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By: **Delegates Madaleno, McIntosh, Jones, Griffith, and Bobo**

Introduced and read first time: February 9, 2005

Assigned to: Appropriations

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A BILL ENTITLED

1 AN ACT concerning

2 **State Finance and Procurement - Capital Budget - Funding for Public Art**

3 FOR the purpose of providing certain funds from the consolidated loan budget to be  
4 used to fund certain activities of the Maryland Public Art Initiative Program;  
5 requiring the Maryland State Arts Council to develop regulations to implement  
6 the Maryland Public Art Initiative Program; establishing the Maryland  
7 Commission on Public Art; specifying the membership of the Commission;  
8 requiring the Commission to make recommendations concerning disbursement  
9 of the funds of the Maryland Public Art Initiative Program; and generally  
10 relating to funding for public art.

11 BY repealing and reenacting, with amendments,  
12 Article - State Finance and Procurement  
13 Section 8-114  
14 Annotated Code of Maryland  
15 (2001 Replacement Volume and 2004 Supplement)

16 BY repealing and reenacting, with amendments,  
17 Article - State Government  
18 Section 9-1021  
19 Annotated Code of Maryland  
20 (2004 Replacement Volume)

21 BY adding to  
22 Article 83A - Department of Business and Economic Development  
23 Section 4-6A-01 through 4-6A-03, inclusive, to be under the new subtitle  
24 "Subtitle 6A. Maryland Public Art Initiative Program"  
25 Annotated Code of Maryland  
26 (2003 Replacement Volume and 2004 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
28 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - State Finance and Procurement**

2 8-114.

3 (a) The Department of Budget and Management annually shall prepare for  
4 the Governor a draft of the part of the consolidated loan budget that relates to general  
5 construction projects.

6 (b) On or before the 20th day of each regular session of the General Assembly,  
7 the Governor shall submit to the General Assembly:

8 (1) the consolidated loan budget; and

9 (2) if necessary, 1 or more bills that authorize new State debt to fund the  
10 consolidated loan budget.

11 (c) The consolidated loan budget shall:

12 (1) contain a complete plan of the proposed projects that any  
13 accompanying bills would fund; and

14 (2) show, by dollar amount and percent, the allocation for:

15 (i) general construction projects;

16 (ii) school construction projects; [and]

17 (III) THE MARYLAND PUBLIC ART INITIATIVE PROGRAM  
18 ESTABLISHED UNDER ARTICLE 83A, § 4-6A-01 OF THE CODE; AND

19 [(iii)] (IV) other special projects.

20 (d) (1) Each bill that the Governor submits under this section shall comply  
21 with the requirements of Article III, §§ 34 and 52 of the Maryland Constitution.

22 (2) An authorization of State debt to fund any part of the consolidated  
23 loan budget shall be deemed to be a single work, object, or purpose under Article III,  
24 § 52 of the Maryland Constitution.

25 **Article - State Government**

26 9-1021.

27 (a) (1) The Commission is the official custodian of all valuable paintings and  
28 other objects of decorative art owned by or loaned to the State, except those located in  
29 a State room of the Government House. With respect to the objects subject to its  
30 official custody, the Commission shall:

31 (i) keep a continuing inventory of the objects; and

1 (ii) be responsible for and supervise the acquisition, custody,  
2 display, location, preservation, proper care, security, and restoration of the objects.

3 (2) At such time as the State acquires the Peabody Art Collection from  
4 the Peabody Institute, the Commission shall become the official custodian of the  
5 Collection.

6 (3) In exercising its custodial responsibilities, the Commission may loan  
7 objects owned by the State to qualified institutions and may contract with such  
8 institutions for the performance of curatorial services.

9 (b) (1) Each person or agency that desires to acquire a painting or object of  
10 decorative art for display in or on the premises of any State building, except in a room  
11 of the Government House, must receive both prior approval and final acceptance from  
12 the Commission.

13 (2) Before giving prior approval or final acceptance in accordance with  
14 this subsection, the Commission shall consider:

15 (i) the competence of the artist;

16 (ii) the proposed location of the object; and

17 (iii) the quality, historical significance, and appropriateness of the  
18 work.

19 (C) THIS SUBTITLE DOES NOT APPLY TO ARTWORK ACQUIRED THROUGH THE  
20 MARYLAND PUBLIC ART INITIATIVE PROGRAM ESTABLISHED UNDER ARTICLE 83A, §  
21 4-6A-01 OF THE CODE.

## 22 **Article 83A - Department of Business and Economic Development**

23 SUBTITLE 6A. MARYLAND PUBLIC ART INITIATIVE PROGRAM.

24 4-6A-01.

25 (A) THERE IS A MARYLAND PUBLIC ART INITIATIVE PROGRAM TO PROMOTE  
26 THE INSTALLATION OF ARTWORK IN PUBLIC FACILITIES IN THE STATE.

27 (B) TO FUND THE PROGRAM, THE GOVERNOR SHALL ANNUALLY PROVIDE AN  
28 AMOUNT EQUAL TO 0.5% OF THE TOTAL CONSOLIDATED LOAN BUDGET FOR:

29 (1) THE ACQUISITION OF PUBLIC ART TO BE OWNED BY THE STATE OF  
30 MARYLAND;

31 (2) MAINTENANCE OF PUBLIC ART ASSETS; AND

32 (3) A GRANT FUND AVAILABLE TO LOCAL GOVERNMENTS THAT DO NOT  
33 HAVE CAPITAL PROJECTS IN THE CONSOLIDATED LOAN BUDGET.

