THE FAXON-McNAMEE ART IN PUBLIC PLACES ACT

Act 105 of 1980

AN ACT to encourage integration of art and public places; to establish a state art in public places fund; to establish a committee on art in public places within the department of management and budget; to prescribe the committee's powers and duties; and to prescribe powers and duties of the department of management and budget.

History: 1980, Act 105, Imd. Eff. Apr. 30, 1980
Compiler's Notes: For abolition of the Committee on Arts in Public Places, created in the Department of Management and Budget, and transferring its powers, duties, and functions, to the Director of the Department of Commerce, see E.R.O. No. 1991-13, compiled at MCL 2.131 of the Michigan Compiled Laws.For establishment of the Michigan Council for Arts and Cultural Affairs within the Department of Commerce, see E.R.O. No. 1991-18, compiled at MCL 2.132 of the Michigan Compiled Laws.For the renaming of the Michigan council for arts and cultural affairs to the Michigan arts and culture council, see E.R.O. No. 2022-1, compiled at MCL 333.27002.For the authority of the Michigan arts and culture council to exercise certain authority, powers, duties, functions, and responsibilities independently of the Michigan strategic fund, see E.R.O. No. 2024-2, compiled at MCL 16.735.

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The People of the State of Michigan enact:

18.71 Definitions.

Sec. 1.

As used in this act:

(a) "Art" means an original, visual creation of quality executed in any size or shape, in any media, using any kind or combination of materials.

(b) "Committee" means the committee on art in public places.

(c) "Department" means the department of management and budget.

(d) "Director" means the director of the department of management and budget or the designated representative of the director.

(e) "Fund" means the state art in public places fund.

(f) "Public place" means real property or an appurtenance to the real property which is owned by this state, a public agency, or by a college or university in this state. It may include a structure, enclosure, facility, or complex, including a court, mall, park, or other area, feature, or element used by this state, a college or university in this state, or other public agency in the conduct of the agency's business.

History: 1980, Act 105, Imd. Eff. Apr. 30, 1980
Compiler's Notes: For establishment of the Michigan Council for Arts and Cultural Affairs within the Department of Commerce, see E.R.O. No. 1991-18, compiled at MCL 2.132 of the Michigan Compiled Laws.For the renaming of the Michigan council for arts and cultural affairs to the Michigan arts and culture council, see E.R.O. No. 2022-1, compiled at MCL 333.27002.For the authority of the Michigan arts and culture council to exercise certain authority, powers, duties, functions, and responsibilities independently of the Michigan strategic fund, see E.R.O. No. 2024-2, compiled at MCL 16.735.

18.72 State art in public places fund; establishment; use.

Sec. 2.

A separate account is established within the state treasury to be known and maintained as the state art in public places fund. The fund shall be used for acquisition of art for display in appropriate public places and expenses incurred in the administration of this act.

History: 1980, Act 105, Imd. Eff. Apr. 30, 1980

18.73 State art in public places fund; income.

Sec. 3.

The fund may derive income from:

(a) Gifts, if the terms of the gift are consistent with the purposes of this act and other lawful requirements.

(b) Transfers from appropriations for specific capital outlay projects, if the projects are estimated to cost at least $250,000.00 and are identified by the legislature to include art. Each transfer to the fund shall be specifically designated by the legislature, be made only at the time when project money is appropriated, and not exceed 1% of the total appropriation for a specific project.

(c) Other appropriations made by the legislature.

History: 1980, Act 105, Imd. Eff. Apr. 30, 1980

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18.74 State art in public places fund; expenditures and disbursements.

Sec. 4.

Expenditures from the fund shall comply with the terms or restrictions placed on the expenditures by the legislature or by donors. The director shall approve fund disbursements.

History: 1980, Act 105, Imd. Eff. Apr. 30, 1980

18.75 Committee on art in public places; creation; appointment, qualifications, and terms of members; vacancies; state architect as secretary and nonvoting member; expenses.

Sec. 5.

(1) The committee on art in public places is created within the department and shall consist of 7 members. Five of the members shall be appointed by the governor with the advice and consent of the senate. Three of the appointed members shall be professionals. One shall be an art museum director or curator, 1 an artist and 1 an art historian. Two of the appointed members shall be from the general public. The members shall not be eligible for consecutive reappointment. The sixth member shall be the director of the Detroit institute of arts. The seventh member shall be the director.

(2) The term of office of the appointed members shall be 4 years, except of the members first appointed by the governor, 1 shall be appointed for a term of 2 years, 2 for a term of 3 years, and 2 for terms of 4 years. A vacancy on the committee shall be filled for the balance of the unexpired term in the same manner as the original appointment.

(3) The state architect shall be the secretary of the board and a nonvoting member.

(4) Members of the committee shall serve without pay. They shall be reimbursed for actual and necessary expenses incurred in the performance of their duties.

History: 1980, Act 105, Imd. Eff. Apr. 30, 1980
Compiler's Notes: For abolition of the Committee on Arts in Public Places, created in the Department of Management and Budget, and transferring its powers, duties, and functions, to the Director of the Department of Commerce, see E.R.O. No. 1991-13, compiled at MCL 2.131 of the Michigan Compiled Laws.

18.76 Committee on art in public places; powers and duties; artist selection jury; artists given priority

consideration.

Sec. 6.

(1) The committee shall determine works of art to be acquired under this act. The committee may select, accept, and purchase an existing work of art. The committee may select an artist to be commissioned to execute a new work of art.

(2) If the cost of a commissioned work of art exceeds $20,000.00 of legislatively appropriated funds, the action by the committee shall be made only after recommendation by an artist selection jury. The jury shall be appointed by the committee and shall include 3 members from in-state and 3 members from out-of-state; 2 of whom shall be art historians; 2 shall be either art museum directors, curators or critics; 1 an artist, and 1 shall be the project architect for the agency for whom the work is commissioned.

(3) The committee and its selection juries shall give priority consideration to artists who are residents of this state, former residents of this state, or natives of this state.

History: 1980, Act 105, Imd. Eff. Apr. 30, 1980

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18.77 Annual report.

Sec. 7.

The committee shall report annually to the governor and the legislature regarding the progress of programs to integrate art and public places. Included in the report shall be recommendations regarding future program and funding priorities.

History: 1980, Act 105, Imd. Eff. Apr. 30, 1980

18.78 Duties of department.

Sec. 8.

The department shall continue to inventory and maintain existing state owned art. The department shall be responsible for supervision and maintenance of new artistic decoration supported by the state art fund.

History: 1980, Act 105, Imd. Eff. Apr. 30, 1980

18.79 Conducting business at public meeting; notice.

Sec. 9.

The business which the committee may perform shall be conducted at a public meeting of the committee held in compliance with Act No. 267 of the Public Acts of 1976, as amended, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976, as amended.

History: 1980, Act 105, Imd. Eff. Apr. 30, 1980

18.80 Availability of writings to public.

Sec. 10.

A writing prepared, owned, used, in the possession of, or retained by the committee in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976, as amended, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

History: 1980, Act 105, Imd. Eff. Apr. 30, 1980

18.81 Short title.

Sec. 11.

This act shall be known as "The Faxon-McNamee Art in Public Places Act".

History: 1980, Act 105, Imd. Eff. Apr. 30, 1980

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