

**PUBLIC ART FUNDING AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ann Millner**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill creates a state matching program for local installation of public art.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ modifies the purposes of the Utah Percent-for-Art Act;
- ▶ creates the Public Art Installation Initiative;
- ▶ authorizes the Division of Arts and Museums to offer a qualifying county of the first class, a municipality in a county of the first class, or a metro township in a county of the first class a dollar-for-dollar state match on local funding for the purchase or commission of a public art installation;
- ▶ authorizes the Division of Arts and Museums to make rules; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**9-6-402**, as renumbered and amended by Laws of Utah 1992, Chapter 241



28 [9-6-403](#), as last amended by Laws of Utah 1993, Chapter 4

29 [9-6-404](#), as renumbered and amended by Laws of Utah 1992, Chapter 241

30 ENACTS:

31 [9-6-410](#), Utah Code Annotated 1953

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33 *Be it enacted by the Legislature of the state of Utah:*

34 Section 1. Section **9-6-402** is amended to read:

35 **9-6-402. Purpose.**

36 This part is designed to:

37 (1) establish a program which administers that portion of appropriations for capital  
38 expenditures which is set aside;

39 (a) for the acquisition of works of art used for public buildings; and

40 (b) to facilitate public art installations as described in Section [9-6-410](#);

41 (2) enhance the quality of life in the state by placing art of the highest quality in public  
42 spaces where it is seen by the general public;

43 (3) promote and preserve appreciation for and exposure to the arts; and

44 (4) foster cultural development in the state and encourage the creativity and talents of  
45 its artists and craftspeople.

46 Section 2. Section **9-6-403** is amended to read:

47 **9-6-403. Definitions.**

48 As used in this part:

49 (1) "Artist" means a practitioner in the visual arts, generally recognized by critics and  
50 the artist's peers as a professional who is committed to producing high quality work on a  
51 regular basis, and who is not the project architect or a member of the project's architectural  
52 firm.

53 (2) "Acquired or constructed" means acquired, constructed, reconstructed, restored,  
54 enlarged, improved, renovated, repaired, replaced, equipped, or furnished in whole or in part  
55 with state funds.

56 (3) "Contracting agency" means the state agency which is responsible for supervising  
57 the principal user of a state building or facility.

58 (4) "Public art installation" means a work of art:

- 59 (a) owned by a:
- 60 (i) county of the first class; or
- 61 (ii) municipality or metro township in a county of the first class;
- 62 (b) located in a public place where the county of the first class, municipality in a
- 63 county of the first class, or metro township in a county of the first class has jurisdiction; and
- 64 (c) that is intended to be a permanent fixture in the public place.

65 [~~(4)~~] (5) "Principal user" means the department, board, commission, institution, or  
 66 agency of the state for the principal use of which a state building or facility is acquired or  
 67 constructed.

68 [~~(5)~~] (6) (a) "Program" means the Percent-for-Art Program created in this part.

69 (b) "Program" does not mean the Public Art Installation Initiative created in Section  
 70 9-6-410.

71 [~~(6)~~] (7) "Project" means the project whereby state buildings or facilities are acquired  
 72 or constructed.

73 [~~(7)~~] (8) (a) "State building or facility" means a state building, permanent structure,  
 74 facility, park, or appurtenant structure thereof, wholly or partially enclosed, which includes, but  
 75 is not restricted to a space or facility used or to be used for carrying out the functions of a  
 76 department, board, commission, institution, or agency of the state, including offices, hearing or  
 77 meeting rooms, auditoriums, libraries, courtrooms, classrooms, workshops, laboratories, eating  
 78 or sleeping facilities, or highway rest areas.

79 (b) "State building or facility" does not include motor pools, heating plants, sheds,  
 80 sewers, parking lots, bridges, highways, or buildings used solely for storage or warehousing.

81 [~~(8)~~] (9) "Work of art" or "works of art" means any form of original creation of visual  
 82 art including, but not restricted to any sculpture, bas relief, high relief, mobile, fountain,  
 83 painting, graphic, print, lithograph, etching, embossing, drawing, mural, mosaic, supergraphic,  
 84 fresco, photograph, ceramic, fiber, mixed media, or combination of forms.

85 Section 3. Section **9-6-404** is amended to read:

86 **9-6-404. Creation of program -- Use of appropriations.**

87 (1) A Percent-for-Art Program shall be administered by the division.

88 (2) [~~Any appropriation~~] Eighty percent of the appropriations annually received by or  
 89 available to the director shall be used to acquire existing works of art or to commission the

90 creation of works of art placed in or at appropriate state buildings or facilities as determined by  
91 the division.

92 (a) Twenty percent of the appropriations annually received by or available to the  
93 director shall be used to support the Public Art Installation Initiative described in Section  
94 9-6-410.

95 (b) Any unexpended funds remaining at the end of the fiscal year shall be nonlapsing  
96 and not revert to the General Fund.

97 Section 4. Section **9-6-410** is enacted to read:

98 **9-6-410. Public art installation initiative.**

99 (1) As used in this section:

100 (a) "Applicant" means:

101 (i) a county of the first class;

102 (ii) a municipality in a county of the first class; or

103 (iii) a metro township in a county of the first class.

104 (b) (i) "Local funds" means money in the possession of a county, municipality, or  
105 metro township through local revenue generation, private donation, or federal or philanthropic  
106 grant.

107 (ii) "Local funds" does not mean money from a state grant.

108 (2) There is created a Public Art Installation Initiative to be administered by the  
109 division.

110 (3) Within available funds, the division may award an applicant a dollar-for-dollar  
111 match on the purchase or commission of a public art installation as described in this section.

112 (4) Before the division may offer a dollar-for-dollar match as described in Subsection  
113 (3), an applicant shall provide the division with:

114 (a) documentation of the local funds dedicated to the proposed public art installation;

115 (b) a description or rendering of the proposed public art installation;

116 (c) a copy of any contractual agreement the applicant has with the proposed artist, or a  
117 template contractual agreement to be offered to an artist; and

118 (d) any other information requested by the division.

119 (5) The division shall establish by rule in accordance with Title 63G, Chapter 3, Utah  
120 Administrative Rulemaking Act:

- 121           (a) an application process;
- 122           (b) a process to approve or deny an application, in accordance with the purposes
- 123 described in Section [9-6-402](#); and
- 124           (c) a process to prioritize applications in the event of limited funding.
- 125           (6) The division:
- 126           (a) may solicit and receive a donation to further the objectives of this section; and
- 127           (b) shall deposit any donation received to further the objectives of this section and
- 128 reserve the use of that donation for the Public Art Installation Initiative.
- 129           (7) A donation under Subsection (6) may not supplant appropriations for the Public Art
- 130 Installation Initiative as described in Subsection [9-6-404\(2\)\(b\)](#).
- 131           Section 5. **Effective date.**
- 132           This bill takes effect on May 1, 2024.