

52:16A-26 et al

LEGISLATIVE HISTORY CHECKLIST

WJSA 52:16A-26 et al ("Public Buildings Arts Inclusion Act")

LAWS OF 1978 CHAPTER 117

Bill No. A75

Sponsor(s) Deverin

Date Introduced Pre-filed

Committee: Assembly State Gov't., Federal & Interstate Relations and  
Veteran's Affairs  
Senate State Gov't., Federal & Interstate Relations and  
Veteran's Affairs

Amended during passage Yes  Amendments during passage denoted by asterisks

Date of Passage: Assembly April 17, 1978

Senate June 5, 1978

Date of approval September 17, 1978

Following statements are attached if available:

Sponsor statement	Yes	<input checked="" type="checkbox"/> (Below)
Committee Statement: Assembly	Yes	<input checked="" type="checkbox"/>
Senate	<del>Yes</del>	No
Fiscal Note	Yes	<input checked="" type="checkbox"/>
Veto message	<del>Yes</del>	No
Message on signing	<del>Yes</del>	No

Following were printed:

Reports	<del>Yes</del>	No
Hearings	<del>Yes</del>	No

Sponsor's statement:

The purpose of this bill is expressed in its title.

med

9/1/78

6/26/79 JUN

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ASSEMBLY, No. 75

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1978 SESSION

By Assemblyman DEVERIN

AN ACT to provide for the inclusion of fine arts in the design of public buildings constructed by the State of New Jersey, amending P. L. 1966, c. 214, and supplementing Title 52 of the Revised Statutes *\*and making an appropriation therefor\**.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. (New section) This act shall be known and may be cited as  
2 the "Public Buildings Arts Inclusion Act."

1 2. (New section) For the purposes of this act, except as the  
2 context may otherwise clearly require:

3 a. "Public building" means any permanent structure, wholly  
4 or partially enclosed, which is intended to provide offices,  
5-8 courtrooms, hearing rooms, auditoriums, meeting rooms, class-  
9 rooms and other educational facilities, eating or sleeping  
10 facilities, medical or dental facilities, transportation terminals,  
11 libraries, museums and the like, which are intended for the use or  
12 accommodation of the general public or for any category or classifi-  
13 cation thereof in connection with the furtherance of public law or  
14 policy necessarily or incidentally requiring the provision of such  
15 accommodations or facilities, together with all its grounds and  
16 appurtenant structures and facilities.

17 b. "Fine arts" means sculpture, murals, mosaics, bas reliefs,  
18 frescoes, tapestries, monuments, fountains and other ornamenta-  
19 tions or displays which are intended to complement the artistic  
20 quality and esthetic effect of any buildings or structures in which  
21 they are contained or to which they are applied or with which they

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

22 are connected, even if spacially separated, by their integration into  
 23 a total architectural design. The term does not include the in-  
 24 cidental ornamental detail of functional structural elements or of  
 25 hardware and other functional accessories unless such ornamental  
 26 detail is not generally available from the manufacturers or  
 27 purveyors of such materials and must be specially designed and  
 28 produced for use in a particular building or related group of  
 29 buildings.

30 c. "State" means the Government of the State of New Jersey  
 31 and all departments, bureaus, boards, commissions, agencies and  
 32 instrumentalities thereof, except political subdivisions (as the  
 33 same are defined in the "Local Government Supervision Act  
 34 (1947)" (P. L. 1947, c. 151; C. 52:27BB-1 et seq.) and their  
 35 agencies and instrumentalities.

36 d. "Contracting officer" means the public officer or body re-  
 37 sponsible for securing the preparation of plans and specifications  
 38 of a public building for the purpose of negotiating or advertising  
 39 for bids for the construction of such building.

40 e. "Principal user" means that public officer or employee who  
 41 will have principal administrative responsibility for the actual  
 42 utilization of a proposed public building; or, if such officer or em-  
 43 ployee has not been duly designated, then the public officer, em-  
 44 ployee, board, commission or other agency or instrumentality which  
 45 is authorized to make such designation, or a representative thereof  
 46 authorized or designated thereby to perform the duties and func-  
 47 tions provided in this act to be performed by the principal user.

48 f. "Architect" means any architect, engineer or other person  
 49 licensed or otherwise authorized by or pursuant to law to prepare  
 50 plans and specifications for a public building.

