

1 H.102

2 Introduced by Representatives Coffey of Guilford and Shaw of Pittsford

3 Referred to Committee on

4 Date:

5 Subject: Executive; public property; State buildings; Art in State Buildings
6 Program

7 Statement of purpose of bill as introduced: This bill proposes to make various
8 amendments to the Art in State Buildings Program.

9 An act relating to the Art in State Buildings Program

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 ~~Sec. 1, 20 V.S.A., chapter 2 is amended to read:~~

12 CHAPTER 2. ART IN STATE BUILDINGS

13 § 41. ART IN STATE BUILDINGS; PURPOSE; ESTABLISHMENT

14 (a) Purpose. The State of Vermont, ~~recognizing the need to enhance~~
15 ~~recognizes that public art enhances the working environment, to improve;~~
16 improves the character and quality of State buildings in order to create an
17 environment of distinction, enjoyment, and pride for all citizens, ~~and to~~
18 ~~encourage the donation of works of art to the State for its permanent collection~~
19 ~~or for exhibition in State buildings or facilities, hereby establishes a program,~~

1 ~~adds value to the cultural, aesthetic, and economic vitality of the State, and~~
2 contributes to the State's identity.

3 (b) Establishment. The Art in State Buildings Program is hereby
4 established to provide funds for and authorize the purchase, design,
5 commission, fabrication, installation, and integration of permanent works of
6 art at the time of new construction or renovation of State buildings and other
7 facilities and the maintenance and conservation of art commissioned under the
8 Program.

9 § 42. DEFINITIONS

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

12 * * *

13 (8) "State building or facility" means any State building, facility,
14 permanent structure, park, or appurtenant structure hereof, wholly or partially
15 enclosed, owned or leased by State government, the University of Vermont and
16 State Agricultural College, or Vermont State Colleges, that is to be constructed
17 or renovated in part or totally with funds from any appropriation of the
18 General Assembly. The term does not include highways, airport runways, or
19 taxi ways, hangars, railroad tracks, sidings or yards, garages, sheds,
20 warehouses, heating plants, sewers, parking lots and parking garages, bridges,
21 highway garages, correctional facilities, or buildings used for storage or that

1 ~~are of a temporary nature. The term does not include buildings or facilities~~
2 owned by units of local government, including school districts.

3 (9) "Project site" means any State building or facility undergoing new
4 construction or renovation with a total project cost of \$1,000,000.00 or more
5 that has been ~~approved~~ recommended for consideration by the Commissioner
6 pursuant to this chapter.

7 * * *

8 § 43. ART ACQUISITION FUND

9 (a) An Art Acquisition Fund is created to finance the design, construction,
10 integration, and purchase or commissioning of works of art to be included as
11 an integral part of the structure of State buildings and facilities under the Art
12 in State Buildings Program. Such works of art may be attached to the
13 structure or may be detached within or outside the structure.

14 (b) Amounts in the Art Acquisition Fund at the end of each fiscal year shall
15 not revert to the General Fund.

16 (c) Amounts in the Fund shall be expended upon order of the Council for
17 acquisition or commissioning of works of art and for administration, as
18 provided in this chapter.

19 § 44. FUNDS TRANSFER FOR ART

20 (a) The Commissioner of Buildings and General Services, with the
21 ~~approval of the Secretary of Administration, may~~ shall transfer up to

1 ~~§ 50,000.00 not less than \$75,000.00 in any single fiscal year to the Art~~
2 Acquisition Fund, from capital funds appropriated for projects ~~which~~ that are
3 eligible for the installation of works of art under this chapter. The
4 Commissioner shall include in the proposed annual capital budget request for
5 the Department of Buildings and General Services, as described in 32 V.S.A.
6 § 310, a separate line item for the Art Acquisition Fund.

7 (b) Of the funds transferred under subsection (a) of this section, ~~\$5,000.00~~
8 not more than 15 percent shall be available for use by the Council for the
9 expenses of administering this chapter.

