

## Chapter AB 4

### PERCENT FOR ART PROGRAM

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**AB 4.01 Purpose.** The purpose of the program is to purchase or commission original works of visual art for buildings constructed by the state.

**History:** Cr. Register, August, 1998, No. 512, eff. 9-1-98.

**AB 4.02 Funds available.** Under s. 44.57, Stats., at least two-tenths of one percent of the appropriation for the construction, reconstruction, renovation or remodeling of or addition to a state building project costing more than \$250,000 shall be used to acquire artwork to be incorporated into the structure or displayed inside or on the grounds of the building which is open for entry to the general public in the normal use of the building. For purposes of this subchapter, the following are considered not to be open for entry to the public during their normal use:

- (1) Each of the facilities listed in s. 44.57 (1) (b) and (c), Stats.
- (2) Projects funded under s. 20.866 (2) (z), Stats., including but not limited to repair and renovation, health, safety and environment, energy conservation, handicapped access, and advanced property acquisition.
- (3) Prisons, secure treatment facilities, secure military facilities, state operated farms, sign shops, parking ramps and lots, toilet and shower facilities, heating plants and electrical substations.
- (4) A reconstruction, remodeling, renovation, or addition project which affects only the those spaces in an existing building that are not generally open to the public including, but not limited to, storerooms, mechanical equipment rooms, kitchens and secure areas.

(5) Any other building or space the board determines not to be open for entry by the general public in the normal use of the building or space.

**History:** Cr. Register, August, 1998, No. 512, eff. 9-1-98.

**AB 4.03 Eligible artwork.** All media of visual artwork including painting, drawing, graphics, sculpture, photography, fiber and textile work, crafts, ceramics, murals and works in wood, metal or glass shall be considered by the board for purchases or commissions of visual art for buildings constructed by the state. Abstract, representational or figurative styles of art may all be considered. For a project that renovates or restores a historic building, conservation of artwork appropriate to the building may also be considered.

**History:** Cr. Register, August, 1998, No. 512, eff. 9-1-98.

**AB 4.04 Allowable use of funds.** The funds available under s. AB 4.02 may cover the following costs:

- (1) All administrative expenses associated with a specific project, including staff salaries; costs associated with convening committees; printing and distribution costs for all printed materials.
- (2) The applicants' fees for professional design which may include honoraria for design proposals or consultation.
- (3) The materials necessary for the proper fabrication and presentation of the artwork.
- (4) The labor of the grantee's assistants and all materials required for the production of the artwork.

(5) The grantee's studio and operating costs including rent, utilities, insurance and communications.

(6) Any necessary travel costs for the grantee to visit and research the site.

(7) The costs of transporting and installing the artwork.

**History:** Cr. Register, August, 1998, No. 512, eff. 9-1-98.

**AB 4.05 Application. (1) WHO MAY APPLY.** An applicant to the percent for art program shall be an individual. State, regional and national artists shall be eligible, but preference shall be given to Wisconsin artists when no other basis exists for differentiating finalists.

(2) SOLICITATION. The board shall solicit applications by preparing a prospectus describing the project in detail. The prospectus may include the following:

- (a) A description of the building site.
- (b) Architectural renderings of the site.
- (c) An explanation of the building's use and function.
- (d) The media of artwork preferred by the advisory committee convened under s. 44.57 (3), Stats.
- (e) The type of work sample required and the maximum number of work samples required and any other materials requested by a project's advisory committee convened under s. 44.57 (3), Stats.
- (f) The method of acquisition.
- (g) The type of competition.
- (h) The relevant information relating to application dates, decision dates, appeal procedures and other facts of general interest.

**History:** Cr. Register, August, 1998, No. 512, eff. 9-1-98.

**AB 4.06 Acquisition procedure.** One of the following 2 acquisition procedures shall be used for acquiring art for percent for art projects:

(1) The commission method hires an artist to create a work of art appropriate to the building site. The commission method of acquisition may only be used for projects with budgets in excess of \$8,000.

(2) The direct purchase method acquires finished artwork directly from the artist. Projects with budgets of \$8,000 or less shall use the direct purchase method of acquisition. The direct purchase method may be used for projects with budgets in excess of \$8,000.

**History:** Cr. Register, August, 1998, No. 512, eff. 9-1-98.

**AB 4.07 Selection procedures.** The advisory committee shall use one of the following types of competition to assemble a pool of applicants for percent for art projects:

(1) OPEN COMPETITION. In an open competition, the advisory committee shall not pre-determine the pool of applicants. The advisory committee shall review all applications submitted in an open competition. The open competition may be used for direct purchase or commission methods of acquisition.

(2) CLOSED COMPETITION. (a) *Invitational.* In an invitational competition, the advisory committee shall convene a panel of

experts to recommend professional artists whose work may be suited to the project in question. The advisory committee shall only review applications submitted by artists invited to apply. The invitational competition may be used for the direct purchase or commission of major projects.

(b) *Pre-screened pool.* In a pre-screened pool competition, the advisory committee shall draw applications from a pre-screened pool of artists proposed to the advisory committee by a panel of arts and building construction professionals assembled by the board. The advisory committee shall only consider as applicants those artists who have been screened and accepted into the pool. The pre-screened pool competition may be used for the direct purchase or commission of major projects.

**History:** Cr. Register, August, 1998, No. 512, eff. 9-1-98.

**AB 4.08 Review of applications.** The advisory committee shall review the slides and applications submitted to the program. The advisory committee shall rank its first, second, and third choices from among the applicants. Before making a recommendation, the advisory committee may interview the finalists, visit studios, or request a portfolio presentation or design proposal. The advisory committee recommendation shall be made according to one or more of the following criteria:

(1) Artwork designs shall be compatible with the site both in scale and in materials. In the case of commissioned art, the advisory

committee shall judge the applicant's capability and potential for designing a work appropriate to the site.

(2) The durability of the proposed materials are suitable to maintenance and display for 25 years, as set forth in s. 44.57(5)(d), Stats.

(3) Sculptural works shall be technically competent.

(4) Two-dimensional work shall be framed and prepared for display in accordance with archival specifications.

**History:** Cr. Register, August, 1998, No. 512, eff. 9-1-98.

**AB 4.09 Board review and contract.** (1) The board may select either the first, second, or third applicant recommended by the advisory committee, but is not required to select any applicant. In the event that the board is not satisfied with the quality of the applicants in consideration for a project, the board may solicit additional applications according to the selection procedures previously employed for the project as specified in s. AB 4.07.

(2) Following the selection of an applicant, the board, and the state agency that occupies the building where the art will be located, shall enter into one or more contracts to procure the art or artist selected for the project as specified in s. 44.57(4), Stats.

**History:** Cr. Register, August, 1998, No. 512, eff. 9-1-98.