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## DIVISION 1

## PROCEDURAL RULES

**190-001-0000**  
**Notice of Proposed Rule**

Prior to the adoption, amendments, or repeal of any rule, the Oregon Arts Commission shall give notice of the proposed adoption, amendment, or repeal:

- (1) In the Secretary of State's Bulletin referred to in ORS 183.360 at least 15 days prior to the effective date.
- (2) By mailing a copy of the notice to persons on the Oregon Arts Commission's mailing list established pursuant to ORS 183.335(6).
- (3) By mailing a copy of the notice to the following persons, organizations, or publications:
  - (a) United Press International and Associated Press;
  - (b) Capitol Press Room;
  - (c) Publication in a newspaper of general circulation in the political subdivision affected.

Stat. Auth.: ORS 137 & ORS 183  
 Stats. Implemented:  
 Hist.: AC 2, f. & ef. 6-2-77

**190-001-0005**  
**Model Rules of Procedure**

Pursuant to ORS 183.341, the Arts Commission adopts the Attorney General's Model Rules of Procedure under the Administrative Procedures Act as amended and effective December 3, 1979. [ED. NOTE: The full text of the Attorney General's Model Rules of Procedure is available from the office of the Attorney General or Oregon Arts Commission.]  
 Stat. Auth.: ORS 183  
 Hist.: AC 1, f. 10-18-73, ef. 11-11-73; AC 2, f. & ef. 6-2-77

## DIVISION 10

## GENERAL STATEWIDE RULES AND REGULATIONS

**190-010-0000**  
**Statutory Conflict**

Nothing in these rules and regulations shall be construed to be in conflict with the language contained in ORS Chapter 359. The provisions of ORS Chapter 359 shall prevail in the event of a conflict.

Stat. Auth.: ORS 359  
 Stats. Implemented:  
 Hist.: AC 2, f. & ef. 6-2-77

**190-010-0005**  
**Commission Location and Authority**

(1) Location. The principal office of the Oregon Arts Commission shall be located at Salem, Oregon.

(2) Authority. The authority of the Commission shall be in accordance with the laws of Oregon and these Rules and Regulations.

Stat. Auth.: ORS 359  
 Stats. Implemented:  
 Hist.: AC 2, f. & ef. 6-2-77

**190-010-0010**  
**Appointment of Commission Members**

The Oregon Arts Commission shall be composed of seven members who shall be appointed by the Governor, serving four-year terms or until an appointment is made to fill the position vacated at the expiration of a term. A commissioner may not serve more than eight consecutive years unless a successor is not appointed within such time.

Stat. Auth.: ORS 359  
 Stats. Implemented:  
 Hist.: AC 2, f. & ef. 6-2-77

**190-010-0015**  
**Commission Meetings**

(1) Regular Meetings. Regular meetings of the Oregon Arts Commission shall be convened no less than six times in a calendar year and shall be held on days convenient to the Commission. All meetings of the Commission, or of its committees of commissioners or others, shall be preceded by public notice thereof no less than ten days and be open to the public with the exception of executive sessions called by the chairperson or a majority of those commissioners present and voting. All meetings/sessions shall be convened and conducted in accordance with the Public Meetings Law of Oregon.

(2) Special Meetings. Special meetings of the Oregon Arts Commission may be held upon the call of the chairperson or, in the chairperson's absence, by the vice chairperson in accordance with the provisions herein.

(3) Place of Meeting. The meetings of the Oregon Arts Commission shall be held at any place within the state, or otherwise, as designated by the Commission.

(4) Notice and Attendance. Notice of all regular meetings of the Commission shall be given at least ten days prior to the date thereof by mailing a copy of the notice to each member at the member's last known residence. Notice of special meetings shall be made in advance thereof as early as practicable. Each notice shall specify the place, day, and hour of the meeting and, in the case of special executive session meetings, the nature of the business to be transacted where convenient. Members of the Commission shall attend all Commission meetings whenever possible. When feasible, an agenda of the meeting shall accompany the notice.