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

12 § 44a. POWERS AND DUTIES OF COMMISSIONER

13 (a) The Commissioner shall:

14 (1) ~~Advise~~ advise the Council on the administration of this chapter;:

15 (2) ~~Approve up to two~~ recommend project sites ~~per year~~ for
16 consideration under this chapter for the installation of artwork;:

17 (3) ~~Establish~~ establish procedures for accepting the donation to the State
18 of artwork for installation in State buildings or facilities;:

19 (4) ~~Establish~~ establish procedures for communicating with artists
20 interested in donating artwork to the State under the provisions of this

21 ~~Chapter.~~

1 ~~(5) Review review the final installation and placement of artwork;~~

2 ~~(6) Assist assist occupants and contracting agencies in locating liability~~
3 ~~insurance for artwork when necessary; and~~

4 ~~(7) Ensure ensure that early in the building design phase, the architect~~
5 ~~will discuss the placement and form of artwork with the selected artist, and~~
6 ~~that bid specifications will inform potential contractors of the artwork to be~~
7 ~~installed in the building or facility.~~

8 (b) The Commissioner is authorized to purchase artwork for the permanent
9 State House collection with funds appropriated to the Department for that or
10 other purposes in any capital construction act.

11 * * *

12 § 46. USE OF FUNDS

13 (a) Project sites that are funded from an appropriation or appropriations in
14 one or more annual capital construction acts, shall be eligible for consideration
15 by the advisory committee for the installation of one or more permanent works
16 of art. For a project expected to receive capital appropriations from more than
17 one capital construction act, eligibility may be determined by the estimated
18 total cost of the project after the initial appropriation is made. In
19 recommending a project site to the advisory committee, the Commissioner
20 shall give priority to buildings and facilities that are frequently visited by
21 ~~members of the public.~~

1 ~~(b) Priority in acquisitions and commissions of works of art shall be given~~
2 to Vermont artists.

3 (c) Funds transferred to the Art Acquisition Fund for the Art in State
4 Buildings Program shall not be used for the following:

5 (1) necessary site preparation such as wall or ground preparation to
6 receive the works of art, including standard lighting and structural footings;
7 and

8 (2) any decorative or landscape elements peripheral to the artworks
9 themselves and any services such as water, electricity, or lighting that are
10 needed to activate the artwork.

11 § 47. ADVISORY COMMITTEE

12 (a) There is established ~~an advisory committee~~ the Art in State Buildings
13 Advisory Committee to oversee the administration of the Art Acquisition
14 Fund.

15 (b) The ~~advisory committee~~ Advisory Committee shall consist of the
16 following or a designee:

17 (1) the Commissioner, of Buildings and General Services;

18 (2) the ~~director~~ Director of the Arts Council;

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

21 ~~(4) the State Curator, and~~

1 ~~(5) the Chair of the Vermont Board of Architects. Legislative members~~
2 ~~of the committee shall be entitled to per diem compensation and expense~~
3 ~~reimbursement for attending committee meetings pursuant to the provisions of~~
4 ~~2 V.S.A. § 23.~~

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

6 (1) oversee the administration of this chapter;

7 (2) establish guidelines for the selection, acquisition, and commission of
8 works of art; and

9 (3) establish guidelines for the composition of the art selection panel.

10 (d) Legislative members of the committee shall be entitled to per diem
11 compensation and expense reimbursement for attending Committee meetings
12 pursuant to the provisions of 2 V.S.A. § 23.

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

17 § 48. POWERS AND DUTIES OF COUNCIL

18 (a) The Council shall facilitate a process that will result in a
19 recommendation of an artist or artist team for each project selected for
20 installation of artwork. The artist or artist team shall collaborate with the
21 ~~project architect or design team during the initial design phase of the project.~~

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

2 (1) Appoint persons to serve on the art selection panel.

3 (2) Establish contract procedures for ~~contracting~~ commissioning with
4 artists for the design and creation of works of art and with architects for
5 services related to the planning for the acquisition and commission of works of
6 art.

7 (3) On the advice of the art selection panel, arrange contracts with
8 artists and order payments from the ~~art acquisition fund~~ Art Acquisition Fund
9 for such works of art.

10 (4) Review the final installation and placement of works of art. In the
11 case of works to be commissioned, the art selection panel shall review the
12 design, the final execution, and the placement of the commissioned work.

13 (5) ~~Assist occupant and contracting agencies in locating insurance when~~
14 ~~it deems such insurance is necessary for the protection of the works of art that~~
15 ~~are purchased.~~ [Repealed.]