51 g. "Council" means the New Jersey State Council on the Arts  
 52 established pursuant to P. L. 1966, c. 214 (C. 52:16A-25 et seq.),  
 53 or any committee or officer thereof as may be from time to time  
 54 authorized and delegated by the council to perform for it and in  
 55 its name any of the functions provided for in this act.

1 3. (New section) a. Whenever a new public building is to be  
 2 constructed at the expense and for the use of the State, the con-  
 3 tracting officer shall, together with the architect whom he has en-  
 4 gaged, consult with the council regarding the elements of fine arts to  
 5 be included or incorporated in the design of such building or  
 5A buildings.

6 b. As a result of such consultations the architect \*\*\*[shall]\*\*\*  
 7 \*\*\*may\*\*\* incorporate the recommendations of the council in the  
 8 design of such building or buildings. \*\*\*Expenditures for recom-

8A *mendations concerning the inclusion of artistic designs in State*  
 8B *buildings shall be approved by the State House Commission.\*\*\**

9 c. The total estimated cost of the fine arts elements included in  
 10 such plans and specifications for a public building or group of  
 11 public buildings for the purpose of implementing the design thereof  
 12 in accordance with the purposes of this act shall \***[in no case**  
 13 **exceed]**\* **\*\*\*[be]**\* **\*\*\*not exceed\*\*** 1½% of the total estimated  
 14 cost of the construction of such building or group of buildings.

1 4. (New section) a. The execution of the fine arts elements  
 2 determined upon pursuant to section 3 of this act shall be let as a  
 3 separate contract or contracts. Except as provided in section 5 of  
 4 this act, the artist or artists who are to execute such fine arts ele-  
 5 ments shall be selected jointly by the architect and the contracting  
 6 officer, after consultation with the council and the principal user.

7 b. For the purpose of assisting in the selection of artists the  
 8 council shall develop criteria which may be employed in the selec-  
 9 tion process. The council shall also endeavor to establish and  
 10 maintain a register of competent artists in the various branches of  
 11 the fine arts, particularly with reference to artists who are citizens  
 12 and residents of this State, from among whom artists who may be  
 13 particularly suited for the various types of work likely to be re-  
 14 quired may be readily identified and selected.

15 c. Contracts for such work shall be negotiated within the limits  
 16 of the estimated cost as determined pursuant to section 3 of this  
 17 act. Public competitive bidding shall not be required for any such  
 18 contract.

1 5. (New section) a. Upon the council's review of the elements  
 2 of fine arts to be incorporated in such structure or group of struc-  
 3 tures, the council may determine that such selection or selections  
 4 shall be made by means of public competition. The contract to be  
 5 let by such competition shall be in fixed amount made public prior  
 6 to the competition; but no such competition shall be held for the  
 7 award of a contract of less than \$2,500.00.

8 b. The council shall set the terms of the competition, and shall  
 9 provide that the artist submitting the design most in accord with  
 10 the architect's intentions and most in keeping with  
 11 the style and design of the building, and who, from his designs or  
 12 other materials submitted pursuant to the rules of the competition,  
 13 appears most able to execute the work in a satisfactory manner,  
 14 shall be awarded the contract for which the competition is held.

15 c. In any such competition, the council may provide, within the  
 16 limit of funds appropriated or otherwise made available to it for  
 17 the purpose, for the award of prizes to competitors other than

18 those awarded contracts as a result of the competition, on the  
 19 basis of the artistic qualities of their designs. Such prizes may  
 20 be awarded when, in the judgment of the council, it is necessary  
 21 or desirable in order to encourage a sufficient number of artists  
 22 to enter the competition so as to provide an ample field of choice  
 23 in selecting an artist to be awarded a contract.

24 d. In connection with any competition authorized under this  
 25 section, the council shall take such steps as are within its power  
 26 to assure that notice of such competition will be effectively  
 27 publicized so as to attract competitors; and to that end it is  
 28 authorized to expend such funds as may be appropriated or other-  
 29 wise made available to it for that purpose.

30 e. No expenditure authorized under subsection c. or d. of this  
 31 section shall be made from or charged to the 1½% allowance  
 32 provided for in section 3 of this act.