(5) Quorum. Four members of the Commission shall constitute a quorum for the transaction of business. When a quorum is present, business may be transacted upon a simple majority vote of the members present at such meeting. In the absence of a quorum, any meeting may be recessed from time to time by a vote of the majority of the members present but no other business may be transacted until a majority of the original quorum is present. In any reconvened meeting at which a quorum was originally present, and a majority is present, any business may be transacted which might have been transacted at the meeting as originally noticed and constituted. The

members present at a duly called meeting at which a quorum is present may continue to do business until adjournment.

(6) Voting. Each Commissioner shall be entitled to one vote on any matter of business before the Commission, except the chairperson. The chairperson shall vote only in the event of a tie; but shall at all times vote in the elections of officers. Voting rights may not be exercised by proxy.

(7) Organization. At every meeting, the chairperson or, in the chairperson's absence, the vice chairperson shall preside.

(8) Records. At all Commission meetings, there shall be kept full and accurate records and accounts of its proceedings and transactions. All action of a previous meeting shall be reported to the Commission at its meeting next succeeding such action and shall be subject to revision and alteration by the Commission providing that no rights of third persons be affected by any such revision or alteration.

Stat. Auth.: ORS 359

Stats. Implemented:

Hist.: AC 2, f. & ef. 6-2-77

#### 190-010-0020

##### Commission Committees

(1) Committee Appointments. The chairperson shall have the duty and responsibility of making all appointments to standing committees and ad hoc committees. In the event the chairperson is unable or unwilling to appoint members to any committee, the Commission may so act.

(2) Standing Committees. There shall be standing committees as the Commission may from time to time determine. The chairperson shall be a member of all committees. With the exception of a Personnel Committee, if created, the Executive Director shall be an ex officio member of all committees. The chairperson shall designate the chairperson of all committees.

(3) Records. Each duly authorized committee shall keep full and accurate records and accounts of its proceedings and transactions. All action shall be reported to the Commission at its meeting next succeeding such action and shall be subject to revision and alteration by the Commission.

(4) Reports of Committees. The Commission's committees shall report as scheduled by the chairperson or upon call of the Commission.

Stat. Auth.: ORS 359

Stats. Implemented:

Hist.: AC 2, f. & ef. 6-2-77

#### 190-010-0025

##### Commission Structure

(1) Officers. The officers of the Commission shall be the chairperson, the vice chairperson, and such other officers as may be appointed in accordance with law.

(2) Election and Term of Office. Each officer shall be chosen annually by the members of the Commission and shall hold office commencing January 1st and for one year, or until a successor shall have been duly chosen and qualified or upon the officer's death or resignation or removal as provided in ORS 359.080. Election of the officers shall be held no less than 90 days prior to the effective date of their assumption of office except in the event of death, resignation, or mandatory removal.

(3) Subordinate Officers. The chairperson may appoint such other officers or agents as the business of the Commission may require, each of whom shall hold office for such period, have such authority, and perform such duties as may be required by the Commission from time to time. The chairperson may, with the consent of the Commission, delegate to any officer or committee the power to appoint any such subordinate officer.

(4) Removal. An officer of the Commission may be removed pursuant to ORS Chapter 359. Any officer may be removed, either with or without cause, by a vote of a simple majority of the whole Commission at any properly convened meeting thereof.

(5) Vacancy. Any vacancy in office, other than chairperson or vice chairperson, caused by death, resignation, removal or disquali-

fication, or for any other cause, may be filled for the unexpired portion of the term by the chairperson, subject, however, to the approval of the Commission at its next meeting.

(6) Executive Director. Administrative affairs of the Oregon Arts Commission shall be handled by an Executive Director. The Executive Director shall be the chief administrative officer of the Commission and shall have general supervision over the affairs of the Commission and its employees, subject, however, to the direction and control of the Commission and particularly its chairperson. The Executive Director may sign and execute in the name of the Commission any contracts or other documents authorized by the Commission except in cases where the signing and execution thereof shall be expressly delegated by the chairperson or members of the Commission to some other officer or agent. In general, the Executive Director shall perform all duties incident to the office of the chief administrative officer of the Commission.

