Establishes New Jersey Earth Art Committee; requires State Council on Arts to construct three land art projects.

As introduced.
A3435 DANCER

AN ACT creating the New Jersey Earth Art Committee and
requiring the construction of three land art projects by the State

BE IT ENACTED by the Senate and General Assembly of the State
of New Jersey:

1. a. There is established an Earth Art Committee. The State
Council on the Arts shall assist, support, and work in conjunction
with the committee to implement the provisions of this act, P.L.,
c. (C. ) (pending before the Legislature as this bill). The
purpose of the committee shall be to establish a public competition
for the installation of three pieces of land art: one each for North
Jersey, Central Jersey, and South Jersey.

The committee shall choose a location in each region of the State
and establish general terms and rules for the competition. The
committee shall make recommendations on the winning artists to be
selected to the State Council on the Arts.

Before the award of the contract for the construction of each art
project, the council shall ascertain the availability, by acquisition,
lease, or donation, of the land where the artwork will be placed or
shall ascertain the availability of county or State land for where the
artwork will be placed. The council shall then award the contract to
the artist and for the construction of the art project once money in
the “Earth Art Fund,” created pursuant to section 6 of this act, is
sufficient to provide the full cost of the contract for the artist and
the construction of each artwork. One project may be constructed
at a time as funds become sufficient for that one project.

After selection of the artworks, the committee shall provide
advice to the State Council on the Arts as requested by the council.

The committee shall submit, as a report to the Governor and the
Legislature, the results of the competition and the social, cultural,
and economic benefits of the winning land art installations. A
report shall be submitted after the construction of each piece of land
art.

b. As used in this act, “land art” means art incorporated
directly into the landscape by sculpting the land itself or by
constructing structures into the landscape.

2. a. The committee shall consist of 17 members as follows:
(1) the Executive Director of the State Council on the Arts, or a
designee;
(2) the Executive Director of the New Jersey Division of Travel
and Tourism, or a designee;
(3) two members of the Senate, appointed by the President of the
Senate, who shall be of different political parties;
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(4) two members of the General Assembly, appointed by the
Speaker of the General Assembly, who shall be of different political
parties; and

(5) eleven members who shall be members of the public,
appointed by the Governor from among residents of New Jersey or
from among persons who have undertaken significant artistic
endeavors within the State of New Jersey, and known for their
knowledge, artistic abilities, or experience in connection with land
art.

b. Vacancies in membership of the committee shall be filled in
the same manner as the original appointments were made. The
public members of the committee shall serve without compensation,
but shall be reimbursed for necessary expenditures incurred in the
performance of their duties as members of the committee within the
limits of the funds appropriated or otherwise made available to the
committee for its purposes.

3. The committee shall organize as soon as practicable but not
later than 30 days following the appointment of the majority of the
members. The Executive Director of the State Council on the Arts
or the executive director’s designee shall serve as chairperson of the
committee. The Executive Director of the Division of Travel and
Tourism or the executive director’s designee shall serve as vice-
chairperson of the committee.

The chairperson shall appoint a secretary who need not be a
member of the committee.

The presence of nine members of the committee shall constitute
a quorum. The committee may conduct unofficial business without
a quorum, but they may only set the terms and rules of the
competition and issue reports, as required to be submitted to the
Governor and the Legislature pursuant to section 8 of this act, when
a quorum is present.

The committee shall meet at the call of its chairperson, and at the
times and in the places and in any manner that complies with law.

4. a. Upon the committee’s determination of the elements of
land art to be incorporated in such installation, the committee shall
establish the public competition. The State Council on the Arts
shall provide such assistance and support to the committee as may
be requested or deemed necessary to hold the public competition.

b. The committee shall set the terms and rules of the
competition, and shall provide that the artists submit the designs
most in accord with the committee’s intentions and most in keeping
with the definition of land art, and from the designs or other
materials submitted pursuant to the rules of the competition, are
able to execute the work in a satisfactory manner. The committee
may require the land art designs to include astronomical positioning
and renewable energy, if appropriate to the design.
The committee shall select three winners and recommend them to the State Council on the Arts for the award of a contract for the artists’ work and its construction.

c. In any such competition, the committee may provide, within the limit of funds appropriated or otherwise made available to it for the purpose, for the award of prizes to competitors other than those awarded contracts as a result of the competition, on the basis of the artistic qualities of their designs. Such prizes may be awarded when, in the judgment of the committee, it is necessary or desirable in order to encourage a sufficient number of artists to enter the competition so as to provide an ample field of choice in selecting artists to be awarded contracts.

d. In connection with any competition authorized under this section, the committee and the State Council on the Arts shall take such steps as are within its power to assure that notice of such competition will be effectively publicized so as to attract competitors; and to that end it is authorized to expend such funds as may be appropriated or otherwise made available to it for that purpose.

5. The committee, in arranging, conducting, or judging a competition pursuant to section 4 of this act, shall before doing so consult thereon with officers or other appropriate representatives of relevant arts institutions and organizations in New Jersey, such as museums, societies and associations of artists, schools of art, and other such organizations, associations or institutions as may be appropriate to the matter under consideration, including the major nonprofit public or private museums in the State whose collections encompass land art.

