

State Govt. 2/9 To pass 3/2 (444)

SENATE FILE 72 2/1

State Government
Nystrom, Chairperson
Coleman
Schwengels

FILED FEB 2 1978

Reprinted 3/78

SENATE FILE 72

By MURRAY and HILL of Polk

Passed Senate, Date 3-9-78 (p. 489) Passed House, Date 5-11-78 (P 2557)
Vote: Ayes 39 Nays 7 Vote: Ayes 67 Nays 20
Approved 6/2/78

A BILL FOR

1 An Act relating to the inclusion of fine arts projects in
2 state building construction projects in cooperation with
3 the Iowa state arts council.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Chapter three hundred four A (304A), Code 1977,
2 is amended by adding sections two (2) through nine (9) of
3 this Act.

4 Sec. 2. NEW SECTION. When used in this Act:

5 1. "State building" means any permanent structure, wholly
6 or partially enclosed, which is intended to provide offices,
7 laboratories, workshops, courtrooms, hearing and meeting
8 rooms, storage space and other facilities for carrying on
9 the functions of a state agency, including the board of
10 regents; or auditoriums, meeting rooms, classrooms and other
11 educational facilities; eating or sleeping facilities, medical
12 or dental facilities, libraries, and museums which are intended
13 for the use or accommodation of the general public; together
14 with all grounds and appurtenant structures and facilities.

15 2. "Fine Arts" means sculpture, fountains, bas-reliefs,
16 mosaics, frescoes, wall hangings, pictures or other enhance-
17 ments to be integrated into the total environment of the
18 building or complex of buildings. Fine arts does not include
19 the incidental ornamental detail of functional structural
20 elements or hardware and other accessories.

21 3. "Principal user" means that state officer or employee
22 who shall have principal administrative responsibility for
23 the actual utilization of a proposed state building; or, if
24 such officer or employee has not been designated, then the
25 state officer, employee, board, commission or other agency
26 or institution of the state which is authorized or designated
27 to perform the duties and functions provided in this Act to
28 be performed by the principal user.

29 4. "Architect" means any architect, engineer or other
30 person licensed or otherwise authorized by law to prepare
31 plans and specifications for a state building.

32 Sec. 3. NEW SECTION. Whenever a state building is to
33 be constructed, the contracting officer shall, at the time
34 of engaging or directing an architect to prepare plans and
35 specifications for the building, consult with the Iowa state

1 arts council and determine that the environmental presence
2 within, on, or about the structure be developed so that man's
3 relation and awareness to his environment shall be enhanced.

4 Sec. 4. NEW SECTION. The total estimated cost of the
5 fine arts elements included in a plan and specifications for
6 a state building or group of state buildings in accordance
7 with the purposes of this Act shall in no case be less than
8 one percent of the total estimated cost of such building or
9 group of buildings. This percentage allocation shall not
10 be diminished by professional fees.

11 Sec. 5. NEW SECTION. In assisting the contracting officer,
12 the principal user and the building architect in the
13 deliberations and selection of fine arts and artists, the
14 Iowa state arts council shall prepare a register of qualified
15 artists and shall appoint an advisory committee composed
16 of six members, two of whom shall be members of the Iowa state
17 arts council designated by the chairman and who shall serve
18 at the pleasure of the chairman; two of whom shall be members
19 of the general assembly, one each appointed and serving at
20 the pleasure of the presiding officers of the house and senate;
21 and two at-large members designated by the council to serve
22 for terms of two years each.

23 Sec. 6. NEW SECTION. Preference shall be given to
24 selecting works of fine arts by living or deceased Iowa
25 artists.

26 Sec. 7. NEW SECTION. The execution of the fine arts
27 elements determined pursuant to this Act shall be let as a
28 separate contract. The artist who is to execute such fine
29 arts elements shall be selected by the Iowa state arts council
30 with the approval of the contracting officer and after
31 consultation with the architect and the principal user, and
32 consultation shall continue during execution of the work.

33 Sec. 8. NEW SECTION. Contracts for fine arts shall be
34 executed within the limits of the estimated costs as deter-
35 mined by section four (4) of this Act, and competitive bidding

1 shall be used where applicable.

2 Sec. 9. NEW SECTION. The Iowa state arts council may
3 provide for selection by public competition of artists to
4 execute any fine arts works undertaken in pursuance of this
5 Act. The amount and other terms of the contract to be let
6 by such competition shall be fixed and made public by the
7 council prior to the competition. No expenditures for the
8 awarding of prizes or for the administering of a competition
9 authorized under this section shall be made from or charged
10 to the percentage allowance provided for in section four (4)
11 of this Act.

12 Sec. 10. This Act is effective January 1, 1978.

13 EXPLANATION

14 This bill provides for an advisory committee to be appointed
15 to assist and consult with the state arts council in selecting
16 fine arts elements to be used in new state buildings and pro-
17 vides that one percent of the total estimated costs of the
18 new building or group of buildings shall be expended for fine
19 arts purposes, and that this shall be in addition to the
20 estimated cost, and shall not be diminished by professional
21 fees.