(7) Duties of the Executive Director. The Executive Director shall:

(a) Certify and keep at the principal office of the Commission the original and copy of its Rules and Regulations and the amendments thereto;

(b) Keep at the principal office of the Commission or such other place as the Commission may direct, a book of minutes of all meetings of the Commission and its committees designating the time and place, whether regular or special, the notices thereof and the names of those present at the meeting. A copy of the minutes of each meeting held shall be mailed to each Commissioner and/or committee member after each meeting;

(c) See that all notices are duly given in accordance with the provisions of these Rules and Regulations and as required by law;

(d) Be custodian of the records duly authorized in accordance with the provision of these Rules and Regulations and as required by law;

(e) See that the books, reports, statements, and all other documents and reports required by law are properly kept and filed;

(f) Exhibit at all reasonable times to any member of the Commission and/or a committee thereof, upon application, the records of the proceedings of the meetings;

(g) In general, perform all duties of the office of Executive Director and such other duties as may from time to time be required by the Commission, or its chairperson.

(8) Consultants. The chairperson may appoint one or more consultants for consideration, minimal in nature, deemed reasonable upon the recommendation of the Commission or the Executive Director for the purpose of advising the Commission on relevant matters. Such consultants shall be formally designated as such by the Commission. The Executive Director is empowered, subject to affirmation by the Commission, to appoint and contract with such consultants as deemed necessary in carrying out Commission directives and policies. The conditions and terms of contract of such appointment by the Executive Director shall be subject to confirmation, revision, or alteration at the next meeting of the Commission and not binding until such time.

(9) Compensation:

(a) No commissioner or committee member shall receive compensation for services as a member. Subject to applicable state laws and funding available, a commissioner or a member of a committee may be reimbursed for travel and other reasonable expenses incurred in the performance of official duties. Such reimbursement may be paid on an actual cost basis and/or a reasonable per diem as determined by the Commission;

(b) The salary of the Executive Director shall be established by action of the Commission. Salaries of clerical employees of the Commission shall be established by the Commission and/or the State Civil Service law, as applicable.

Stat. Auth.: ORS 359

Stats. Implemented:

Hist.: AC 2, f. & ef. 6-2-77

**190-010-0030****Reports**

The Commission shall report biannually to the Governor and the Legislative Assembly. The Commission may also publish from time to time other reports or studies on matters affecting the state of the arts in the growth and development of the State of Oregon. All such other reports may be provided to the Governor, the Legislature, and to the general public as feasible.

Stat. Auth.: ORS 359

Stats. Implemented:

Hist.: AC 2, f. & ef. 6-2-77

**190-010-0035****Grants**

(1) Receipt of Funds. The Commission may receive from state, federal, or local governments or from the community at large, funds for use by the Commission for its own programs or disbursements deemed worthy by the Commission within the restrictions provided by law.

(2) Purposes and Goals. With funds available to the Commission for such purposes, the Commission may from time to time, on application, approve and disburse grants to encourage and support artistic endeavor in all disciplines and to insure as feasible that the cultural resources of the state are made available to all. In the grant process, the Commission should consider the following goals:

- (a) To support and promote excellence in the arts in Oregon;
- (b) To make artistic activities of high quality available to all;
- (c) To disseminate information about cultural activities in the state, and about resources for the arts that are available, both regionally and nationally;

(d) To assist the artist who, as a member of the community, contributes to its economic and cultural development;

(e) To encourage and aid the development of regional and local councils and organizations that promote cultural development and provide arts related services to the community.

(3) Eligibility. Grants shall be made only to groups or organizations which are nonprofit and tax exempt pursuant to the then existing laws: application may be made through a sponsoring organization with non-profit tax exempt status in the event the applicant is otherwise qualified. Grants may be matched by a grantee recipient at the discretion of the Commission; the match may be in cash and/or through in kind services or contributions.

(4) Reporting. The applicant must submit financial information satisfactory to the Commission at the time of application and prior to action by the Commission. In the event a grant is made, the grantee must comply with the budget outlines submitted with the application and make records available from time to time for periodic audit by the Commission.

(5) Action on Grants. All applications submitted to the Commission must be acted upon by the Commission in public meetings; provided, however, the Commission may delegate to the Executive Director authority to authorize grants minimal in nature, subject to ratification by the Commission.