1 6. Section 2 of P. L. 1966, c. 214 (C. 52:16A-26) is amended to  
 2 read as follows:

3 2. The duties of the council shall be:

4 (a) To take such steps as may be deemed necessary and appro-  
 5 priate to stimulate and encourage the study and presentation of  
 6 the performing and creative arts, and to foster public interest in  
 7 and support of the arts in our State.

8 (b) To make such surveys as may be deemed advisable to public  
 9 and private institutions within the State engaged in the perform-  
 10 ing and creative arts, and to make recommendations for appro-  
 11 priate action to enlarge the State's resources in the performing  
 12 and creative arts.

13 (c) To encourage and assist freedom of expression in the per-  
 14 forming and creative arts.

15 (d) *To assist in complementing the design of public buildings in*  
 16 *this State in accordance with the provisions of the "Public Build-*  
 17 *ings Arts Inclusion Act."*

18 For the purposes of this act, the term "performing and creative  
 19 arts" shall include, but not be limited to, music, theater, dance,  
 20 literature, painting, sculpture, architecture, photography, film art,  
 21 handicrafts, graphic arts and design.

1 7. (New section) The council, in making recommendations or  
 2 suggestions to a public body or officer pursuant to the duties  
 3 imposed upon it under sections 3 and 4 of this act, or in arranging,  
 4 conducting or judging a competition pursuant to section 5 of this  
 5 act, shall before doing so consult thereon with officers or other  
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 7 organizations in New Jersey, such as museums, societies and asso-

8 ciations of artists and architects, schools of art and architecture,  
9 and such other organizations, associations or institutions as may  
10 be appropriate to the matter under consideration, including the  
11 major nonprofit public or private museums in the State whose  
12 collections encompass the fine arts.

1 \*8. *There is hereby appropriated to the council the sum of*  
2 *\$25,000.00 to carry out the purposes of this act.\**

1 \***[8.]**\* \*9.\* This act shall take effect immediately, but shall not  
2 apply to any contracts for the construction of any public buildings  
3 for which architectural design contracts have been awarded.

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ASSEMBLY, No. 75

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25 hardware and other functional accessories unless such ornamental  
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27 purveyors of such materials and must be specially designed and  
28 produced for use in a particular building or related group of  
29 buildings.

30 c. "State" means the Government of the State of New Jersey  
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36 d. "Contracting officer" means the public officer or body re-  
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ASSEMBLY, No. 75

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1 7. (New section) The council, in making recommendations or  
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3 imposed upon it under sections 3 and 4 of this act, or in arranging,  
4 conducting or judging a competition pursuant to section 5 of this  
5 act, shall before doing so consult thereon with officers or other  
6 appropriate representatives of relevant arts institutions and  
7 organizations in New Jersey, such as museums, societies and asso-

8 ciations of artists and architects, schools of art and architecture,  
9 and such other organizations, associations or institutions as may  
10 be appropriate to the matter under consideration, including the  
11 major nonprofit public or private museums in the State whose  
12 collections encompass the fine arts.

1 8. This act shall take effect immediately, but shall not apply to  
2 any contracts for the construction of any public buildings for  
3 which architectural design contracts have been awarded.

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STATEMENT

The purpose of this bill is expressed in its title.



ASSEMBLY COMMITTEE AMENDMENTS TO  
**ASSEMBLY, No. 75**

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**STATE OF NEW JERSEY**

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ADOPTED MARCH 2, 1978

Amend page 1, title, line 4, after "Statutes", insert "and making an appropriation therefor".

Amend page 3, section 3, line 12, omit "in no case exceed", insert "be".

Amend page 5, section 7, line 12, after line 12 insert new section 8 as follows:

"8. There is hereby appropriated to the council the sum of \$25,000.00 to carry out the purposes of this act."

Amend page 5, section 8, line 1, omit "8.", insert "9."

ASSEMBLY STATE GOVERNMENT, FEDERAL AND  
INTERSTATE RELATIONS AND VETERANS  
AFFAIRS COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 75**  
with Assembly committee amendments

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**STATE OF NEW JERSEY**

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DATED: APRIL 17, 1978

This bill, designated the "Public Buildings Arts Inclusion Act," provides for the inclusion of fine arts in the public buildings constructed by the State of New Jersey. In the bill as introduced, the amount for such purposes was not to exceed 1½% of the total estimated cost of construction; the Assembly State Government Committee amended this to be a flat 1½%.

