

1 **POLICY CONCERNS:**

2 **1. Should the program receive more than \$50,000 per year?**

3 **2. Should art project be funded as part of a project cost in capital bill (i.e.**  
4 **timing of picking an eligible project)**

5 **3. Should installation costs be included in the \$50,000?**

6 **4. When should artists become involved in the design phase of the project?**

7 **5. Who will pay for maintenance costs?**

8  
9 Sec. 1. 29 V.S.A. § 41 is amended to read:

10 § 41. PURPOSE

11 The ~~state~~ State of Vermont, recognizing the need to enhance the working  
12 environment, to improve the character and quality of ~~state~~ State buildings in  
13 order to create an environment of distinction, enjoyment, and pride for all  
14 citizens, and to encourage the donation of works of art to the ~~state~~ State for its  
15 permanent collection or for exhibition in ~~state~~ State buildings or facilities,  
16 hereby establishes a program to provide funds for and authorize the installation  
17 of permanent works of art at the time of new construction or renovation of  
18 ~~state~~ State buildings and other facilities.

**Comment [RDW1]:** Should this be defined?

**Comment [RDW2]:** Timing issue – should the funding be provided prior to the new construction or renovation of State buildings and other facilities?

1 Sec. 2. 29 V.S.A. § 42 is amended to read:

2 § 42. DEFINITIONS

3 Unless the context specifically indicates otherwise, as used in this chapter,  
4 the following definitions shall apply:

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

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

11 (3) “Council” means the Vermont Council on the Arts, Inc.

12 (4) “Commissioner” means the ~~commissioner of buildings and general~~  
13 ~~services~~ Commissioner of Buildings and General Services.

14 (5) “Occupant agency” means that public entity which has or will have  
15 principal authority to use or occupy a public building.

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

18 (7) “Project cost” means the budgeted cost of a construction or  
19 renovation project, excluding the cost of design and of land acquisition or land  
20 improvement.

**Comment [RDW3]:** Include installation or other costs into the project cost?

1 (8) “State building or facility” means any ~~state~~ State building, facility,  
2 permanent structure, park, or appurtenant structure thereof, wholly or partially  
3 enclosed, owned or leased by ~~state~~ State government, the University of  
4 Vermont and State Agricultural College, or Vermont State Colleges, which is  
5 to be constructed or renovated in part or totally with funds from any  
6 appropriation of the ~~general assembly~~ General Assembly. The term does not  
7 include highways, airport runways, or ~~taxi ways~~ taxiways, hangars, railroad  
8 tracks, sidings or yards, garages, sheds, warehouses, heating plants, sewers,  
9 parking lots and parking garages, bridges, highway garages, correctional  
10 facilities or buildings used for storage or which are of a temporary nature. The  
11 term does not include buildings or facilities owned by units of local  
12 government, including school districts.

**Comment [RDW4]:** Clarify here whether it is a separate line item appropriation or part of a project cost?

13 (9) “Project site” means any ~~state~~ State building or facility undergoing  
14 new construction or renovation with a total project cost of \$1,000,000.00 or  
15 more that has been approved for consideration by the ~~commissioner~~  
16 Commissioner pursuant to this chapter.

**Comment [RDW5]:** Should these items still be excluded?

17 (10) “Renovation” means any improvement to an existing building or  
18 facility, without increasing the height or floor area of the building or facility.  
19 The term does not include repairs or maintenance to an existing building or  
20 facility.

**Comment [RDW6]:** Should the definition of project site be clarified to require that the project be chosen prior to an appropriation.

1           (11) “Works of art” means an original creation of visual art in sculpture,  
2 paintings, graphic arts, mosaics, photography, crafts, calligraphy, mixed media,  
3 or any other creation that the ~~advisory committee~~ Advisory Committee deems  
4 a visual art.

5 Sec. 3. 29 V.S.A. § 43 is amended to read:

6 § 43. ART ACQUISITION FUND

7           (a) An ~~art acquisition fund~~ Art Acquisition Fund is created to finance the  
8 design, construction, and purchase or commissioning of works of art to be  
9 included as an integral part of the structure of ~~state~~ State buildings and  
10 facilities. Such works of art may be attached to the structure or may be  
11 detached within or outside the structure.

12           (b) Amounts in the ~~art acquisition fund~~ Art Acquisition Fund at the end of  
13 each fiscal year shall not revert to the ~~general fund~~ General Fund.

14           (c) Amounts in the ~~fund~~ Fund shall be expended upon order of the ~~council~~  
15 Council for acquisition or commissioning and installation of works of art and  
16 for administration, as provided in this chapter. The selection, budgeting, and  
17 purchase of works of art shall include costs for any necessary site preparation  
18 or improvements, decorative or landscape elements peripheral to the artwork,  
19 any associated services such as water, electricity or lighting, and any other  
20 costs associated with installation of works of art.

**Comment [RDW7]:** Should this also include maintenance costs?

1 (d) No funds shall be transferred to the Art Acquisition Fund or otherwise  
2 expended in support of the Art in State Buildings Program by the  
3 Commissioner of Buildings and General Services except as under subsection  
4 (a) of this section.