16 (c) Without further appropriation, the Council may expend funds
17 transferred to it for administration of this chapter.

18 Sec. 2. EFFECTIVE DATE

19 ~~This act shall take effect on July 1, 2023.~~

Sec. 1. REPEAL

29 V.S.A. chapter 2 (art in State buildings) is repealed.

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

CHAPTER 2. ART IN STATE BUILDINGS

§ 41. PURPOSE AND INTENT

(a) Purpose. The State of Vermont recognizes that public art improves the character and quality of State buildings; enhances the workplace of State employees by creating an environment of distinction, enjoyment, and pride; and adds value to the cultural, aesthetic, and economic vitality of the State.

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

§ 42. DEFINITIONS

As used in this chapter:

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

(2) “Art selection panel” means a Council-appointed group of individuals consisting of the Department of Buildings and General Services project manager, the project architect, a representative or representatives from the occupant agency or agencies, the community, and arts professionals who forward recommendations of artwork to the Advisory Committee for final approval.

(3) “Commissioner” means the Commissioner of Buildings and General Services.

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

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

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

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

(8) “Project cost” means the budgeted cost of a construction or renovation project, which may include an addition, excluding the cost of design and of land acquisition or land improvement.

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

(10) “State building or facility” means any State building, facility, permanent structure, park, or appurtenant structure thereof, wholly or partially

enclosed, owned or leased by State government, that is to be constructed or renovated, which may include an addition, in part or totally with funds from any appropriation from the capital construction act. The term does not include highways, airport runways, or taxi ways, hangars, railroad tracks, sidings or yards, garages, sheds, warehouses, heating plants, sewers, parking lots, bridges, highway garages, or buildings used for storage or that are of a temporary nature. The term does not include buildings or facilities owned by units of local government, including school districts.

(11) "Work of art" means an original creation of visual art in sculpture, paintings, graphic arts, mosaics, photography, crafts, calligraphy, mixed media, or any other creation that the Advisory Committee deems a visual art. Works of art may be attached to the structure of a State building or facility or may be detached within or outside the structure.

§ 43. ART IN STATE BUILDINGS PROGRAM

(a) Program established. There is established the Art in State Buildings Program to authorize the State to fund and contract for the design, purchase, commission, fabrication, installation, and integration of permanent works of art during the design of new construction or renovation, which may include an addition, of State buildings and facilities. Works of art may be donated to the Program pursuant to the guidelines established in subdivision (b)(2) of this

section, provided the donation meets the purpose and intent of the Program as described in section 41 of this chapter.

(b) Administration.

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

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

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

(c) Project site selection process.

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

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

(d) Project design.

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

(A) notify the architect of the provisions of this chapter, including the architect's participation on the art selection panel; and

(B) notify the Commissioner and the Council of the selection of the architect and the details of the project.

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

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

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

(e) Artist selection process.

(1) Upon final approval of any project site by the Advisory Committee pursuant to subdivision (c)(2) of this section, the Council shall facilitate a

process with the appointed art selection panel that will result in a recommendation of an artist or artist team for each project selected for installation of artwork. Priority in acquisitions and commissions of works of art shall be given to Vermont artists.

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

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

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

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

§ 44. ADVISORY COMMITTEE

(a) Establishment. There is established the Art in State Buildings Advisory Committee to oversee the administration of the Program.

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

(1) the Commissioner of Buildings and General Services;

(2) the Director of the Arts Council;

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

(4) the State Curator; and

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

(c) Powers and duties. The Committee shall:

(1) provide final approval of project sites and works of art; and

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

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

§ 45. ART ACQUISITION FUND

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

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

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

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

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

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

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

§ 154a. STATE CURATOR

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

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

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

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

(3) acquisition, management, and care of State collections of art, historic artifacts, and furnishings, provided that all items obtained for the State House are acquired pursuant to the collections policy adopted pursuant to subsection (c) of this section; ~~and~~

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

(5) maintenance and conservation of works of art acquired or commissioned by the State pursuant to chapter 2 of this title.

* * *

(e) Funding. The Curator, upon approval of the Commissioner of Buildings and General Services, is authorized to purchase artwork for the permanent State collection with funds appropriated to the Department for that or other purposes in any capital construction act.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.