

CHAPTER 117

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.

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

C. 52:16A-29 Short title.

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

C. 52:16A-30 Definitions.

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

a. "Public building" means any permanent structure, wholly or partially enclosed, which is intended to provide offices, courtrooms, hearing rooms, auditoriums, meeting rooms, classrooms and other educational facilities, eating or sleeping facilities, medical or dental facilities, transportation terminals, libraries, museums and the like, which are intended for the use or accommodation of the general public or for any category or classification thereof in connection with the furtherance of public law or policy necessarily or incidentally requiring the provision of such accommodations or facilities, together with all its grounds and appurtenant structures and facilities.

b. "Fine arts" means sculpture, murals, mosaics, bas reliefs, frescoes, tapestries, monuments, fountains and other ornamentations or displays which are intended to complement the artistic quality and esthetic effect of any buildings or structures in which they are contained or to which they are applied or with which they are connected, even if spacially separated, by their integration into a total architectural design. The term does not include the incidental ornamental detail of functional structural elements or of hardware and other functional accessories unless such ornamental detail is not generally available from the manufacturers or purveyors of such materials and must be specially designed and produced for use in a particular building or related group of buildings.

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

d. "Contracting officer" means the public officer or body responsible for securing the preparation of plans and specifications of a public building for the purpose of negotiating or advertising for bids for the construction of such building.

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

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

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

C. 52:16A-31 Consultations with council; incorporation of council's recommendations; approval of artistic designs; limitation on costs of fine arts elements.

3. (New section) a. Whenever a new public building is to be constructed at the expense and for the use of the State, the contracting officer shall, together with the architect whom he has engaged, consult with the council regarding the elements of fine arts to be included or incorporated in the design of such building or buildings.

b. As a result of such consultations the architect may incorporate the recommendations of the council in the design of such building or buildings. Expenditures for recommendations concerning the inclusion of artistic designs in State buildings shall be approved by the State House Commission.

c. The total estimated cost of the fine arts elements included in such plans and specifications for a public building or group of

public buildings for the purpose of implementing the design thereof in accordance with the purposes of this act shall not exceed $1\frac{1}{2}\%$ of the total estimated cost of the construction of such building or group of buildings.

C. 52:16A-32 Execution of fine arts elements by separate contract; selection of artists; negotiation of contracts.

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

b. For the purpose of assisting in the selection of artists the council shall develop criteria which may be employed in the selection process. The council shall also endeavor to establish and maintain a register of competent artists in the various branches of the fine arts, particularly with reference to artists who are citizens and residents of this State, from among whom artists who may be particularly suited for the various types of work likely to be required may be readily identified and selected.

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

C. 52:16A-33 Selection by means of public competition; terms; awarding of prizes; notice of competition; expenditures.

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

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

c. In any such competition, the council may provide, within the limit of funds appropriated or otherwise made available to it for

the purpose, for the award of prizes to competitors other than those awarded contracts as a result of the competition, on the basis of the artistic qualities of their designs. Such prizes may be awarded when, in the judgment of the council, it is necessary or desirable in order to encourage a sufficient number of artists to enter the competition so as to provide an ample field of choice in selecting an artist to be awarded a contract.

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

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

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

C. 52:16A-26 Duties of council.

2. The duties of the council shall be:

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

(b) To make such surveys as may be deemed advisable to public and private institutions within the State engaged in the performing and creative arts, and to make recommendations for appropriate action to enlarge the State's resources in the performing and creative arts.

(c) To encourage and assist freedom of expression in the performing and creative arts.

(d) To assist in complementing the design of public buildings in this State in accordance with the provisions of the "Public Buildings Arts Inclusion Act."

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

C. 52:16A-34 Consultations with officers or representatives of arts institutions and organizations.

7. (New section) The council, in making recommendations or suggestions to a public body or officer pursuant to the duties

imposed upon it under sections 3 and 4 of this act, or in arranging, conducting or judging a competition pursuant to section 5 of this act, shall before doing so consult thereon with officers or other appropriate representatives of relevant arts institutions and organizations in New Jersey, such as museums, societies and associations of artists and architects, schools of art and architecture, and such other organizations, associations or institutions as may be appropriate to the matter under consideration, including the major nonprofit public or private museums in the State whose collections encompass the fine arts.

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

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

Approved September 17, 1978.

CHAPTER 118

AN ACT authorizing the creation of a debt of the State of New Jersey by issuance of bonds of the State in the sum of \$200 million to provide money for public acquisition and development of lands for recreation and conservation purposes to meet the future needs of the expanding population; to enable the State to acquire and develop lands for recreation and conservation purposes and to provide for State grants to assist municipalities and counties and other units of local government to acquire and develop lands for recreation and conservation purposes; providing the ways and means to pay the interest of said debt and also to pay and discharge the principal thereof; and providing for the submission of this act to the people at a general election.

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

1. This act may be cited as the "New Jersey Green Acres Bond Act of 1978."