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BILL ANALYSIS

Senate Fiscal Agency

• Lansing, Michigan 48909

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Senate Bill 559 (Substitute S-1 as reported)
Sponsor: Senator William Sederburg
Committee: Government Operations

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RATIONALE

The Faxon-McNamee Art in Public Places Act, adopted in 1980, established the Committee on Art in Public Places within the Department of Management and Budget (DMB), and a fund to be used by the Committee to acquire art for display in or on properties owned by the State or public colleges and universities. It was argued during passage of the Act that official recognition of the visual arts in statute was needed, and that the State should attempt to beautify the State buildings and properties. The Committee has pointed out that it has been operating under the original Act for 10 years, and has suggested that the Act be amended in a number of ways (including increasing its membership) to allow it to continue and improve its operation.

CONTENT

The bill would amend the Faxon-McNamee Art in Public Places Act to replace the Committee on Art in Public Places with the Michigan Commission on Public Art; require, whenever possible, works of art in new or renovated State buildings; prescribe the duties of the Commission; and make revisions pertaining to the State Art in Public Places Fund.

Currently, under the Act, the seven-member Committee on Art in Public Places within the DMB can select and purchase art for public places. The bill would create, effective January 1, 1991, an 11-member Michigan Commission

on Public Art within the DMB. Nine of the members would be appointed by the Governor, with the advice and consent of the Senate; of the two remaining members, one would be the Director of the Detroit Institute of Arts or the Institute's curator of contemporary art, and one would be the DMB Director or the director or deputy director of the DMB's Office of Facilities. Of the appointed members, three would have to be appointed from the general public and be knowledgeable in visual arts; six would have to be professionals, including an art museum director, a curator, an artist, an art historian, and an architect. Appointed members would serve four-year terms and would be eligible for consecutive reappointment. Members would serve without pay but would be reimbursed for expenses.

The Commission would be responsible for the administration of the Act, and the DMB would have to provide all necessary administrative support services to the Commission. The bill provides that the expenses of administering the Act would have to be included in the DMB's annual appropriation. As is currently allowed of the Committee, the Commission could select, accept, and purchase existing art or commission an artist to execute a new work of art. The Commission would have to report annually to the Governor and Legislature regarding the progress of programs to integrate art in public places, and the status of the inventory and conservation of State-owned works of art. The Commission would be responsible for maintaining an inventory of State-owned works

S.B. 559 (2-20-90)

of art; maintenance, conservation, and restoration of the art; and periodic review and examination of the art.

The bill provides that a new or existing State building or facility constructed, renovated, or leased after the bill's effective date would, whenever possible, have to include works of art for public display. State departments, agencies, and institutions of higher learning would be "encouraged" to include an amount of at least 1%, as a nondeductible item, out of any State appropriated money that exceeded \$50,000 allocated for construction, renovation, or leasing, to be transferred to the State Art in Public Places Fund for the purpose of acquiring works of art. If the Commission identified a State building or facility as inappropriate for the display of art, any funds that had been allocated for this purpose by a State department, agency, or institution of higher education could be used for the acquisition of art for other State buildings. Any funds allocated for art by a State department, agency, or institution of higher education that were not totally spent for a building or facility could be used for acquiring art for other State facilities or buildings.

The bill would delete provisions under which the Fund may derive income from transfers, of no more than 1% of total appropriations for a particular project, from appropriations for specific capital outlay projects, if the projects are estimated to cost at least \$250,000 and are identified by the Legislature to include art.

The bill specifies that investment of the State Art in Public Places Fund (which is currently established in the State Treasury) would be directed by the State Treasurer, and all earnings and interest from the Fund would be credited to the Fund. Money in the Fund at the end of a fiscal year would not revert to the General Fund but would be carried over to the next and succeeding fiscal years.

Currently, the Act provides that if a commissioned work of art exceeds \$20,000 of legislatively appropriated funds, the action of the Committee can be made only after recommendation by an artist selection jury appointed by the Committee. The bill provides, instead, that if a commissioned work of art exceeded \$50,000, the Commission could take

the action only after recommendation by an artist selection jury appointed by the Commission. The Act requires that the Committee and selection juries give priority consideration to artists who are residents, former residents, or natives of Michigan. The bill provides that the Commission or its artist selection juries could give priority consideration to residents or former residents.

The State would have the rights to sole ownership and public display of all art acquired under the Act. A contractual agreement between the Commission and an artist commissioned to create a work of art would have to include a provision that defined any rights of the artist.

MCL 18.71 et al.

FISCAL IMPACT

The bill would have a minimal fiscal impact on the State. The Department of Management and Budget could incur some increased costs for the expenses and administrative costs of the four additional Commission members that the bill would provide for over current statute concerning the Committee on Art in Public Places.

ARGUMENTS

Supporting Argument

The Committee on Art in Public Places has suggested a number of changes to the Act that established and prescribed the responsibilities of the Committee. By increasing the membership of the Committee, allowing for the consecutive reappointment of members, allowing unspent money in the Fund to be carried over to a succeeding fiscal year, and making numerous other minor changes, the bill would engender a greater level of continuity in the way the Committee runs from year to year and thus would improve its operation.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.