(6) Guidelines. In accordance with these rules, the Commission shall cause to be written, published, and disseminated generally, guidelines which will, with specificity, provide the public and applicants with information regarding the grants process and procedure and have available appropriate forms and materials designed in accordance with such guidelines.

Stat. Auth.: ORS 359

Stats. Implemented:

Hist.: AC 2, f. & ef. 6-2-77

**190-010-0040****Amendments**

Any of these Rules and Regulations may either be amended or repealed by the affirmative votes of the majority of all members of the Commission and in accordance with the laws of Oregon.

Stat. Auth.: ORS 359

Stats. Implemented:

Hist.: AC 2, f. & ef. 6-2-77

**DIVISION 20****1% FOR ART IN PUBLIC BUILDINGS****190-020-0000****Purpose**

The purpose of this legislation as interpreted by the three administration bodies — The Oregon Arts Commission, the Department of General Services, the Capitol Planning Commission (if in Marion and Polk counties) or the contracting agency — is to:

(1) Insure that the appropriations for the construction or alteration of any state building in an amount of \$100,000 or more shall include 1% of direct construction costs of the project for acquisition of works of art.

(2) Place visual art of the highest quality where it can be easily viewed by the general public.

(3) Utilize the talent of artists and craftspeople who live and work in the Pacific Northwest.

(4) Encourage a genuine integration of art and architecture by giving artist and architect a chance to create as a team.

(5) Preserve, encourage, and promote public awareness and understanding of the arts.

Stat. Auth.: ORS 276.073 - ORS 276.090

Stats. Implemented:

Hist.: AC 1-1979, f. & ef. 7-23-79; AC 1-1991, f. 3-22-91, cert. ef. 3-21-91

**190-020-0005****Definitions**

(1) "Works of Art": All forms of original creations of visual art, including and not limited to: Painting: all media, including both portable and permanently-affixed works such as murals. Sculpture: in the round, bas-relief, high relief, mobile, fountain, kinetic, electronic, and site specific works placed on public lands in any material or combination of materials. Prints, clay, drawings, stained glass, mosaics, photography, fiber and textiles, wood, metal, plastics and other materials or combination of materials, calligraphy, mixed media, film, video, or any combination of forms of media.

(2) "Artist": A practitioner in the visual arts, generally recognized by critics and peers as a professional of serious intent, who produces work as described above and who is not a member of the project architectural firm.

(3) "Architect": The person or firm (architect, landscape architect, interior designer, or other design professional) designing the project to which the 1% provision applies.

(4) "Contracting Agency": Any state agency authorized by law to enter into public contracts.

(5) "Resident Agency": That state agency or agencies which will occupy or otherwise use the planned or renovated building. Often this resident agency is the same as the contracting agency but in some cases (notably Higher Education) the two agencies are separate.

(6) "Appropriation": State funds from whatever source.

(7) "State Building": Any structure built or remodeled by the State of Oregon using legislatively appropriated monies. However, state facilities excluded from the 1% Program include: Motor pools, heating plants, parking lots, maintenance sheds, highways, bridges, sewers, fishponds, fishways, service facilities at state parks and highway rest areas and similar non-architectural structures or improvements.

Stat. Auth.: ORS 276.073 - ORS 276.090

Stats. Implemented:

Hist.: AC 1-1979, f. & ef. 7-23-79; AC 1-1991, f. 3-22-91, cert. ef. 3-21-91

**190-020-0010****How it Works**

ORS 276.090 states that the Oregon Arts Commission, the Capitol Planning Commission and the Department of General Services, if the construction project is located within the area defined in ORS 276.028, and the Oregon Arts Commission, Department of General Services and the contracting agency if the project is located outside the area defined in ORS 276.028, in consultation with the project architect, "shall determine the amount available for each state building and shall commission by contract or shall pur-



chase suitable works of art for each building.” The Oregon Arts Commission, with the encouragement of the other agencies, coordinates the implementation of the law. Therefore, all Oregon State agencies, upon legislative approval of construction budgets, must notify the Oregon Arts Commission in writing. Upon written authorization, the Commission staff will meet with the state agency to plan the art selection process. Each construction project will have its own screening committee.