1 (C) THE STATE ARTS COUNCIL SHALL DEVELOP REGULATIONS TO  
2 IMPLEMENT THE MARYLAND PUBLIC ART INITIATIVE PROGRAM THAT SHALL  
3 ADDRESS THE FOLLOWING:

4 (1) PROCEDURES FOR ARTIST AND ART SELECTION;

5 (2) COMPOSITION OF SELECTION PANELS;

6 (3) BUDGET ALLOCATIONS FOR EACH PROJECT;

7 (4) LOCAL COMMUNITY INVOLVEMENT; AND

8 (5) CONSERVATION AND MAINTENANCE CONCERNS.

9 4-6A-02.

10 (A) (1) IN THIS SECTION AND UNDER § 4-6A-03 OF THIS SUBTITLE, THE  
11 FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

12 (2) "COMMISSION" MEANS THE MARYLAND COMMISSION ON PUBLIC  
13 ART.

14 (3) "PROGRAM" MEANS THE MARYLAND PUBLIC ART INITIATIVE  
15 PROGRAM.

16 (B) THERE IS A MARYLAND COMMISSION ON PUBLIC ART.

17 (C) (1) THE COMMISSION CONSISTS OF 11 MEMBERS, 4 OF WHOM ARE  
18 INSTITUTIONAL MEMBERS AND 7 OF WHOM ARE PUBLIC MEMBERS.

19 (2) THE INSTITUTIONAL MEMBERS ARE:

20 (I) THE EXECUTIVE DIRECTOR OF THE STATE ARTS COUNCIL OR A  
21 MEMBER OF THE STATE ARTS COUNCIL;

22 (II) THE EXECUTIVE DIRECTOR OF THE HISTORICAL TRUST OR A  
23 MEMBER OF THE HISTORICAL TRUST;

24 (III) THE STATE ARCHIVIST OR A MEMBER OF THE STATE  
25 COMMISSION ON ARTISTIC PROPERTY; AND

26 (IV) THE COMPTROLLER, OR THE COMPTROLLER'S DESIGNEE.

27 (3) (I) THE SECRETARY SHALL APPOINT THE PUBLIC MEMBERS WITH  
28 APPROVAL OF THE GOVERNOR.

29 (II) THE SECRETARY SHALL INCLUDE REPRESENTATIVES OF THE  
30 ARTISTIC COMMUNITY WHO HAVE PROFESSIONAL EXPERTISE AS AN ARTIST,  
31 CURATOR, ART HISTORIAN, ART EDUCATOR, OR ARCHITECT.

1 (III) THE PUBLIC MEMBERS SHALL SERVE AT THE PLEASURE OF  
2 THE SECRETARY.

3 (4) FROM TIME TO TIME, WITH THE APPROVAL OF THE GOVERNOR, THE  
4 SECRETARY SHALL DESIGNATE A PUBLIC MEMBER OF THE COMMISSION TO SERVE  
5 AS CHAIRMAN.

6 (D) A MEMBER OF THE COMMISSION:

7 (1) MAY NOT RECEIVE COMPENSATION; BUT

8 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE  
9 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

10 (E) THE STATE ARTS COUNCIL SHALL PROVIDE STAFF SUPPORT FOR THE  
11 COMMISSION.

12 4-6A-03.

13 (A) (1) THE COMMISSION SHALL WORK WITH THE DEPARTMENT OF  
14 GENERAL SERVICES, THE DEPARTMENT OF TRANSPORTATION, AND THE UNIVERSITY  
15 SYSTEM OF MARYLAND TO ENSURE THAT NEW PUBLIC FACILITIES CONSTRUCTED BY  
16 STATE AGENCIES INCLUDE THE INSTALLATION OF ARTWORK FOR THE ENRICHMENT  
17 OF THE PUBLIC.

18 (2) THE COMMISSION SHALL ALLOCATE FUNDS FROM THE PROGRAM  
19 FOR THE COMMISSIONING OF WORKS OF ART FOR INSTALLATION AT PUBLIC  
20 FACILITIES AROUND THE STATE.

21 (3) THE COMMISSION SHALL ESTABLISH SELECTION PANELS TO MAKE  
22 RECOMMENDATIONS FOR THE SELECTION OF ARTISTS AND ARTWORK TO BE  
23 FUNDED BY PROGRAM FUNDS.

24 (4) THE COMMISSION SHALL MAKE FINAL RECOMMENDATIONS  
25 CONCERNING THE DISBURSEMENT OF FUNDS ALLOCATED TO THE PROGRAM.

26 (B) (1) ALL ARTWORK FUNDED BY THE PROGRAM SHALL BE THE PROPERTY  
27 OF THE MARYLAND HISTORICAL TRUST.

28 (2) THE MARYLAND HISTORICAL TRUST SHALL BE RESPONSIBLE FOR  
29 THE INVENTORY, MAINTENANCE, AND PRESERVATION OF ALL ARTWORK ACQUIRED  
30 THROUGH THE PROGRAM.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
32 June 1, 2005.