
 5 ~~used otherwise in the construction, remodeling, or~~  
 6 ~~renovation of the building.~~

7 (2) Each new state building must include works of art  
 8 representing 1% of its appropriated cost. Additional funds,  
 9 including separate appropriations, donations, grants, and  
 10 other available governmental funds, may be used for the  
 11 acquisition of works of art for new state buildings.

12 (3) (a) One percent of the funds received from the 1%  
 13 appropriation setoff established in subsection (1) must be  
 14 ~~used~~ GRANTED TO THE MONTANA ARTS COUNCIL for the maintenance  
 15 of art in state buildings.

16 (b) The administration of [this act] may be funded out  
 17 of the 1% appropriation setoff established in subsection  
 18 (1).

19 Section 5. Display of works of art. The works of art  
 20 acquired under the provisions of [this act] may be an  
 21 integral part of or attached to the new state building or  
 22 may be displayed on the parcel of land on which the new  
 23 state building is located. The works of art must be so  
 24 located that they are in public view.

25 Section 6. Administration -- selection of works of

1 art. (1) The Montana arts council is primarily responsible  
 2 for the administration of [this act]. The council must:

3 (a) appoint a ~~THREE-MEMBER~~ screening committee for  
 4 each new state building to recommend artists to be  
 5 commissioned or completed works of art to be purchased. The  
 6 committee must ~~include~~ CONSIST OF the project architect or  
 7 his designee, a professional artist, and a representative  
 8 from the USER AGENCY WHO IS A RESIDENT OF THE community in  
 9 which the new state building is to be constructed.

10 (b) select; commission the artist for; review the  
 11 design, execution, and placement of; and finally accept all  
 12 works of art. The Montana arts council must consult with the  
 13 screening committee in fulfilling the requirements of this  
 14 subsection (1)(b).

15 (c) assist in contract negotiations with artists who  
 16 are selected;

17 (d) ensure that works of art acquired for display  
 18 under the provisions of [this act] are displayed in such a  
 19 manner that they are in public view;

20 (e) ensure that each work of art is properly  
 21 maintained and may use the funds provided for in [section 4]  
 22 or any other funds available for such maintenance; and

23 (f) maintain a close working relationship with the  
 24 artist throughout each project.

25 (2) No payment may be made to any artist for works of



1 art under [this act] without prior authorization of the  
2 Montana arts council.

3 Section 7. State ownership of work of art. The state  
4 must obtain sole ownership of each work of art acquired for  
5 display under [this act], including all tangible rights and  
6 privileges, subject to the artist's right to claim  
7 authorship of the work of art.

8 Section 8. [Act] not exclusive. The provisions of  
9 [this act] are not the exclusive manner of acquiring and  
10 displaying works of art in public buildings.

11 Section 9. Severability. If a part of this act is  
12 invalid, all valid parts that are severable from the invalid  
13 part remain in effect. If a part of this act is invalid in  
14 one or more of its applications, the part remains in effect  
15 in all valid applications that are severable from the  
16 invalid applications.

17 Section 10. Effective date ~~== APPLICABILITY.~~ This act  
18 is effective July 1, 1983, ~~AND APPLIES ONLY TO~~  
19 ~~APPROPRIATIONS MADE BY THE 49TH LEGISLATURE AND SUBSEQUENT~~  
20 ~~LEGISLATURES.~~

-End-

## HOUSE BILL NO. 625

INTRODUCED BY MCBRIDE, REGAN,

TURNAGE, BERGENE

A BILL FOR AN ACT ENTITLED: "THE PERCENT-FOR-ART ACT;  
PROVIDING THAT ~~AN AMOUNT NOT TO EXCEED UP TO~~ 1 PERCENT OF  
STATE APPROPRIATIONS FOR BUILDING OR RENOVATING APPROPRIATE  
STATE BUILDINGS ~~WILL~~ MAY BE USED FOR THE ACQUISITION OF  
VISUAL WORKS OF ART FOR SUCH BUILDINGS; AND PROVIDING AN  
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include the project architect, or any member of his firm, of  
a new state building that is to have works of art under the  
provisions of [this act].