6. There is established in the Department of the Treasury a permanent, non-lapsing fund to be known as the “Earth Art Fund.” The fund shall be maintained as a separate account and administered by the Department of the Treasury to support the competition, and the construction and maintenance of the winning land art pieces. The committee shall be permitted to accept moneys received by the department as gifts, grants, or donations from the public and private sectors. Moneys credited to such account shall be appropriated solely for the purpose of awarding contracts for the artists and the construction of the land art project, prizes, if any, and for the maintenance for the land art projects. All interest earned on moneys in the fund shall be credited to the fund.

7. The State Council on the Arts or the Department of State shall provide such clerical, administrative, and professional assistance as the committee requires to carry out its work. The committee shall also be entitled to call to its assistance and avail itself of the services of the employees of any State department,
board, bureau, commission, or agency as it may require and as may
be available for its purposes.

The committee may use existing studies, surveys, plans, data,
and other materials in the possession of any State agency and each
such agency is hereby authorized to make such staff and
information available to the committee so that the committee may
have available to it current information essential for its purposes.

8. The committee shall each issue a report of the winners of the
competition and of those pieces of work selected for construction
by the State Council on the Arts and detail the social, cultural, and
economic benefits of the art installations after completion of each
installation. The committee shall issue each report to the Governor,
and to the Legislature, pursuant to section 2 of P.L.1991, c.164
(C.52:14-19.1). In addition, the committee shall issue an annual
report on its activities and the progress made during the prior 12
month period.

9. This act shall take effect immediately.

STATEMENT

Robert Smithson, founder of the art form known as land art, was
born in Passaic, New Jersey. Smithson’s most famous work, Spiral
Jetty, was constructed in 1970 in Great Salt Lake, Utah. The art
piece, a radical departure from the artwork traditionally shown in
galleries at the time, is built from over six thousand tons of black
basalt rocks. Smithson constructed a coil 1,500 feet long and 15
feet wide, winding counterclockwise off the shore of the Great Salt
Lake into the water. Though the piece was submerged in 1972, it
reemerged in 2002 and has become a popular tourist attraction.
During the lockdown restrictions of the COVID-19 pandemic, more
than 400 vehicles per day travelled to the see the Spiral Jetty.

The purpose of this bill is to follow Robert Smithson’s vision
and promote land art in New Jersey. Land art, first conceptualized
and popularized in the 1960s and 70s has seen a resurgence in
popularity, due in part to the COVID-19 pandemic. Since many
indoor museums and galleries have been forced to close, public and
outdoor art installations have provided social and economic relief
from the devastating effects of the pandemic.

Sun Tunnels by Nancy Holt is another example of stunning land
art. Open, accessible, and safe to visit during a pandemic, the
installation features four cylinders, each measuring nine feet high
by 18 feet long, arranged in an X-formation in the Great Basin
Desert on the border of Utah and Nevada. The artist drilled holes in
each of the cylinders in patterns to form the constellations of Draco,
Perseus, Columbia, and Capricorn. Two of the cylinders are also
aligned with the setting and rising sun of the winter and summer
solstices.

James Turrell has begun construction on an art piece that
functions as an observatory of earthly and celestial events. Named
Roden Crater and situated within a dormant volcanic cinder cone in
Northern Arizona, visitors will be able to experience the cycles of
geologic and celestial time, and contemplate the intersection of light
and time on the landscape. The crater contains tunnels and
apertures that open into the desert sky, capturing light from the sun
during the day and from the moon and stars during the night. When
complete, the art piece will contain 24 viewing spaces and six
tunnels.

Leonard Knight transformed a mountain in the Southern
California desert into a folk-art masterpiece. Constructed from
adobe bricks, straw, discarded tires and windows, and thousands of
gallons of paint, the artwork was featured in the opening scene of a
music video, which garnered more than 18 million views online.

The arts and culture sector, representing 4.2 percent of the
nation’s GDP, has been economically devastated by the COVID-19
pandemic. In order to revitalize and nurture artistic growth and
innovation, and the State’s economy, the Earth Art Committee,
created by this bill, will establish a public competition for the
creation of three unique land art installations in the State. The
committee will focus on each of the three regions of the State and
oversee the installation of one unique land-art installation for each
region. The State Council on the Arts will assist, support, and work
in conjunction with the committee to fulfill the committee’s purpose
and have three land art pieces installed in New Jersey.

A permanent fund, the “Earth Art Fund,” will be created within
the Department of the Treasury. The moneys from the fund will
support the competition, and the construction and maintenance of
the winning land art installations.

The Earth Art Committee will be composed of 17 members. The
committee will be headed by the Executive Director of the New
Jersey State Council of the Arts or the executive director’s
designee. The Senate President will appoint two members of the
Senate and the Speaker of the General Assembly will appoint two
members of the General Assembly to serve on the committee. The
remaining 11 public members will be appointed by the Governor.