

**2019 DRAFTING REQUEST**

**Bill**

For: **Administration-Budget** Drafter: **elunder**  
 By: **Hynek** Secondary Drafters:  
 Date: **1/31/2019** May Contact:

Same as LRB:

Submit via email: **YES**  
 Requester's email:  
 Carbon copy (CC) to: **doasbostatlanguage@wisconsin.gov**  
**michael.gallagher@legis.wisconsin.gov**

**Pre Topic:**

DOA:.....Hynek, BB0256 -

**Topic:**

Recreating Percent for Art program

**Instructions:**

See attached

**Drafting History:**

| <u>Vers.</u> | <u>Drafted</u>       | <u>Reviewed</u>       | <u>Submitted</u>     | <u>Jacketed</u> | <u>Required</u> |
|--------------|----------------------|-----------------------|----------------------|-----------------|-----------------|
| /?           | elunder<br>2/12/2019 | ccarmich<br>2/15/2019 |                      |                 |                 |
| /P1          |                      |                       | mbarman<br>2/15/2019 |                 | State           |

FE Sent For: **<END>**

**Lunder, Erika**

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**From:** Gallagher, Michael  
**Sent:** Thursday, January 31, 2019 4:17 PM  
**To:** Lunder, Erika  
**Subject:** FW: Statutory Language Drafting Request - 2019-21

Can you take this?

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**From:** Cathlene Hanaman <cathleneh@gmail.com>  
**Sent:** Thursday, January 31, 2019 4:13 PM  
**To:** Gallagher, Michael <Michael.Gallagher@legis.wisconsin.gov>  
**Subject:** Fwd: Statutory Language Drafting Request - 2019-21

Sent from my iPhone

Begin forwarded message:

Biennial Budget: 2019-21

Topic: Percent For Art

Tracking Code: BB0256

SBO Team: EWD

SBO Analyst: Hynek, Sara - DOA  
Phone: (608) 266-1037  
E-mail: [Sara.Hynek@Wisconsin.gov](mailto:Sara.Hynek@Wisconsin.gov)

Agency Acronym: 380

Agency Number: 380

Priority: Medium

Intent:

Recreate the Percent for Art program. Prior to the 2011-13 budget, this language was in s. 44.57 of the statutes. Related appropriations - Funds received from other state agencies (originally 20.215(1)(k)) and Percent-for-Art administration (originally 20.215(1)(ka)) would also need to be recreated.

Attachments: False

Please send completed drafts to [SBOSatlanguage@spmail.enterprise.wistate.us](mailto:SBOSatlanguage@spmail.enterprise.wistate.us)



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-17230 (PI)  
EKL:cd/c

DOA:.....Hynek, BB0256 - Recreating Percent for Art program

**FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION**

IN: 2/12

OVE: 2/15

SLA  
X-ref  
S/C

1 AN ACT <sup>φ</sup>...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**COMMERCE AND ECONOMIC DEVELOPMENT**

**TOURISM**

sub:sub → Art in state buildings program →

This bill establishes a program administered by the Arts Board for the acquisition and display of works of art in and on the grounds of state buildings open to the general public. Under the bill, for building projects costing at least \$250,000, at least two-tenths of 1 percent of the appropriation for the construction, reconstruction, remodeling of, or addition to a state building must be used to acquire one or more works of art to be incorporated into the building or displayed in or on the grounds of the building. The Arts Board must appoint an advisory committee for each building project and, after reviewing the committee's recommendations, must select one or more works of art for the project. The bill contains specific contract requirements for the Arts Board's acquisition of works of art, including vesting ownership of the works of art in the state but reserving certain rights to the artists. Under the bill, the Arts Board is required to ensure that selected works of art represent a wide variety of art forms and artists, except that preference must be given to Wisconsin artists, and that each work of art is maintained and displayed for at least 25 years, unless earlier removal is in the public interest.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 13.48 (10) (a) of the statutes is amended to read:

2           13.48 (10) (a) Except as provided in par. (c), no state board, agency, officer,  
3 department, commission, or body corporate may enter into a contract for the  
4 construction, reconstruction, remodeling of, or addition to any building, structure,  
5 or facility, in connection with any building project which involves a cost in excess of  
6 \$300,000 without completion of final plans and arrangement for supervision of  
7 construction and prior approval by the building commission. The building  
8 commission may not approve a contract for the construction, reconstruction,  
9 remodeling of, or addition to a state building as defined in s. 41.51 (2) unless it  
10 determines that the requirements under s. 41.58 have been complied with or that s.  
11 41.58 does not apply. This section applies to the department of transportation only  
12 in respect to buildings, structures, and facilities to be used for administrative or  
13 operating functions, including buildings, land, and equipment to be used for the  
14 motor vehicle emission inspection and maintenance program under s. 110.20.

**History:** 1971 c. 125; 1973 c. 90; 1973 c. 243 s. 82; 1973 c. 335 s. 13; 1975 c. 39, 40, 198, 199; 1977 c. 26; 1977 c. 29 ss. 7, 8r, 1654 (8) (c); 1977 c. 325; 1977 c. 418 ss. 5, 5m, 924 (18) (c); 1979 c. 34, 221, 350; 1981 c. 341; 1983 a. 27 ss. 11 to 12n, 2202 (5); 1983 a. 36 ss. 18 to 20, 96 (3); 1983 a. 207; 1985 a. 29, 120; 1987 a. 27, 186, 395, 399; 1989 a. 31, 366; 1991 a. 39, 269, 315; 1993 a. 16, 288, 414; 1995 a. 27, 216, 225, 227; 1997 a. 5, 27, 35, 237; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 197; 2001 a. 16, 103; 2003 a. 33 ss. 25 to 26i, 9160; 2003 a. 91; 2005 a. 25, 253, 391; 2007 a. 20; 2009 a. 28, 185, 361; 2011 a. 7, 10, 32; 2013 a. 20; 2015 a. 55, 185, 230; 2017 a. 59, 185, 237.

15           **SECTION 2.** 20.380 (3) (k) of the statutes is created to read:

16           20.380 (3) (k) *Art in state buildings; funds received from other state agencies.*  
17 All moneys received from other state agencies under s. 41.58 (2), less moneys  
18 transferred to par. (ka), for the art in state buildings program under s. 41.58.

19           **SECTION 3.** 20.380 (3) (ka) of the statutes is created to read:

1           20.380 (3) (ka) *Administration of art in state buildings program*. All moneys  
2 transferred from the appropriation under par. (k) for administration of the art in  
3 state buildings program under s. 41.58.

4           **SECTION 4.** 41.51 of the statutes is renumbered 41.51 (intro) and amended to  
5 read:

6           **41.51 Definitions.** (intro.) In this subchapter, ~~unless the context requires~~  
7 otherwise, "board" means the arts board.:

*History:* 1973 c. 90; 1979 c. 221; 1981 c. 20; 2011 a. 32 s. 1183; Stats. 2011 s. 41.51.

8           **SECTION 5.** 41.51 (1) of the statutes is created to read:

9           41.51 (1) "Board" means the arts board.

10          **SECTION 6.** 41.51 (2) of the statutes is created to read:

11          41.51 (2) "State building" means a permanent structure normally occupied by  
12 state employees that is wholly or partially enclosed and that is used for performing  
13 or facilitating the performance of the functions of a state agency as defined in s.  
14 20.001 (1).

15          **SECTION 7.** 41.51 (3) of the statutes is created to read:

16          41.51 (3) "Work of art" means an original creation of visual art or a reproduction  
17 of an original creation of visual art if the reproduction is controlled by the artist of  
18 the original work as part of a limited edition.

19          **SECTION 8.** 41.58 of the statutes is created to read:

20          **41.58 Art in state buildings. (1) APPLICABILITY.** This section does not apply  
21 to any of the following:

22          (a) A contract for the construction, reconstruction, remodeling of, or addition  
23 to a state building if the total construction cost of the project is \$250,000 or less.

