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H.102

An act relating to the Art in State Buildings Program

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

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29 V.S.A. chapter 2 (art in State buildings) is repealed.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

1 project manager, the project architect, a representative or representatives from  
2 the occupant agency or agencies, the community, and arts professionals who  
3 forward recommendations of artwork to the Advisory Committee for final  
4 approval.

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

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

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

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

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

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

19 (9) “Project site” means any State building or facility undergoing new  
20 construction or renovation, which may include an addition, with a total project  
21 cost of \$1,000,000.00 or more that is funded from an appropriation or

1 appropriations in one or more capital construction act and has been  
2 recommended for consideration by the Commissioner pursuant to this chapter.

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

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

18 § 43. ART IN STATE BUILDINGS PROGRAM

19 (a) Program established. There is established the Art in State Buildings  
20 Program to authorize the State to fund and contract for the design, purchase,  
21 commission, fabrication, installation, and integration of permanent works of art

1 during the design of new construction or renovation, which may include an  
2 addition, of State buildings and facilities. Works of art may be donated to the  
3 Program pursuant to the guidelines established in subdivision (b)(2) of this  
4 section, provided the donation meets the purpose and intent of the Program as  
5 described in section 41 of this chapter.

6 (b) Administration.

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

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

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

17 (c) Project site selection process.

18 (1) On or before July 1 each year, the Commissioner of Buildings and  
19 General Services shall recommend to the Council project sites for  
20 consideration under this chapter for the installation of artwork. In  
21 recommending a project site to the Council, the Commissioner shall give

1 priority to buildings and facilities that are frequently visited by members of the  
2 public.

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

6 (d) Project design.

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

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

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

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

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

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

21 (e) Artist selection process.

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

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

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

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

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

19          § 44. ADVISORY COMMITTEE

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

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

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

4             (2) the Director of the Arts Council;

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

7             (4) the State Curator; and

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

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

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

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

13       (d) Compensation and reimbursements. Legislative members of the  
14       Committee shall be entitled to per diem compensation and expense  
15       reimbursement for attending Committee meetings pursuant to the provisions of  
16       2 V.S.A. § 23.

17       § 45. ART ACQUISITION FUND

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

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

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

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

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

11       (f) Funding requests. The Commissioner of Buildings and General  
12       Services shall include in the Department's proposed biennial capital budget  
13       request, as described in 32 V.S.A. § 310, a separate line item of not less than  
14       \$75,000.00 in any single fiscal year for the Art Acquisition Fund.

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

16       § 154a. STATE CURATOR

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

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

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