(2) "New state building" means any structure to be  
built, remodeled, or renovated with money appropriated by  
the legislature that is, in the opinion of the project  
architect ARCHITECTURE AND ENGINEERING DIVISION OF THE  
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offset print, or silk screen), craft (including crafts in  
clay, textile, fiber, wood, metal, plastic, or glass), or  
mixed media (including a collage, assemblage, or any  
combination of art media). The term does not include  
environmental landscaping.

Section 4. Art for new state buildings -- finance.

(1) ~~+++ SUBJECT TO LEGISLATIVE ALLOCATIONS AS PROVIDED IN~~  
~~SUBSECTION (2).~~ ALL capital project appropriations by the

legislature ~~SHALL~~ include, as a part of the appropriation, ~~AN AMOUNT NOT TO EXCEED UP TO~~ 1% of the amount appropriated for the use of the Montana arts council for the acquisition of works of art for state buildings, maintenance of works of art, and administration of [this act] as provided in subsection (3). ~~if an appropriation is not for a new state building as defined in section 3, the 1% must be used otherwise in the construction, remodeling or renovation of the building.~~

(2) ~~Each new state building must~~ ~~may~~ include works of art representing ~~up to~~ 1% of its appropriated costs.

~~(A) IF A STATE BUILDING RECOMMENDED FOR CONSTRUCTION IN THE REPORT REQUIRED BY TITLE 17, CHAPTER 17, PART 2, IS ALSO RECOMMENDED AS APPROPRIATE FOR THE INCLUSION OF WORKS OF ART AS PROVIDED IN SECTION 3(2), THE REPORT SHALL SO STATE, AND IN ADDITION THE REPORT SHALL INCLUDE ANY RECOMMENDATION MADE BY THE MONTANA ARTS COUNCIL CONCERNING THE APPROPRIATENESS OF THE BUILDING FOR THE INCLUSION OF WORKS OF ART, THE TYPES OF WORKS OF ART SUGGESTED FOR INCLUSION IN SUCH BUILDING, AND THE ANTICIPATED COST OF SUCH SUGGESTED WORKS OF ART, INCLUDING COSTS OF ACQUISITION, MAINTENANCE, AND ADMINISTRATIVE EXPENSES ASSOCIATED WITH THE SUGGESTED WORKS OF ART.~~

~~(B) THE LEGISLATURE MAY, FOR THOSE BUILDINGS RECOMMENDED AS APPROPRIATE FOR THE INCLUSION OF WORKS OF~~

~~ART, ALLOCATE AN AMOUNT NOT TO EXCEED 1% OF THE APPROPRIATED COST FOR USE AS SPECIFIED IN SECTION 4(1).~~

~~(C) Additional funds, including separate appropriations, donations, grants, and other available governmental funds, may be used for the acquisition of works of art for new state buildings.~~

~~(3) (a) One percent of the funds received from the MAXIMUM 1% appropriation setoff established in subsection (1) ALLOCATED BY THE LEGISLATURE must be used GRANTED TO THE MONTANA ARTS COUNCIL for the maintenance of art in state buildings.~~

~~(b) The administration of [this act] may be funded out of the 1% appropriation setoff established in subsection (1) ALLOCATED BY THE LEGISLATURE.~~

Section 5. Display of works of art. The works of art acquired under the provisions of [this act] may be an integral part of or attached to the new state building or may be displayed on the parcel of land on which the new state building is located. The works of art must be so located that they are in public view.