1 (b) A state building or space within a state building that is not open to the  
2 general public in its normal use.

3 (c) Game farms, fish hatcheries, nurseries, and other production facilities  
4 operated by the department of natural resources.

5 (2) MINIMUM EXPENDITURE REQUIRED. (a) Except as provided in par. (b), at least  
6 two-tenths of 1 percent of the appropriation for the construction, reconstruction,  
7 remodeling of, or addition to a state building shall be expended to acquire one or more  
8 works of art to be incorporated into the state building or to be displayed in or on the  
9 grounds of the state building, and to fund all administrative costs that the board  
10 incurs in acquiring the works of art.

11 (b) If a state building to which this section applies is located contiguous to other  
12 state buildings, the board, after reviewing the recommendations of the advisory  
13 committee appointed under sub. (3), may apply the funds set aside under par. (a) to  
14 the acquisition, including all associated administrative costs, of one or more works  
15 of art to be incorporated into one or more of the contiguous buildings or to be  
16 displayed in or on the grounds of one or more of the contiguous buildings.

17 (3) ADVISORY COMMITTEE. (a) For a building project requiring an expenditure  
18 under sub. (2) and after selection of the architect for the project, the board shall  
19 appoint an advisory committee for the purpose of reviewing and recommending one  
20 or more works of art to be incorporated into the state building or displayed in or on  
21 the grounds of the state building.

22 (b) The advisory committee shall consist of at least 5 members appointed by the  
23 board, including all of the following:

- 24 1. One member who is a member of the board.

1           2. At least 2 members who are artists, art educators, art administrators,  
2 museum directors or curators, art critics, or art collectors.

3           3. At least 2 members who are project managers, architects, users of the  
4 building, or members of the building commission.

5           (4) CONTRACTS WITH ARTISTS. (a) After reviewing the recommendations of the  
6 advisory committee appointed under sub. (3) with respect to a particular building  
7 project, the board shall select one or more works of art to be incorporated into the  
8 project. The board shall ensure that the aggregate of all works of art selected under  
9 this subsection represents a wide variety of art forms executed by the broadest  
10 feasible diversity of artists, except that the board shall give preference to the works  
11 of art of artists who are residents of this state.

12           (b) 1. The board shall contract for the procurement of each work of art selected  
13 for a building project under this section. Except as provided in subds. 2. and 3., each  
14 contract shall provide for sole ownership of the work of art to the state.

15           2. If a work of art selected for a building project under this section is an existing  
16 work of art and is no longer subject to the control of the artist originating the work  
17 of art, the contract shall assign sole ownership to the state, subject to any existing  
18 obligations of the owner to the originating artist.

19           3. If a work of art selected for a building project under this section is owned by  
20 the artist originating the work of art or if the work of art has not been executed on  
21 the date of the contract, the contract shall assign sole ownership to the state, subject  
22 to the following rights that shall be retained by the artist except as otherwise  
23 provided in the contract executed under par. (b) 1.:

24           a. The right to claim authorship of the work of art.

*recommended by the advisory  
committee*







State of Wisconsin  
2019 - 2020 LEGISLATURE

LRB-1723/P1  
EKL:cdc

DOA:.....Hynek, BB0256 - Recreating Percent for Art program

**FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION**

1 **AN ACT ...; relating to:** the budget.

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*Analysis by the Legislative Reference Bureau*

**COMMERCE AND ECONOMIC DEVELOPMENT**

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***1. Art in state buildings program***

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18           3. If a work of art selected for a building project under this section is owned by  
19 the artist originating the work of art or if the work of art has not been executed on  
20 the date of the contract, the contract shall assign sole ownership to the state, subject  
21 to the following rights that shall be retained by the artist except as otherwise  
22 provided in the contract executed under par. (b) 1.:

23           a. The right to claim authorship of the work of art.

24           b. The right to reproduce the work of art, including all rights secured to the  
25 artist under federal copyright laws.