Under this bill, the State's contracting officer and the architect engaged to design a new public building are to consult with the Council on the Arts regarding the elements of fine arts to be included or incorporated in the design of the building. The recommendations of the council are to be incorporated by the architect in his plans for the building.

The artist or artists to execute the fine arts elements are to be selected jointly by the architect and the contracting officer after consulting with the council and the principal user of the building, except when the council determines that the selection of the fine arts elements shall be decided by public competition. (No public competition, however, shall be held for the awarding of a contract of less than \$2,500.00.)

In the event of a public competition, the council sets the terms of the competition. The contract shall be awarded to the artist who submits "the design most in accord with the architect's intentions and most in keeping with the style and design of the building, and . . . appears most able to execute the work in a satisfactory manner . . . ."

In order to carry out the purposes of this bill, the Assembly committee included an appropriation of \$25,000.00 to the Council on the Arts.

Various arts groups spoke in support of this legislation, pointing out the economic benefits to be gained. "Quality public art and archi-

ecture have an effect on real estate development which increases tax revenues to the city, which in turn, entices more business and skilled labor to live there. Good public art attracts visitor dollars, bolsters tourism and makes a significant contribution to income and employment in a number of support industries including printing, publishing, advertising, graphic arts and food services.”

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FISCAL NOTE TO  
**ASSEMBLY, No. 75**  
[OFFICIAL COPY REPRINT]

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**STATE OF NEW JERSEY**

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DATED: MAY 11, 1978

The OCR of Assembly Bill No. 75 provides for the inclusion of fine arts in the design of public buildings constructed by the State of New Jersey. The amount for such purposes is 1½% of the total estimated cost of construction.

The Division of Budget and Accounting estimates that enactment of this legislation would increase State expenditures by about \$25,000.00 in fiscal 1978-79 and \$26,250.00 in fiscal 1979-80. Thereafter, inflation and the number of projects may alter the arts council's staff and expenditure requirements.

Any Federal funding obtained on a matching basis would be spent in addition to State moneys according to the match formula.

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In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1962, c. 27.

SENATE AMENDMENT TO  
**ASSEMBLY, No. 75**  
[OFFICIAL COPY REPRINT]

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**STATE OF NEW JERSEY**

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ADOPTED MAY 22, 1978

Amend page 3, section 3, line 13, omit "be", insert "not exceed".

[SENATE REPRINT]  
**ASSEMBLY, No. 75**

[OFFICIAL COPY REPRINT]  
with Senate amendment adopted May 22, 1978

—◆—  
**STATE OF NEW JERSEY**  
—◆—

PRE-FILED FOR INTRODUCTION IN THE 1978 SESSION

By Assemblyman DEVERIN

AN ACT to provide for the inclusion of fine arts in the design of public buildings constructed by the State of New Jersey, amending P. L. 1966, c. 214, and supplementing Title 52 of the Revised Statutes *\*and making an appropriation therefor\**.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. (New section) This act shall be known and may be cited as  
2 the "Public Buildings Arts Inclusion Act."

1 2. (New section) For the purposes of this act, except as the  
2 context may otherwise clearly require:

3 a. "Public building" means any permanent structure, wholly  
4 or partially enclosed, which is intended to provide offices,  
5-8 courtrooms, hearing rooms, auditoriums, meeting rooms, class-  
9 rooms and other educational facilities, eating or sleeping  
10 facilities, medical or dental facilities, transportation terminals,  
11 libraries, museums and the like, which are intended for the use or  
12 accommodation of the general public or for any category or classifi-  
13 cation thereof in connection with the furtherance of public law or  
14 policy necessarily or incidentally requiring the provision of such  
15 accommodations or facilities, together with all its grounds and  
16 appurtenant structures and facilities.

17 b. "Fine arts" means sculpture, murals, mosaics, bas reliefs,  
18 frescoes, tapestries, monuments, fountains and other ornamenta-  
19 tions or displays which are intended to complement the artistic  
20 quality and esthetic effect of any buildings or structures in which  
21 they are contained or to which they are applied or with which they  
22 are connected, even if spacially separated, by their integration into

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in the above bill  
is not enacted and is intended to be omitted in the law.

23 a total architectural design. The term does not include the in-  
24 cidental ornamental detail of functional structural elements or of  
25 hardware and other functional accessories unless such ornamental  
26 detail is not generally available from the manufacturers or  
27 purveyors of such materials and must be specially designed and  
28 produced for use in a particular building or related group of  
29 buildings.

