

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Corrections and Institutions to which was referred  
3 House Bill No. 102 entitled “An act relating to Art in State Buildings  
4 Program” respectfully reports that it has considered the same and recommends  
5 that the bill be amended by striking out all after the enacting clause and  
6 inserting in lieu thereof the following:

7 Sec. 1. REPEAL

8 29 V.S.A. chapter 2 (Art in State Buildings) is repealed.

9 Sec. 2. 29 V.S.A. chapter 2 is added to read:

10 CHAPTER 2. ART IN STATE BUILDINGS

11 § 41. PURPOSE AND INTENT

12 (a) Purpose. The State of Vermont recognizes that public art contributes to  
13 the State’s identity by improving the character and quality of State buildings;  
14 enhancing the workplace of State employees by creating an environment of  
15 distinction, enjoyment, and pride; and adding value to the cultural, aesthetic,  
16 and economic vitality of the State.

17 (b) It is the intent of the General Assembly to support Vermont artists and  
18 the benefits of public art by providing ongoing funding for the commissioning  
19 of works of art for installation in State buildings and facilities.

20 § 42. DEFINITIONS

21 As used in this chapter:

1           (1) “Addition” means any new construction that increases the height or  
2           floor area of an existing building or facility.

3           (2) “Art selection panel” means a Council-appointed group of  
4           individuals consisting of the Department of Buildings and General Services  
5           project manager, the project architect, representative(s) from the occupant  
6           agency(ies), the community, and arts professionals who forward  
7           recommendations of artwork to the Advisory Committee for final  
8           endorsement.

9           (3) “Contracting agency” means the administrative unit of State  
10           government responsible for securing the preparation of plans and specifications  
11           of a State building or facility for the purpose of negotiating or advertising for  
12           bids for the construction of such building or facility.

13           (4) “Council” means the Vermont Council on the Arts, Inc.

14           (5) “Commissioner” means the Commissioner of Buildings and General  
15           Services.

16           (6) “Occupant agency” means that public entity that has or will have  
17           principal authority to use or occupy a public building.

18           (7) “Mixed media” means any combination of two or more types of  
19           materials used to create a single work of art in two or three dimensions.

1           (8) “Project cost” means the budgeted cost of a construction or  
2           renovation project, excluding the cost of design and of land acquisition or land  
3           improvement.

4           (9) “State building or facility” means any State building, facility,  
5           permanent structure, park, or appurtenant structure thereof, wholly or partially  
6           enclosed, owned or leased by State government, that is to be constructed or  
7           renovated in part or totally with funds from any appropriation from the capital  
8           construction act. The term does not include highways, airport runways, or taxi  
9           ways, hangars, railroad tracks, sidings or yards, garages, sheds, warehouses,  
10           heating plants, sewers, parking lots, bridges, highway garages, or buildings  
11           used for storage or that are of a temporary nature. The term does not include  
12           buildings or facilities owned by units of local government, including school  
13           districts.

14           (10) “Project site” means any State building or facility undergoing new  
15           construction or renovation with a total project cost of \$1,000,000.00 or more  
16           that is funded from an appropriation or appropriations in one or more capital  
17           construction act and has been approved for consideration by the Commissioner  
18           pursuant to this chapter.

19           (11) “Renovation” means any addition, or any improvement to an  
20           existing building or facility, without increasing the height or floor area of the

1 building or facility. The term does not include repairs or maintenance to an  
2 existing building or facility.

3 (12) “Works of art” means an original creation of visual art in sculpture,  
4 paintings, graphic arts, mosaics, photography, crafts, calligraphy, mixed media,  
5 or any other creation that the advisory committee deems a visual art. Works of  
6 art may be attached to the structure of a State building or facility or may be  
7 detached within or outside the structure.

8 § 43. ART IN STATE BUILDINGS PROGRAM

9 (a) Program established. There is established the Art in State Buildings  
10 Program to authorize the State to fund and contract for the design, purchase,  
11 commission, fabrication, installation, and integration of permanent works of  
12 during the design of new construction or renovation of State buildings and  
13 facilities. Works of art may be donated to the Program pursuant to the  
14 guidelines established in subdivision (b)(2) of this section, provided the  
15 donation meets the purpose of the Program as described in section 41 of this  
16 chapter.

17 (b) Administration.

18 (1) The Vermont Council on the Arts, in coordination with the  
19 Department of Buildings and General Services and the Art in State Buildings  
20 Advisory Committee, shall administer the Program.

1           (2) The Commissioner of Buildings and General Services shall establish  
2           procedures to administer this chapter, including procedures for communicating  
3           with artists interested in donating works of art to the Program and the  
4           acceptance of donated works of art to the Program, pursuant to the  
5           requirements of 32 V.S.A. § 5.

6           (3) The Council shall establish contract procedures for commissioning  
7           with artists for the design and creation of works of art.

8           (c) Project site selection process.