Section 6. Administration -- selection of works of art. (1) The Montana arts council is primarily responsible for the administration of [this act]. The council must:

~~(A) SUBMIT ITS RECOMMENDATIONS TO THE ARCHITECTURE AND ENGINEERING DIVISION OF THE DEPARTMENT OF ADMINISTRATION FOR~~

INCLUSION IN THE REPORT REQUIRED BY TITLE 17, CHAPTER 17,  
PART 2, CONCERNING THE APPROPRIATENESS OF ANY SUCH BUILDING  
FOR THE INCLUSION OF WORKS OF ART, A DESCRIPTION OF THE  
TYPES OF WORKS OF ART SUGGESTED FOR INCLUSION IN THE  
BUILDING, AND THE ANTICIPATED COSTS OF ACQUISITION,  
MAINTENANCE, AND ADMINISTRATIVE EXPENSES ASSOCIATED WITH THE  
SUGGESTED WORKS OF ART.

(e)(B) appoint a THREE-MEMBER screening committee for each new state building to recommend artists to be commissioned or completed works of art to be purchased. The committee must ~~include~~ CONSIST OF the project architect or his designee, a professional artist, and a representative from the USER AGENCY WHO IS A RESIDENT OF THE community in which the new state building is to be constructed.

(b)(C) select; commission the artist for; review the design, execution, and placement of; and finally accept all works of art. The Montana arts council must consult with the screening committee in fulfilling the requirements of this subsection (1)(b).

(e)(D) assist in contract negotiations with artists who are selected;

(d)(E) ensure that works of art acquired for display under the provisions of [this act] are displayed in such a manner that they are in public view;

(e)(E) ensure that each work of art is properly

maintained and may use the funds provided for in [section 4] or any other funds available for such maintenance; and  
 (f)(G) maintain a close working relationship with the artist throughout each project.

(2) No payment may be made to any artist for works of art under [this act] without prior authorization of the Montana arts council.

Section 7. State ownership of work of art. The state must obtain sole ownership of each work of art acquired for display under [this act], including all tangible rights and privileges, subject to the artist's right to claim authorship of the work of art.

Section 8. [Act] not exclusive. The provisions of [this act] are not the exclusive manner of acquiring and displaying works of art in public buildings.

Section 9. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 10. Effective date ~~==~~ APPLICABILITY. This act is effective July 1, 1983, AND APPLIES ONLY TO  
APPROPRIATIONS MADE BY THE 49TH LEGISLATURE AND SUBSEQUENT  
LEGISLATURES.

-End-

March 24, 1983

SENATE STANDING COMMITTEE REPORT  
(State Administration)

That House Bill No. 625 be amended as follows:

1. Title, line 6.  
Strike: "UP TO"
2. Page 3, line 2.  
Strike: "UP TO"
3. Page 3, line 4.  
Following: "for"  
Insert: "new"
4. Page 3, line 23.  
Following: "ART."  
Insert: "The Montana Arts Council may submit a recommendation even if the architecture and engineering division of the department of administration has determined that a structure is no appropriate for inclusion of works of art."

## HOUSE BILL NO. 625

INTRODUCED BY MCBRIDE, REGAN,

TURNAGE, BERGENE

A BILL FOR AN ACT ENTITLED: "THE PERCENT-FOR-ART ACT;  
PROVIDING THAT ~~AN AMOUNT NOT TO EXCEED \$2-10~~ 1 PERCENT OF  
STATE APPROPRIATIONS FOR BUILDING OR RENOVATING APPROPRIATE  
STATE BUILDINGS ~~WILL~~ MAY BE USED FOR THE ACQUISITION OF  
VISUAL WORKS OF ART FOR SUCH BUILDINGS; AND PROVIDING AN  
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citizens and in recognition that public art is a resource  
that stimulates the vitality and economy of the state's  
communities and provides opportunity for artists and other  
skilled workers to practice their crafts, declares that a  
portion of the funds for the construction or renovation of  
appropriate state buildings be allocated for the acquisition  
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Section 3. Definitions. As used in [this act], the

following definitions apply:

(1) "Artist" means a practitioner in the visual arts  
generally recognized by his peers or critics as a  
professional who produces works of art. The term does not  
include the project architect, or any member of his firm, of  
a new state building that is to have works of art under the  
provisions of [this act].