30 c. "State" means the Government of the State of New Jersey  
31 and all departments, bureaus, boards, commissions, agencies and  
32 instrumentalities thereof, except political subdivisions (as the  
33 same are defined in the "Local Government Supervision Act  
34 (1947)" (P. L. 1947, c. 151; C. 52:27BB-1 et seq.) and their  
35 agencies and instrumentalities.

36 d. "Contracting officer" means the public officer or body re-  
37 sponsible for securing the preparation of plans and specifications  
38 of a public building for the purpose of negotiating or advertising  
39 for bids for the construction of such building.

40 e. "Principal user" means that public officer or employee who  
41 will have principal administrative responsibility for the actual  
42 utilization of a proposed public building; or, if such officer or em-  
43 ployee has not been duly designated, then the public officer, em-  
44 ployee, board, commission or other agency or instrumentality which  
45 is authorized to make such designation, or a representative thereof  
46 authorized or designated thereby to perform the duties and func-  
47 tions provided in this act to be performed by the principal user.

48 f. "Architect" means any architect, engineer or other person  
49 licensed or otherwise authorized by or pursuant to law to prepare  
50 plans and specifications for a public building.

51 g. "Council" means the New Jersey State Council on the Arts  
52 established pursuant to P. L. 1966, c. 214 (C. 52:16A-25 et seq.),  
53 or any committee or officer thereof as may be from time to time  
54 authorized and delegated by the council to perform for it and in  
55 its name any of the functions provided for in this act.

1 3. (New section) a. Whenever a new public building is to be  
2 constructed at the expense and for the use of the State, the con-  
3 tracting officer shall, together with the architect whom he has en-  
4 gaged, consult with the council regarding the elements of fine arts to  
5 be included or incorporated in the design of such building or  
5A buildings.

6 b. As a result of such consultations the architect shall in-  
7 corporate the recommendations of the council in the design of such  
8 building or buildings.

9 c. The total estimated cost of the fine arts elements included in  
10 such plans and specifications for a public building or group of  
11 public buildings for the purpose of implementing the design thereof  
12 in accordance with the purposes of this act shall \*~~in no case~~  
13 exceed\* \*\*~~be~~\*\* \*\*not exceed\*\* 1½% of the total estimated  
14 cost of the construction of such building or group of buildings.

1 4. (New section) a. The execution of the fine arts elements  
2 determined upon pursuant to section 3 of this act shall be let as a  
3 separate contract or contracts. Except as provided in section 5 of  
4 this act, the artist or artists who are to execute such fine arts ele-  
5 ments shall be selected jointly by the architect and the contracting  
6 officer, after consultation with the council and the principal user.

7 b. For the purpose of assisting in the selection of artists the  
8 council shall develop criteria which may be employed in the selec-  
9 tion process. The council shall also endeavor to establish and  
10 maintain a register of competent artists in the various branches of  
11 the fine arts, particularly with reference to artists who are citizens  
12 and residents of this State, from among whom artists who may be  
13 particularly suited for the various types of work likely to be re-  
14 quired may be readily identified and selected.

15 c. Contracts for such work shall be negotiated within the limits  
16 of the estimated cost as determined pursuant to section 3 of this  
17 act. Public competitive bidding shall not be required for any such  
18 contract.

1 5. (New section) a. Upon the council's review of the elements  
2 of fine arts to be incorporated in such structure or group of struc-  
3 tures, the council may determine that such selection or selections  
4 shall be made by means of public competition. The contract to be  
5 let by such competition shall be in fixed amount made public prior  
6 to the competition; but no such competition shall be held for the  
7 award of a contract of less than \$2,500.00.

8 b. The council shall set the terms of the competition, and shall  
9 provide that the artist submitting the design most in accord with  
10 the architect's intentions and most in keeping with  
11 the style and design of the building, and who, from his designs or  
12 other materials submitted pursuant to the rules of the competition,  
13 appears most able to execute the work in a satisfactory manner,  
14 shall be awarded the contract for which the competition is held.