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S-5238

1 Amend Senate File 72 by striking all after the
2 enacting clause and inserting in lieu thereof the
3 following:

4 "Section 1. Chapter three hundred four A (304A),
5 Code 1977, is amended by adding sections two (2) through
6 nine (9) of this Act.

7 Sec. 2. NEW SECTION. When used in this Act:

8 1. "State building" means any permanent structure,
9 wholly or partially enclosed, which is intended to
10 provide offices, laboratories, workshops, courtrooms,
11 hearing and meeting rooms, storage space and other
12 facilities for carrying on the functions of a state
13 agency, including the board of regents; or auditoriums,
14 meeting rooms, classrooms and other educational
15 facilities; eating or sleeping facilities, medical or
16 dental facilities, libraries, and museums which are
17 intended for the use or accommodation of the general
18 public; together with all grounds and appurtenant
19 structures and facilities; provided, however, it shall
20 not mean maintenance sheds, separate garages, cellhouses
21 or other secure sleeping facilities for prisoners, or
22 buildings used solely as storage or warehouse facilities.

23 2. "Fine Arts" means sculpture, fountains, bas-reliefs,
24 mosaics, frescoes, wall hangings, pictures or other
25 enhancements to be integrated into the total environment
26 of the building or complex of buildings. Fine arts does
27 not include the incidental ornamental detail of functional
28 structural elements, or hardware and other accessories.

29 3. "Principal user" means the designated person or
30 entity having principal administrative responsibility for
31 the actual utilization of a proposed state building.

32 Sec. 3. NEW SECTION. Whenever a state building is to
33 be constructed, the contracting officer or principal user
34 shall, at the time of engaging or directing an architect
35 to prepare plans and specifications for the building,
36 coordinate with the Iowa State Arts Council, which shall
37 provide for consultation to ensure that the fine arts
38 elements will be integrated within, on, or about the total
39 environment of such construction.

40 Sec. 4. NEW SECTION. The total estimated cost of
41 the fine arts elements included in a plan and specifications
42 for a state building or group of state buildings in
43 accordance with the purposes of this Act shall in no case be
44 less than one-half of one percent of the total estimated cost
45 of such building or group of buildings. This percentage
46 allocation shall not be diminished by professional fees.

47 Sec. 5. NEW SECTION. The contracting officer, the
48 principal user and the building architect shall coordinate
49 with the Iowa State Arts Council all matters relating to
50 the selection of the fine arts elements to be included
or purchased for a state building as authorized by section

1 four (4) of this Act.

2 Sec. 6. NEW SECTION. Contracts for the fine arts
3 elements shall be executed within the limits of the
4 estimated costs as determined by section four (4) of
5 this Act. All expenses related to the acquisition of
6 the fine arts elements shall be contracted for separately
7 with the funds allocated for these purposes.

8 Sec. 7. NEW SECTION. Selection of fine arts works
9 may be made by public competition of artists. Preference
10 shall be given to the selection of works produced, created
11 or otherwise made by living or deceased Iowa artists.
12 Competitive bidding shall be used where applicable.

13 Sec. 8. NEW SECTION. Title to all works of art
14 acquired rests with the principal user or contracting
15 agency in the name of the state. The principal user or
16 contracting agency and the Iowa State Arts Council upon
17 agreement may loan works of art between state-owned
18 buildings whenever in their judgment the loan will be to
19 the benefit of the citizens of this state. However,
20 all such works shall be returned to the principal user
21 or the contracting agency at its request."

S-5238 FILED *Adopted as amended* BY MINNETTE DODERER, CHAIRPERSON
FEBRUARY 23, 1978 *by 5254* COMMITTEE ON STATE GOVERNMENT
3/4 (p. 489)

SENATE FILE 72

S-5254

1 Amend S-5238, filed by the Committee on State
2 Government, to Senate File 72, page 1, line 6, by
3 striking the word and figure "nine (9)" and inserting
4 in lieu thereof the word and figure "eight (8)".

S-5254 FILED *Adopted 2/9 (p. 489)* BY JOHN S. MURRAY
FEBRUARY 28, 1978

SENATE FILE 72

FISCAL NOTE

DATE PREPARED: FEBRUARY 17, 1977

REQUESTED BY: SENATOR MURRAY

Prepared in regard to Senate File 72, An Act relating to the inclusion of fine arts projects in state building construction projects in cooperation with the Iowa state arts council.

Following is the fiscal effect in dollars of the legislative proposal as required by Joint Rule 16.

S.F. 72 provides for an advisory committee to be appointed to assist and consult with the state arts council in selecting fine arts elements to be used in new state buildings and provides that one percent of the total estimated costs of the new building or group of buildings shall be expended for fine arts purposes, and that this shall be in addition to the estimated cost, and shall not be diminished by professional fees.

Moneys involved would vary from year to year depending upon the amount of construction that would take place throughout the state. Only after the legislature concludes its work could an accurate estimate be made. Therefore, it is not presently possible to make an estimate of the fiscal effect of this proposal.