Stat. Auth.: ORS 276

Stats. Implemented:

Hist.: AC 1-1979, f. & ef. 7-23-79

#### 190-020-0015

##### Selection Committee

(1) The Selection Committee shall determine the scope, direction, and particular needs of each project. The committee unites the talents of professional artists, community representatives, and members of state agencies. Generally, the number of Selection Committee members will not exceed nine.

(2) The Selection Committee shall include:

(a) An individual from the contracting agency;

(b) Three visual artists or other design professionals appointed by the Oregon Arts Commission (the selection of the design professionals will be made after consultation with the resident agency). The Arts Commission shall strive to appoint Selection Committee members with varied perspectives, including multicultural representation;

(c) The project architect;

(d) A representative of the resident agency (if different from the contracting agency);

(e) The Director of General Services or designee thereof;

(f) The Director of the Oregon Arts Commission or designee thereof;

(g) The Director of the Capitol Planning Commission if the project is in Marion or Polk County area (ORS 276.028);

(h) Such other people who qualify and are approved by the Oregon Arts Commission, the Department of General Services, the contracting agency, and, if in the area defined by ORS 276.208, the Capitol Planning Commission.

(3) Up to 5 Non-Voting Advisors may be appointed by the contracting agency and user of the facility to serve on the screening committee and may include: students, museum director, curator, educator, art historian, collector, and concerned members of the community, or other qualified individuals.

(4) Chairman of the Selection Committee: The Public Arts Coordinator of the Oregon Arts Commission shall serve as non-voting chairman.

(5) Voting: Each member of the Selection Committee will have one vote. The majority vote shall determine the selection recommendations to be made to the responsible agencies (see section (6) of this rule).

(6) By statute, formal written approval is required from the Directors of the Department of General Services and the Oregon Arts Commission or their designees, and the Director of the Capitol Planning Commission or the contracting agency.

Stat. Auth.: ORS 276.073 - ORS 276.090

Stats. Implemented:

Hist.: AC 1-1979, f. & ef. 7-23-79; AC 1-1991, f. 3-22-91, cert. ef. 3-21-91

#### 190-020-0025

##### Procedure

(1) The Selection Committee shall meet to consider the particular needs of the project including budget, suitable art forms, appropriate locations, and method of artist/artwork selection.

(2) Open Competition: A prospectus will be prepared by the Oregon Arts Commission with the approval of the Selection Committee and will be made broadly available to artists and publicized in the media. Artists will be asked to submit slides and/or materials to the Commission. The Selection Committee may commission new work and also purchase available work.

(3) An open competition may be in two stages whereby a limited number of finalists, selected from the competition will be asked

to submit more detailed proposals. Each of the finalists will be paid a professional fee.

(4) Limited Competition or Invitational: In cases when it is not feasible, in the judgement of the Oregon Arts Commission, to conduct an open competition a Limited Competition or Invitational will be initiated by inviting several artists to submit materials to the Selection Committee. Each artist will be paid a professional fee if detailed proposals are requested.

(5) Direct Selection: When budget constraints or construction schedules are such that an open competition or invitational cannot be held, Direct Selection of the artist(s) or completed work will be made by the Selection Committee.

Stat. Auth.: ORS 276.073 - ORS 276.090

Stats. Implemented:

Hist.: AC 1-1979, f. & ef. 7-23-79; AC 1-1991, f. 3-22-91, cert. ef. 3-21-91

#### 190-020-0030

##### Criteria for Selecting Works

(1) Style and Nature: Works of any aesthetic persuasion which are appropriate as art in public places and are compatible in scale, material, form and content with their surroundings can be considered. The Oregon Arts Commission will assure, in the overall program, that reasonable diversity is attained.

(2) Quality: The inherent quality of the work itself will be the highest priority for selection.

(3) Media: All visual art forms may be considered. Works may be either portable or permanently-affixed or integral to the building or structure, or part of a temporary exhibition.

(4) Permanence: Due consideration will be given to structural and surface soundness and to permanence in terms of relative protection against theft, vandalism, weathering, or excessive maintenance or repair costs.