(2) "New state building" means any structure to be  
built, remodeled, or renovated with money appropriated by  
the legislature that is, in the opinion of the project  
architect ~~ARCHITECTURE AND ENGINEERING DIVISION OF THE~~  
~~DEPARTMENT OF ADMINISTRATION~~, appropriate for the inclusion  
of works of art.

(3) "Work of art" means any work of visual art,  
including but not limited to a drawing, painting, mural,  
fresco, sculpture, mosaic, photograph, work of calligraphy,  
work of graphic art (including an etching, lithograph,  
offset print, or silk screen), craft (including crafts in  
clay, textile, fiber, wood, metal, plastic, or glass), or  
mixed media (including a collage, assemblage, or any  
combination of art media). The term does not include  
environmental landscaping.

Section 4. Art for new state buildings -- finance.

(1) ~~ART SUBJECT TO LEGISLATIVE ALLOCATIONS AS PROVIDED IN~~  
~~SUBSECTION (2). ALL~~ capital project appropriations by the

1 legislature SHALL include, as a part of the appropriation,  
 2 ~~AN AMOUNT NOT TO EXCEED UP-TO~~ 1% of the amount appropriated  
 3 for the use of the Montana arts council for the acquisition  
 4 of works of art for NEW state buildings, maintenance of  
 5 works of art, and administration of [this act] as provided  
 6 in subsection (3). ~~if an appropriation is not for a new~~  
 7 ~~state building as defined in [section 3], the 1% must be~~  
 8 ~~used otherwise in the construction, remodeling, or~~  
 9 ~~renovation of the buildings~~

10 (2) ~~Each new state building must MAY include works of~~  
 11 ~~art representing UP-TO 1% of its appropriated costs~~

12 ~~(A) IF A STATE BUILDING RECOMMENDED FOR CONSTRUCTION~~  
 13 ~~IN THE REPORT REQUIRED BY TITLE 17, CHAPTER 17, PART 2, IS~~  
 14 ~~ALSO RECOMMENDED AS APPROPRIATE FOR THE INCLUSION OF WORKS~~  
 15 ~~OF ART AS PROVIDED IN [SECTION 3(2)], THE REPORT SHALL SO~~  
 16 ~~STATE, AND IN ADDITION THE REPORT SHALL INCLUDE ANY~~  
 17 ~~RECOMMENDATION MADE BY THE MONTANA ARTS COUNCIL CONCERNING~~  
 18 ~~THE APPROPRIATENESS OF THE BUILDING FOR THE INCLUSION OF~~  
 19 ~~WORKS OF ART, THE TYPES OF WORKS OF ART SUGGESTED FOR~~  
 20 ~~INCLUSION IN SUCH BUILDING, AND THE ANTICIPATED COST OF SUCH~~  
 21 ~~SUGGESTED WORKS OF ART, INCLUDING COSTS OF ACQUISITION,~~  
 22 ~~MAINTENANCE, AND ADMINISTRATIVE EXPENSES ASSOCIATED WITH THE~~  
 23 ~~SUGGESTED WORKS OF ART, THE MONTANA ARTS COUNCIL MAY SUBMIT~~  
 24 ~~A RECOMMENDATION EVEN IF THE ARCHITECTURE AND ENGINEERING~~  
 25 ~~DIVISION OF THE DEPARTMENT OF ADMINISTRATION HAS DETERMINED~~

1 ~~THAT A STRUCTURE IS NOT APPROPRIATE FOR INCLUSION OF WORKS~~  
 2 ~~OF ART.~~

3 ~~(B) THE LEGISLATURE MAY, FOR THOSE BUILDINGS~~  
 4 ~~RECOMMENDED AS APPROPRIATE FOR THE INCLUSION OF WORKS OF~~  
 5 ~~ART, ALLOCATE AN AMOUNT NOT TO EXCEED 1% OF THE APPROPRIATED~~  
 6 ~~COST FOR USE AS SPECIFIED IN [SECTION 4(1)].~~