SOURCE: Iowa Arts Council

FILED
FEBRUARY 17, 1977

Gerry Rankin
Legislative Fiscal Director

1 Section 1. Chapter three hundred four A (304A), Code 1977,
2 is amended by adding sections two (2) through eight (8) of
3 this Act.

4 Sec. 2. NEW SECTION. When used in this Act:

5 1. "State building" means any permanent structure, wholly
6 or partially enclosed, which is intended to provide offices,
7 laboratories, workshops, courtrooms, hearing and meeting
8 rooms, storage space and other facilities for carrying on
9 the functions of a state agency, including the board of
10 regents; or auditoriums, meeting rooms, classrooms and other
11 educational facilities; eating or sleeping facilities, medical
12 or dental facilities, libraries and museums which are intended
13 for the use or accommodation of the general public; together
14 with all grounds and appurtenant structures and facilities;
15 provided, however, it shall not mean maintenance sheds,
16 separate garages, cellhouses or other secure sleeping
17 facilities for prisoners, or buildings used solely as storage
18 or warehouse facilities.

19 2. "Fine arts" means sculpture, fountains, bas-reliefs,
20 mosaics, frescoes, wall hangings, pictures or other
21 enhancements to be integrated into the total environment of
22 the building or complex of buildings. Fine arts does not
23 include the incidental ornamental detail of functional
24 structural elements, or hardware and other accessories.

25 3. "Principal use" means the designated person or entity
26 having principal administrative responsibility for the actual
27 utilization of a proposed state building.

28 Sec. 3. NEW SECTION. Whenever a state building is to
29 be constructed, the contracting officer or principal user
30 shall, at the time of engaging or directing an architect to
31 prepare plans and specifications for the building, coordinate
32 with the Iowa state arts council, which shall provide for
33 consultation to ensure that the fine arts elements will be
34 integrated within, on, or about the total environment of such
35 construction.

1 Sec. 4. NEW SECTION. The total estimated cost of the
2 fine arts elements included in a plan and specifications for
3 a state building or group of state buildings in accordance
4 with the purposes of this Act shall in no case be less than
5 one-half of one percent of the total estimated cost of such
6 building or group of buildings. This percentage allocation
7 shall not be diminished by professional fees.

8 Sec. 5. NEW SECTION. The contracting officer, the
9 principal user and the building architect shall coordinate
10 with the Iowa state arts council all matters relating to the
11 selection of the fine arts elements to be included or purchased
12 for a state building as authorized by section four (4) of
13 this Act.

14 Sec. 6. NEW SECTION. Contracts for the fine arts elements
15 shall be executed within the limits of the estimated costs
16 as determined by section four (4) of this Act. All expenses
17 related to the acquisition of the fine arts elements shall
18 be contracted for separately with the funds allocated for
19 these purposes.

20 Sec. 7. NEW SECTION. Selection of fine arts works may
21 be made by public competition of artists. Preference shall
22 be given to the selection of works produced, created or
23 otherwise made by living or deceased Iowa artists. Competitive
24 bidding shall be used where applicable.

25 Sec. 8. NEW SECTION. Title to all works of art acquired
26 rests with the principal user or contracting agency in the
27 name of the state. The principal user or contracting agency
28 and the Iowa state arts council upon agreement may loan works
29 of art between state-owned buildings whenever in their judgment
30 the loan will be to the benefit of the citizens of this state.
31 However, all such works shall be returned to the principal
32 user or the contracting agency at its request.

33 EXPLANATION

34 This bill provides for an advisory committee to be appointed
35 to assist and consult with the state arts council in selecting

1 fine arts elements to be used in new state buildings and pro-
2 vides that one percent of the total estimated costs of the
3 new building or group of buildings shall be expended for fine
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SF 72
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SENATE FILE 72

AN ACT

RELATING TO THE INCLUSION OF FINE ARTS PROJECTS IN STATE
BUILDING CONSTRUCTION PROJECTS IN COOPERATION WITH
THE IOWA STATE ARTS COUNCIL.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Chapter three hundred four A (304A), Code 1977,
is amended by adding sections two (2) through eight (8) of
this Act.

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1. "State building" means any permanent structure, wholly
or partially enclosed, which is intended to provide offices,
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or dental facilities, libraries and museums which are intended
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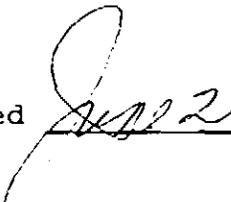
name of the state. The principal user or contracting agency and the Iowa state arts council upon agreement may loan works of art between state-owned buildings whenever in their judgment the loan will be to the benefit of the citizens of this state. However, all such works shall be returned to the principal user or the contracting agency at its request.

ARTHUR A. NEU
President of the Senate

DALE M. COCHRAN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 72, Sixty-seventh General Assembly.

KEVIN P. LIGHT
Acting Secretary of the Senate

Approved  , 1978

ROBERT D. RAY
Governor