15 c. In any such competition, the council may provide, within the  
16 limit of funds appropriated or otherwise made available to it for  
17 the purpose, for the award of prizes to competitors other than  
18 those awarded contracts as a result of the competition, on the



19 basis of the artistic qualities of their designs. Such prizes may  
20 be awarded when, in the judgment of the council, it is necessary  
21 or desirable in order to encourage a sufficient number of artists  
22 to enter the competition so as to provide an ample field of choice  
23 in selecting an artist to be awarded a contract.

24 d. In connection with any competition authorized under this  
25 section, the council shall take such steps as are within its power  
26 to assure that notice of such competition will be effectively  
27 publicized so as to attract competitors; and to that end it is  
28 authorized to expend such funds as may be appropriated or other-  
29 wise made available to it for that purpose.

30 e. No expenditure authorized under subsection c. or d. of this  
31 section shall be made from or charged to the 1½% allowance  
32 provided for in section 3 of this act.

1 6. Section 2 of P. L. 1966, c. 214 (C. 52:16A-26) is amended to  
2 read as follows:

3 2. The duties of the council shall be:

4 (a) To take such steps as may be deemed necessary and appro-  
5 priate to stimulate and encourage the study and presentation of  
6 the performing and creative arts, and to foster public interest in  
7 and support of the arts in our State.

8 (b) To make such surveys as may be deemed advisable to public  
9 and private institutions within the State engaged in the perform-  
10 ing and creative arts, and to make recommendations for appro-  
11 priate action to enlarge the State's resources in the performing  
12 and creative arts.

13 (c) To encourage and assist freedom of expression in the per-  
14 forming and creative arts.

15 (d) *To assist in complementing the design of public buildings in*  
16 *this State in accordance with the provisions of the "Public Build-*  
17 *ings Arts Inclusion Act."*

18 For the purposes of this act, the term "performing and creative  
19 arts" shall include, but not be limited to, music, theater, dance,  
20 literature, painting, sculpture, architecture, photography, film art,  
21 handicrafts, graphic arts and design.

1 7. (New section) The council, in making recommendations or  
2 suggestions to a public body or officer pursuant to the duties  
3 imposed upon it under sections 3 and 4 of this act, or in arranging,  
4 conducting or judging a competition pursuant to section 5 of this  
5 act, shall before doing so consult thereon with officers or other  
6 appropriate representatives of relevant arts institutions and  
7 organizations in New Jersey, such as museums, societies and asso-

8 ciations of artists and architects, schools of art and architecture,  
9 and such other organizations, associations or institutions as may  
10 be appropriate to the matter under consideration, including the  
11 major nonprofit public or private museums in the State whose  
12 collections encompass the fine arts.

1 \*8. *There is hereby appropriated to the council the sum of*  
2 *\$25,000.00 to carry out the purposes of this act.\**

1 \***[8.]**\* \*9.\* This act shall take effect immediately, but shall not  
2 apply to any contracts for the construction of any public buildings  
3 for which architectural design contracts have been awarded.

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SENATE AMENDMENTS TO  
**ASSEMBLY, No. 75**  
[OFFICIAL COPY REPRINT]  
[SENATE REPRINT]

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**STATE OF NEW JERSEY**

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ADOPTED MAY 25, 1978

Amend page 2, section 3, line 6, omit "shall", insert "may".

Amend page 2, section 3, line 8, after the ".", insert "Expenditures for recommendations concerning the inclusion of artistic designs in State buildings shall be approved by the State House Commission.".

[SECOND SENATE REPRINT]  
**ASSEMBLY, No. 75**  
[OFFICIAL COPY REPRINT]

with Senate amendment adopted May 22, 1978  
and Senate amendments adopted May 25, 1978

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**STATE OF NEW JERSEY**

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PRE-FILED FOR INTRODUCTION IN THE 1978 SESSION

By Assemblyman DEVERIN

AN ACT to provide for the inclusion of fine arts in the design of public buildings constructed by the State of New Jersey, amending P. L. 1966, c. 214, and supplementing Title 52 of the Revised Statutes *\*and making an appropriation therefor\**.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. (New section) This act shall be known and may be cited as  
2 the "Public Buildings Arts Inclusion Act."