9           (1) On or before July 1 each year, the Commissioner of Buildings and  
10           General Services shall recommend to the Council project sites for  
11           consideration under this chapter for the installation of artwork. In  
12           recommending a project site to the Advisory Committee, the Commissioner  
13           shall give priority to buildings and facilities that are frequently visited by  
14           members of the public.

15           (2) The Commissioner and the Council shall present the  
16           recommendations to the Art in State Buildings Advisory Committee for final  
17           approval.

18           (d) Project design.

19           (1) Upon final selection of an architect for any approved project site, the  
20           contracting agency, in coordination with the Department of Buildings and  
21           General Services, shall:

1           (A) notify the architect of the provisions of this chapter, including the  
2 architect’s participation on the art selection panel;

3           (B) notify the Commissioner and the Council of the selection of the  
4 architect and the details of the project; and

5           (2) The Commissioner of Buildings and General Services shall:

6           (A) ensure that early in the building design phase, the architect will  
7 discuss the potential placement and form of artwork with the art selection  
8 panel and the selected artist, and that bid specifications will inform potential  
9 contractors of the artwork to be installed in the building or facility; and

10          (B) assist occupant and contracting agencies in locating liability  
11 insurance for artwork when necessary.

12          (e) Artist selection process.

13          (1) Upon final approval of any project site by the Advisory Committee  
14 pursuant to subdivision (c)(2) of this section, the Council shall facilitate a  
15 process with the appointed art selection panel that will result in a  
16 recommendation of an artist or artist team for each project selected for  
17 installation of artwork. Priority in acquisitions and commissions of works of  
18 art shall be given to Vermont artists.

19          (2) The artist or artist team shall collaborate with the project architect or  
20 design team and the art selection panel during the initial design phase of the  
21 project.

1           (3) The Council shall arrange contracts with artists and order payments  
2           from the Art Acquisition Fund for the design and fabrication of such works of  
3           art.

4           (f) Installation of works of art. The Commissioner of Buildings and  
5           General Services and the Council shall review the final installation and  
6           placement of works of art.

7           (g) Ownership of works of art. The State of Vermont shall be the sole  
8           owner of all works of art acquired or commissioned through the Program.  
9           Title shall vest in the State upon completion of installation and final  
10           acceptance of the work of art.

11           § 44. ADVISORY COMMITTEE

12           (a) Establishment. There is established the Art in State Buildings Advisory  
13           Committee to oversee the administration of the Art Acquisition Fund.

14           (b) Members. The Advisory Committee shall consist of the following or  
15           designee:

16                   (1) the Commissioner of Buildings and General Services;

17                   (2) the Director of the Arts Council;

18                   (3) the Chairs of the House Committee on Corrections and Institutions  
19           and the Senate Committee on Institutions;

20                   (4) the State Curator; and

21                   (5) the Chair of the Vermont Board of Architects.

1       (c) Powers and duties. The Committee shall:

2           (1) oversee, in coordination with the Council, the administration of this  
3 chapter; and

4           (2) establish guidelines for the selection, acquisition, and commission of  
5 works of art.

6       (d) Compensation and reimbursements. Legislative members of the  
7 Committee shall be entitled to per diem compensation and expense  
8 reimbursement for attending Committee meetings pursuant to the provisions of  
9 2 V.S.A. § 23.

10       § 45. ART ACQUISITION FUND

11       (a) Creation. The Art Acquisition Fund, administered by the Council, is  
12 created to finance the design, construction, integration, and purchase or  
13 commissioning of works of art for the Art in State Buildings Program.

14       (b) Source of funds. The Fund shall be composed of any amounts  
15 transferred or appropriated to it by the General Assembly.

16       (c) Use of funds. Amounts in the Fund shall be expended upon order of the  
17 Council for the acquisition or commissioning of works of art and  
18 administration of the Program.

19       (d) Fund balances. Any balance remaining at the end of the fiscal year  
20 shall remain in the Fund.



1       (e) Administration costs. In each fiscal year, the Council may use not more  
2       than 15 percent of funds transferred or appropriated to the Fund for the  
3       expenses of administering this chapter.

4       (f) Funding requests. The Commissioner of Buildings and General  
5       Services shall include in its proposed biennial capital budget request, as  
6       described in 32 V.S.A. § 310, a separate line item of not less than \$75,000.00  
7       in any single fiscal year for the Art Acquisition Fund.

8       Sec. 3. 29 V.S.A. § 154a is amended to read:

9       § 154a. STATE CURATOR

10       (a) Creation. The position of State Curator is created within the  
11       Department of Buildings and General Services.

12       (b) Duties. The State Curator's responsibilities shall include:

13               (1) oversight of the historical integrity of the State House;

14               (2) interpretation of the State House to the visiting public through  
15       exhibits, publications, tours, and other means of communication;

16               (3) acquisition, management, and care of State collections of art, historic  
17       artifacts, and furnishings, provided that all items obtained for the State House  
18       are acquired pursuant to the collections policy adopted pursuant to subsection

19       (c) of this section; ~~and~~

20               (4) oversight and management of the State's historic and contemporary  
21       art and collections in other State buildings and on State property; and