(5) Method of Acquisition: Either existing works or those commissioned specifically for specific sites may be acquired.

Stat. Auth.: ORS 276.073 - ORS 276.090

Stats. Implemented:

Hist.: AC 1-1979, f. & ef. 7-23-79; AC 1-1991, f. 3-22-91, cert. ef. 3-21-91

#### 190-020-0035

##### Inclusions

Appropriations for the 1% Program may be spent for:

(1) The work of art itself (sculpture, painting, photograph, etc.) which may include, but not be limited to:

(a) Artist's professional design fee;

(b) Labor of assistants, and materials required for production of the work;

(c) Studio and operating costs of the artist, including rent, utilities, insurance, and other direct and indirect costs;

(d) Travel of the artist for site visitation and research;

(e) Transportation of the work to the site;

(f) Installation of the completed work.

(2) Identification plaques, labels, and other such educational materials which could promote the artist(s) or project.

(3) Waterworks and electrical and mechanical devices, equipment and site work which are *integral parts of the work of art*.

(4) Frames, mats or pedestals necessary for the security of the work of art.

(5) Anchorages, containments and devices necessary for the security of the work of art.

(6) Works of art which may be an integral part of the building.

(7) Direct expenses of the screening committee according to Executive Department standards.

Stat. Auth.: ORS 276.073 - ORS 276.090

Stats. Implemented:

Hist.: AC 1-1979, f. & ef. 7-23-79; AC 1-1991, f. 3-22-91, cert. ef. 3-21-91

#### 190-020-0040

##### Exclusions

Appropriations for the 1% Program may *not* be spent for:

(1) Reproductions, by mechanical or other means, of original works of art.

(2) Decorative, ornamental, or functional elements which are designed by the building architect or consultants engaged by the architect, as opposed to an artist commissioned for this purpose.

(3) "Art objects" which are mass produced of standard design.

(4) Directional, or other functional elements, such as supergraphics, signage, color coding, maps, etc., except where a recognized artist is employed.

(5) Those items which are required to fulfill the basic purpose of the resident agency. Examples would be works of art in the collection of a state museum, or works of art fulfilling an interpretive or educational role in a state park, the state library, or a college or university art museum or gallery.

(6) Preparation of the site necessary to receive the work of art.

(7) Energy and water costs for operation of electrical and mechanical systems.

(8) Architect services to comply with OAR 190-020-0050(3)(d).

Stat. Auth.: ORS 276.073 - ORS 276.090

Stats. Implemented:

Hist.: AC 1-1979, f. & ef. 7-23-79; AC 1-1991, f. 3-22-91, cert. ef. 3-21-91

#### 190-020-0045

##### Who is Eligible (See OAR 190-020-0005(2) for Definition Regarding "Artist")

The Legislative Assembly recognizes the responsibility of the state to foster culture and the arts, and to encourage the development of artists and craftspeople. Professional artists and craftspeople residing in the Northwest and other areas are eligible for all projects. However, selection preference may be given to artists currently residing in the State of Oregon. The highest priority of the 1% for Art Program in Oregon is the inherent quality of the work of art itself.

Stat. Auth.: ORS 276

Stats. Implemented:

Hist.: AC 1-1979, f. & ef. 7-23-79

#### 190-020-0050

##### Responsibilities

(1) State Arts Commission, in consultation with the Department of General Services and the Capitol Planning Commission (if the project is in Marion/Polk County) or the contracting agency, shall:

(a) Be responsible for "the selection of, commissioning of artist for, reviewing the design, execution and placement of, and acceptance of works of art", pursuant to ORS 276.073 to 276.090, in consultation with the selection committee;

(b) Appoint the selection committee to choose artists to be commissioned or recommend for purchase completed works of art;

(c) Assist the contracting agency in contract negotiations with artists;

(d) In consultation with the resident agency and contracting agency, may transfer works of art between public buildings whenever, in its judgement, the transfer will be to the benefit of the citizens of the state;

(e) With the help of professionals, install portable works and rehang or relocate works when necessary. In partnership with the Resident Agency, identify and carry out necessary maintenance procedures in accordance with the Collection Management System, the procedures of which are on file at the Oregon Arts Commission. Maintain complete records and careful documentation of the collection with the assistance of the contracting agency, and update the value of the collection annually. Engage a professional appraiser every five years;

(f) Coordinate public information aspects of the project.