1 2. (New section) For the purposes of this act, except as the  
2 context may otherwise clearly require:

3 a. "Public building" means any permanent structure, wholly  
4 or partially enclosed, which is intended to provide offices,  
5-8 courtrooms, hearing rooms, auditoriums, meeting rooms, class-  
9 rooms and other educational facilities, eating or sleeping  
10 facilities, medical or dental facilities, transportation terminals,  
11 libraries, museums and the like, which are intended for the use or  
12 accommodation of the general public or for any category or classifi-  
13 cation thereof in connection with the furtherance of public law or  
14 policy necessarily or incidentally requiring the provision of such  
15 accommodations or facilities, together with all its grounds and  
16 appurtenant structures and facilities.

17 b. "Fine arts" means sculpture, murals, mosaics, bas reliefs,  
18 frescoes, tapestries, monuments, fountains and other ornamenta-  
19 tions or displays which are intended to complement the artistic  
20 quality and esthetic effect of any buildings or structures in which  
21 they are contained or to which they are applied or with which they

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

22 are connected, even if spacially separated, by their integration into  
23 a total architectural design. The term does not include the in-  
24 cidental ornamental detail of functional structural elements or of  
25 hardware and other functional accessories unless such ornamental  
26 detail is not generally available from the manufacturers or  
27 purveyors of such materials and must be specially designed and  
28 produced for use in a particular building or related group of  
29 buildings.

30 c. "State" means the Government of the State of New Jersey  
31 and all departments, bureaus, boards, commissions, agencies and  
32 instrumentalities thereof, except political subdivisions (as the  
33 same are defined in the "Local Government Supervision Act  
34 (1947)" (P. L. 1947, c. 151; C. 52:27BB-1 et seq.) and their  
35 agencies and instrumentalities.

36 d. "Contracting officer" means the public officer or body re-  
37 sponsible for securing the preparation of plans and specifications  
38 of a public building for the purpose of negotiating or advertising  
39 for bids for the construction of such building.

40 e. "Principal user" means that public officer or employee who  
41 will have principal administrative responsibility for the actual  
42 utilization of a proposed public building; or, if such officer or em-  
43 ployee has not been duly designated, then the public officer, em-  
44 ployee, board, commission or other agency or instrumentality which  
45 is authorized to make such designation, or a representative thereof  
46 authorized or designated thereby to perform the duties and func-  
47 tions provided in this act to be performed by the principal user.

48 f. "Architect" means any architect, engineer or other person  
49 licensed or otherwise authorized by or pursuant to law to prepare  
50 plans and specifications for a public building.

51 g. "Council" means the New Jersey State Council on the Arts  
52 established pursuant to P. L. 1966, c. 214 (C. 52:16A-25 et seq.),  
53 or any committee or officer thereof as may be from time to time  
54 authorized and delegated by the council to perform for it and in  
55 its name any of the functions provided for in this act.

1 3. (New section) a. Whenever a new public building is to be  
2 constructed at the expense and for the use of the State, the con-  
3 tracting officer shall, together with the architect whom he has en-  
4 gaged, consult with the council regarding the elements of fine arts to  
5 be included or incorporated in the design of such building or  
5A buildings.

6 b. As a result of such consultations the architect ~~\*\*\*[shall]\*\*\*~~  
7 ~~\*\*\*may\*\*\*~~ incorporate the recommendations of the council in the  
8 design of such building or buildings. *\*\*\*Expenditures for recom-*

8A *mendations concerning the inclusion of artistic designs in State*  
8B *buildings shall be approved by the State House Commission.\*\*\**

9 c. The total estimated cost of the fine arts elements included in  
10 such plans and specifications for a public building or group of  
11 public buildings for the purpose of implementing the design thereof  
12 in accordance with the purposes of this act shall \*~~in no case~~  
13 ~~exceed~~\* \*\*~~be~~\*\* \*\*not exceed\*\* 1½% of the total estimated  
14 cost of the construction of such building or group of buildings.

1 4. (New section) a. The execution of the fine arts elements  
2 determined upon pursuant to section 3 of this act shall be let as a  
3 separate contract or contracts. Except as provided in section 5 of  
4 this act, the artist or artists who are to execute such fine arts ele-  
5 ments shall be selected jointly by the architect and the contracting  
6 officer, after consultation with the council and the principal user.

7 b. For the purpose of assisting in the selection of artists the  
8 council shall develop criteria which may be employed in the selec-  
9 tion process. The council shall also endeavor to establish and  
10 maintain a register of competent artists in the various branches of  
11 the fine arts, particularly with reference to artists who are citizens  
12 and residents of this State, from among whom artists who may be  
13 particularly suited for the various types of work likely to be re-  
14 quired may be readily identified and selected.