**Comment [RDW8]:** What is the intent of this language?

5 Sec. 4. 29 V.S.A. § 44 is amended to read:

6 § 44. FUNDS TRANSFER FOR ART

7 (a) The Commissioner of Buildings and General Services, with the  
8 approval of the Secretary of Administration, may transfer up to \$50,000.00 in  
9 any single fiscal year to the Art Acquisition Fund, from capital funds  
10 appropriated for projects which are eligible for the installation of works of art  
11 under this chapter.

**Comment [RDW9]:** Should this amount be increased? Is it discretionary?

**Comment [RDW10]:** Should it be projects that are eligible or will these projects be designated in the capital bill?

**Comment [RDW11]:** Installation is not defined

12 (b) Of the funds transferred under subsection (a) of this section, \$5,000.00  
13 shall be available for use by the Council for the expenses of administering this  
14 chapter.

15 (c) Funds may be transferred under this section without further approval or  
16 appropriation by the General Assembly.

**Comment [RDW12]:** Policy considerations here: Should BGS be required to transfer any other funds to the Fund? What about maintenance costs?

17 Sec. 5. 29 V.S.A. § 45 is amended to read:

18 § 45. DUTIES OF CONTRACTING AGENCY

19 Upon selection of an architect for any project, the contracting agency shall:

- 20 (1) notify the architect of the provisions of this chapter;

1 (2) notify the ~~commissioner~~ Commissioner and the ~~council~~ Council of  
2 the selection of the architect and the details of the project; and

3 (3) ensure that the architect discusses the form and placement of the  
4 artwork with the artist early in the planning and design phase of the building.

**Comment [RDW13]:** Include a notification requirement to the Committee?

5 Sec. 6. 29 V.S.A. § 46 is amended to read:

6 § 46. USE OF FUNDS

7 (a) Project sites which are funded from an appropriation or appropriations  
8 in one or more annual capital construction acts, shall be eligible for

**Comment [RDW14]:** Change to a line item or specific project?

9 consideration by the ~~advisory committee~~ Advisory Committee for the  
10 installation of one or more permanent works of art. For a project expected to  
11 receive capital appropriations from more than one capital construction act,  
12 eligibility may be determined by the estimated total cost of the project after the  
13 initial appropriation is made. In recommending a project site to the ~~advisory~~

**Comment [RDW15]:** Related to timing and 10-year planning process

14 ~~committee~~ Advisory Committee, the ~~commissioner~~ Commissioner shall give  
15 priority to buildings and facilities that are frequently visited by members of the  
16 public.

17 (b) Priority in acquisitions and commissions of works of art shall be given  
18 to Vermont artists.

19 Sec. 7. 29 V.S.A. § 47 is amended to read:

20 § 47. ADVISORY COMMITTEE

1 (a) There is established an advisory committee to oversee the  
2 administration of the ~~art acquisition fund~~ Art Acquisition Fund.

3 (b) The ~~advisory committee~~ Advisory Committee shall consist of the  
4 following or a designee: the ~~commissioner~~ Commissioner, the ~~director of the~~  
5 ~~council~~ Director of the Council, the ~~chairs of the senate and house institutions~~  
6 ~~committees~~ Chairs of the Senate and House Institutions Committees and the  
7 ~~chair of the Vermont board of architects~~ Chair of the Vermont Board of  
8 Architects. Legislative members of the ~~committee~~ Committee shall be entitled  
9 to per diem compensation and expense reimbursement for attending committee  
10 meetings pursuant to the provisions of ~~section 406 of Title 2~~ 2 V.S.A. § 406.

11 (c) The ~~committee~~ Committee shall:

- 12 (1) oversee the administration of this chapter;  
13 (2) establish guidelines for the selection of works of art; and  
14 (3) establish guidelines for the composition of the art selection panel.

15 (d) The selection of works of art to be installed under this chapter in  
16 facilities of the University of Vermont and State Agricultural College and of  
17 the Vermont State Colleges shall be made pursuant to procedures of these  
18 institutions for this purpose.

19 Sec. 8. 29 V.S.A. § 48 is amended to read:

20 § 48. POWERS AND DUTIES OF COUNCIL

1 (a) The ~~council~~ Council shall facilitate a process which will result in a  
2 recommendation of an artist or artist team for each project selected for  
3 installation of artwork. The artist or artist team shall collaborate with the  
4 project architect or design team during the initial design phase of the project.

**Comment [RDW16]:** Should this be included in definition of "project site"?

5 (b) Following design of the project, the ~~council~~ Council shall:

6 (1) appoint persons to serve on the art selection panel;

**Comment [RDW17]:** Establish an art selection panel?

7 (2) establish contract procedures for contracting with artists for works of  
8 art and with architects for services related to the planning for the acquisition of  
9 works of art;

10 (3) on the advice of the art selection panel, arrange contracts with artists  
11 and order payments from the ~~art acquisition fund~~ Art Acquisition Fund for  
12 such works of art;

13 (4) review the final installation and placement of works of art. In the  
14 case of works to be commissioned, the art selection panel shall review the  
15 design, the final execution, and the placement of the commissioned work;

16 (5) assist occupant and contracting agencies in locating insurance when  
17 it deems such insurance is necessary for the protection of the works of art  
18 which are purchased.

19 (c) Without further appropriation, the ~~council~~ Council may expend funds  
20 transferred to it for administration of this chapter.