(2) The Contracting Agency shall:

(a) Assist the Arts Commission on identifying new construction/renovation projects which are subject to ORS 276.073-276.090, and notify the Arts Commission when bids have been awarded and funds are available. Notify the architect of the State Law requiring a non-deductible allocation for works of art, and of the architect's responsibility to work closely with selection committee and artist;

(b) Notify the Arts Commission of the project details;

(c) Consult with the Arts Commission, screening committee, and jury on the determination of budget and selection procedures;

(d) Contract with the architect for administrative and/or design services to be rendered in connection with the commissioning of works of art;

(e) See that payment is made for all costs, professional fees, purchases and commissions in accordance with State Law, these rules, and Executive Department standards;

(f) Communicate with the Arts Commission on project coordination to assure timeliness of completion of the project;

(g) Since title for all works of art acquired pursuant to ORS 276.073 to 276.090 rests with the Contracting Agency in the name of the state, the Contracting Agency, together with the Resident Agency, is responsible for security and general maintenance, such as observing if the work is in good condition, hanging straight or needs dusting, or if labels are missing, etc.;

(h) Assist the Arts Commission with public information aspects of the project;

(i) Review and authorize all changes proposed involving cost, time, or scope before the fact;

(j) Assist the Arts Commission with maintaining an Art Inventory. If a work needs repair or is missing, the agency shall immediately notify the Oregon Arts Commission. Works in the state collection are insured by the State Insurance Fund, through the Department of General Services Risk Management Division.

(3) The Architect shall:

(a) Recommend to the Arts Commission and the contracting agency specific sites for works of art and the scale and type of work thought to be most appropriate;

(b) Act as a member of the screening committee and a consultant to the jury;

(c) Work closely with the artist where required, provide engineering and technical assistance to the artist if requested, and supervise the delivery and installation of the work under contract with the contracting agency;

(d) Assure that all service requirements for the work of art are met in the design documents and that the work may be installed with relative ease.

(4) The Artist shall:

(a) Be commissioned by the contracting agency to execute and complete the work in a timely and professional manner. Be in close contact with the contracting agency to assist project coordination before and during installation, and transfer title of an existing work of art to the agency;

(b) Deal personally with the other parties in all phases of the negotiations. However, the artists may, at their option, designate their dealers or agents to represent them in certain aspects of the project;

(c) Maintain a close working relationship with the architect on commissioned pieces;

(d) Upon completion of the work(s) commissioned or purchased, the artist shall submit to the Oregon Arts Commission a detailed description of the work(s) with instructions on its care and maintenance, two 35mm slides, and two 8 X 10 glossy photos. The description form shall be submitted concurrently with the final invoice;

(e) All plans drawings, and other materials related to a proposed work of art are the property of the Oregon Arts Commission (provided that the artist was paid a fee for the proposal) until the final work is installed, at which time such preparatory materials revert to the artist;

(f) Copyright: The artist retains those rights specified in ORS 359.355 unless contract indicates otherwise.

Stat. Auth.: ORS 276.073 - ORS 276.090

Stats. Implemented:

Hist.: AC 1-1979, f. & ef. 7-23-79; AC 1-1991, f. 3-22-91, cert. ef. 3-22-91

#### 190-020-0055

##### Scope and Nature of Expenditures

(1) While no more than 1% can be dedicated from capital construction appropriations, it is possible that a dollar total greater than 1% can be expended for art in a project if funds are generated from other sources (i.e., governmental or private funds). The 1% figure is a *minimum*.

(2) If 1% of total state funds appropriated for a particular building is not required for that project, such unrequired amounts can be utilized either for:

(a) Acquiring art for existing state buildings;

(b) Transferring to another construction project, or both, as determined by the Oregon Arts Commission, in consultation with the contracting agency.