15 c. Contracts for such work shall be negotiated within the limits  
16 of the estimated cost as determined pursuant to section 3 of this  
17 act. Public competitive bidding shall not be required for any such  
18 contract.

1 5. (New section) a. Upon the council's review of the elements  
2 of fine arts to be incorporated in such structure or group of struc-  
3 tures, the council may determine that such selection or selections  
4 shall be made by means of public competition. The contract to be  
5 let by such competition shall be in fixed amount made public prior  
6 to the competition; but no such competition shall be held for the  
7 award of a contract of less than \$2,500.00.

8 b. The council shall set the terms of the competition, and shall  
9 provide that the artist submitting the design most in accord with  
10 the architect's intentions and most in keeping with  
11 the style and design of the building, and who, from his designs or  
12 other materials submitted pursuant to the rules of the competition,  
13 appears most able to execute the work in a satisfactory manner,  
14 shall be awarded the contract for which the competition is held.

15 c. In any such competition, the council may provide, within the  
16 limit of funds appropriated or otherwise made available to it for  
17 the purpose, for the award of prizes to competitors other than

18 those awarded contracts as a result of the competition, on the  
19 basis of the artistic qualities of their designs. Such prizes may  
20 be awarded when, in the judgment of the council, it is necessary  
21 or desirable in order to encourage a sufficient number of artists  
22 to enter the competition so as to provide an ample field of choice  
23 in selecting an artist to be awarded a contract.

24 d. In connection with any competition authorized under this  
25 section, the council shall take such steps as are within its power  
26 to assure that notice of such competition will be effectively  
27 publicized so as to attract competitors; and to that end it is  
28 authorized to expend such funds as may be appropriated or other-  
29 wise made available to it for that purpose.

30 e. No expenditure authorized under subsection c. or d. of this  
31 section shall be made from or charged to the 1½% allowance  
32 provided for in section 3 of this act.

1 6. Section 2 of P. L. 1966, c. 214 (C. 52:16A-26) is amended to  
2 read as follows:

3 2. The duties of the council shall be:

4 (a) To take such steps as may be deemed necessary and appro-  
5 priate to stimulate and encourage the study and presentation of  
6 the performing and creative arts, and to foster public interest in  
7 and support of the arts in our State.

8 (b) To make such surveys as may be deemed advisable to public  
9 and private institutions within the State engaged in the perform-  
10 ing and creative arts, and to make recommendations for appro-  
11 priate action to enlarge the State's resources in the performing  
12 and creative arts.

13 (c) To encourage and assist freedom of expression in the per-  
14 forming and creative arts.

15 (d) *To assist in complementing the design of public buildings in*  
16 *this State in accordance with the provisions of the "Public Build-*  
17 *ings Arts Inclusion Act."*

18 For the purposes of this act, the term "performing and creative  
19 arts" shall include, but not be limited to, music, theater, dance,  
20 literature, painting, sculpture, architecture, photography, film art,  
21 handicrafts, graphic arts and design.

1 7. (New section) The council, in making recommendations or  
2 suggestions to a public body or officer pursuant to the duties  
3 imposed upon it under sections 3 and 4 of this act, or in arranging,  
4 conducting or judging a competition pursuant to section 5 of this  
5 act, shall before doing so consult thereon with officers or other  
6 appropriate representatives of relevant arts institutions and  
7 organizations in New Jersey, such as museums, societies and asso-

8 ciations of artists and architects, schools of art and architecture,  
9 and such other organizations, associations or institutions as may  
10 be appropriate to the matter under consideration, including the  
11 major nonprofit public or private museums in the State whose  
12 collections encompass the fine arts.

1 \*8. *There is hereby appropriated to the council the sum of*  
2 *\$25,000.00 to carry out the purposes of this act.\**

1 \***[8.]**\* \*9.\* This act shall take effect immediately, but shall not  
2 apply to any contracts for the construction of any public buildings  
3 for which architectural design contracts have been awarded.

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9/15/78

Public Signing - Sunday, September 17, 1978

Assembly Bill No. 75 -- which is designated the "Public Buildings Arts Inclusion Act," provides for the inclusion of fine arts in the design of public buildings constructed by the State; appropriates \$25,000.

SPONSORS: Deverin, Schwartz, Kiernan