7 ~~(C) Additional funds, including separate~~  
 8 ~~appropriations, donations, grants, and other available~~  
 9 ~~governmental funds, may be used for the acquisition of works~~  
 10 ~~of art for new state buildings.~~

11 (3) (a) One percent of the funds received from the  
 12 ~~MAXIMUM 1% appropriation setoff established in subsection~~  
 13 ~~(1) ALLOCATED BY THE LEGISLATURE~~ must be used ~~GRANTED TO THE~~  
 14 ~~MONTANA ARTS COUNCIL~~ for the maintenance of art in state  
 15 buildings.

16 (b) The administration of [this act] may be funded out  
 17 of the ~~1% appropriation setoff established in subsection (1)~~  
 18 ~~ALLOCATED BY THE LEGISLATURE.~~

19 Section 5. Display of works of art. The works of art  
 20 acquired under the provisions of [this act] may be an  
 21 integral part of or attached to the new state building or  
 22 may be displayed on the parcel of land on which the new  
 23 state building is located. The works of art must be so  
 24 located that they are in public view.

25 Section 6. Administration -- selection of works of

art. (1) The Montana arts council is primarily responsible for the administration of [this act]. The council must:

(A) SUBMIT ITS RECOMMENDATIONS TO THE ARCHITECTURE AND ENGINEERING DIVISION OF THE DEPARTMENT OF ADMINISTRATION FOR INCLUSION IN THE REPORT REQUIRED BY TITLE 17, CHAPTER 27, PART 2, CONCERNING THE APPROPRIATENESS OF ANY SUCH BUILDING FOR THE INCLUSION OF WORKS OF ART, A DESCRIPTION OF THE TYPES OF WORKS OF ART SUGGESTED FOR INCLUSION IN THE BUILDING, AND THE ANTICIPATED COSTS OF ACQUISITION, MAINTENANCE, AND ADMINISTRATIVE EXPENSES ASSOCIATED WITH THE SUGGESTED WORKS OF ART.

~~(b)(1)~~ appoint a ~~THREE-MEMBER~~ screening committee for each new state building to recommend artists to be commissioned or completed works of art to be purchased. The committee must ~~include~~ CONSIST OF the project architect or his designee, a professional artist, and a representative from the USER AGENCY WHO IS A RESIDENT OF THE community in which the new state building is to be constructed.

~~(b)(1)~~ select; commission the artist for; review the design, execution, and placement of; and finally accept all works of art. The Montana arts council must consult with the screening committee in fulfilling the requirements of this subsection (1)~~(b)(1)~~.

~~(c)(1)~~ assist in contract negotiations with artists who are selected;

~~(d)(1)~~ ensure that works of art acquired for display under the provisions of [this act] are displayed in such a manner that they are in public view;

~~(e)(1)~~ ensure that each work of art is properly maintained and may use the funds provided for in [section 4] or any other funds available for such maintenance; and

~~(f)(1)~~ maintain a close working relationship with the artist throughout each project.

(2) No payment may be made to any artist for works of art under [this act] without prior authorization of the Montana arts council.

Section 7. State ownership of work of art. The state must obtain sole ownership of each work of art acquired for display under [this act], including all tangible rights and privileges, subject to the artist's right to claim authorship of the work of art.

Section 8. [Act] not exclusive. The provisions of [this act] are not the exclusive manner of acquiring and displaying works of art in public buildings.

Section 9. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.



1       Section 10. Effective date ~~== APPLICABILITY.~~ This act  
2       is effective July 1, 1983. ~~AND APPLIES ONLY TO~~  
3       ~~APPROPRIATIONS MADE BY THE 49TH LEGISLATURE AND SUBSEQUENT~~  
4       ~~LEGISLATURES.~~

-End-