(3) Administrative costs of any particular project may be funded through the 1% appropriation and will be limited to the following areas:

(a) Supplies and services connected with public information, and artists' prospectuses for specific projects;

(b) Selection committee and jury per diem, and artist professional fees;

(c) Contractual services, i.e. professionals in the areas of installation, maintenance and cleaning, conservation/restoration, project management, photography.

Stat. Auth.: ORS 276.073 - ORS 276.090

Stats. Implemented:

Hist.: AC 1-1979, f. & ef. 7-23-79; AC 1-1991, f. 3-22-91, cert. ef. 3-21-91

#### 190-020-0060

##### General Principles and Procedures

(1) Integration of Art and Architecture: So that artists and architects can gain from each others' design insights and, thereby, produce a more integrated solution, all parties should strive for engagement of the artist as soon as possible after the approval of the architect's schematic design phase.

(2) Freedom of Expression: Because of the bold attempt to meld together the imaginations and talents of so many individuals and groups, freedom to reach creative solutions must always be maintained. The artists, on their part, must be sensitive to the unique qualities of public art and the guidelines and parameters which, of necessity, may have been agreed upon.

(3) Exhibitions and Educational Aspects: To serve the public more fully under ORS 276.075, the contracting agencies should consider undertaking the following, funded with monies other than those made available under the Act:

(a) Exhibition of sketches and maquettes created in limited or open competitions;

(b) Involvement of students and art instructors in workshops with artists creating works;

(c) Tours of those sites which exhibit many works, conducted by trained docents;

(d) Use of state educational and other facilities by the artist in developing concepts and creating the work, so that state employees and students can better understand the creative process. Such facilities might include studio space, foundries, machine, welding, and woodworking shops, printing and photographic facilities;

(e) Filming or videotaping the creation and installation of the work. The Arts Commission is available to provide consultative assistance with these matters.

(4) Accessibility of Information: All parties will strive to publicize widely all aspects of the program. All meetings of selection committees are open to the public.

(5) Community Support and Advice: While firmly committed to the principle of selection of artists by authorities in the design professions — The Oregon Arts Commission, Capitol Planning Commission (if the project is in Marion/Polk Counties), Department of General Services, and other contracting agencies invite participation and welcome advice from the interested public and employees of the resident agency.

(6) Conflict of Interest: All procedures will be conducted and all decisions will be made free of any conflict of interest.

(7) Revision: These guidelines will be periodically reviewed for possible revision.

(8) Dedication: If a dedication or "unveiling" of the work is desired, arrangements shall be the responsibility of the contracting agency.

Stat. Auth.: ORS 276.073 - ORS 276.090

Stats. Implemented:

Hist.: AC 1-1979, f. & ef. 7-23-79; AC 1-1991, f. 3-22-91, cert. ef. 3-21-91

#### 190-020-0065

##### Documentation and Evaluation

(1) Documentation:

(a) Identification: The contracting agency will assist the Oregon Arts Commission with identification which will include plaques or labels identifying the work, which are securely affixed, unobtrusive, and well designed. Included should be the name of the artist; title of the work, if any; medium; and year completed;

(b) Registration: The Oregon Arts Commission will maintain accurate inventory records. Copies should be filed annually with the contracting agency;

(c) Maintenance: The Oregon Arts Commission's Collection Management Specialist reviews the collection annually, makes condition reports, and determines maintenance procedures;

(d) Publications: As collections grow, contracting agencies are encouraged to publish informative folders and booklets on the works of art, such as those in the State Library and the Department of General Services. The Oregon Arts Commission is available to assist with editorial and technical assistance.

(2) Evaluation: The Oregon Arts Commission shall annually make a public report on the projects of the previous year and shall conduct periodic evaluations of the program.

Stat. Auth.: ORS 276.073 - ORS 276.090

Stats. Implemented:

Hist.: AC 1-1979, f. & ef. 7-23-79; AC 1-1991, f. 3-22-91, cert. ef. 3-21-91

#### 190-020-0070

##### Supplemental Funding

The National Endowment for the Arts provides matching funds to cities and other public bodies for art in public places. For further details about this NEA Program, contact Oregon Arts Commission, 835 Summer Street, N.E., Salem, OR 97301. In some cases, agen-