

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 the 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8 29 V.S.A. chapter 2 (art in State buildings) is repealed.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 improves the
13 character and quality of State buildings; enhances the workplace of State
14 employees by creating an environment of distinction, enjoyment, and pride;
15 and adds value to the cultural, aesthetic, and economic vitality of the State.

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

19 § 42. DEFINITIONS

20 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, a representative or representatives from
6 the occupant agency or agencies, the community, and arts professionals who
7 forward recommendations of artwork to the Advisory Committee for final
8 approval.

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

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

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

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

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

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

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

19 (11) “Work of art” means an original creation of visual art in sculpture,
20 paintings, graphic arts, mosaics, photography, crafts, calligraphy, mixed media,
21 or any other creation that the Advisory Committee deems a visual art. Works

1 of art may be attached to the structure of a State building or facility or may be
2 detached within or outside the structure.

3 § 43. ART IN STATE BUILDINGS PROGRAM

4 (a) Program established. There is established the Art in State Buildings
5 Program to authorize the State to fund and contract for the design, purchase,
6 commission, fabrication, installation, and integration of permanent works of art
7 during the design of new construction or renovation, which may include an
8 addition, of State buildings and facilities. Works of art may be donated to the
9 Program pursuant to the guidelines established in subdivision (b)(2) of this
10 section, provided the donation meets the purpose and intent of the Program as
11 described in section 41 of this chapter.

12 (b) Administration.

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

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

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

3 (c) Project site selection process.

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

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

13 (d) Project design.

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

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

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

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

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

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

7 (e) Artist selection process.

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

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

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

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

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

5 § 44. ADVISORY COMMITTEE

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

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

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

11 (2) the Director of the Arts Council;

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

14 (4) the State Curator; and

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

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

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

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

20 (d) Compensation and reimbursements. Legislative members of the
21 Committee shall be entitled to per diem compensation and expense

1 reimbursement for attending Committee meetings pursuant to the provisions of
2 2 V.S.A. § 23.

3 § 45. ART ACQUISITION FUND

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

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

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

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

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

17 (f) Funding requests. The Commissioner of Buildings and General
18 Services shall include in the Department's proposed biennial capital budget
19 request, as described in 32 V.S.A. § 310, a separate line item of not less than
20 \$75,000.00 in any single fiscal year for the Art Acquisition Fund.

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

1 § 154a. STATE CURATOR

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

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

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

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

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

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

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

16 * * *

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

21 Sec. 4. EFFECTIVE DATE

1 This act shall take effect on passage.

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5 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE